



ORDINARY COUNCIL MEETING

Wednesday 19 June, 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 19 June, 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 19 June, 2024 when the following business will be considered:-

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

A handwritten signature in blue ink, appearing to read 'K. Ewer', is centered on the page.

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 15 May, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil



7 REPORTS OF COMMITTEES

7.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON WEDNESDAY 22 MAY, 2024

ARIC 7.1 Internal Audit Charter

Author: Deputy Chief Executive Officer, Matthew Hansen

Appendices: 1. Proposed Internal Audit Charter

Recommendation

1. That the Committee note the revised Council Internal Charter provided to this Meeting.
2. That the Committee note that at its Meeting held on 28 February 2024 the Committee considered and adopted an Internal Audit Charter and recommended it to Council for adoption.
3. That the Committee note that the revised Internal Audit Charter provided at this Meeting (22 May 2024) is not the Internal Audit Charter that was considered at the Committee Meeting on 28 February 2024, which was adopted by the Committee, and recommended to Council for adoption.
4. That the Committee note that the Council did not adopt the Committee's recommended Internal Audit Charter at the Council Meeting held on 20 March 2024.
5. That the Committee note that the Council is to consider the revised Internal Audit Charter, provided at the ARIC Meeting today (22 May 2024) at the Council Meeting to be held on 19 June 2024.

That Council Staff develop a three (or four) year strategic internal audit program, based on Council's risk profile.

Report

This report is to consider and provide advice and comment on the Internal Audit Charter prepared by Council. Background

At its meeting on 28 February 2024, ARIC endorsed a draft Internal Audit Charter and submitted it to Council for consideration.

The Council resolved not to adopt the Internal Audit Charter as written. Instead, the Council has prepared a alternate Internal Audit Charter, attached as an appendix to this report.

Advice

ARIC is asked to note the following advice from Council.



- The document has been specifically formulated considering the models provided by OLG (as is required)
- The document clearly states it complies with Acts and Regulations but 'is consistent' with the guidelines.
- The proposed charter leaves out some of the very specific detail from the guidelines that are in the model charter. It doesn't mean Council won't do these items, but they don't need to be specified directly.
- The way the charter is structured, Council could continue to appoint auditors on an audit-by-audit basis if it chooses.
- There is some additional wording around conflict of interest management for the internal audit coordinator given Berrigan Shire Council is relatively small and conflicts are inevitable

Anything that is a requirement of the regulations has been included in the charter. For example, the requirement to consult with the ARIC chair about proposed decisions affecting the employment of the internal audit coordinator.



Model internal audit charter for local government

Berrigan Shire Council has established the internal audit function as a key component of Council's governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and consistent with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of the internal audit function in Council and has been approved by the governing body taking into account the advice of Council's audit, risk and improvement committee. The charter should be read in conjunction with the audit, risk and improvement committee's Terms of Reference.

Purpose of internal audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Councils' operations. It helps Councils accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes¹.

The purpose of Internal audit is to enhance and protect organisational value by providing an independent and objective review and advisory service to provide advice to the governing body, the Chief Executive Officer and the audit, risk and improvement committee about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

The scope of Internal Audit work embraces the wider concept of corporate governance and risk, recognising that controls already exist in Council to manage risks and promote effective and efficient governance and performance.

Independence

The conduct of internal audits is to be independent of Council so it can provide an unbiased assessment of Council's operations and risk and control activities.

The audit, risk and improvement committee oversees the internal audit activities carried out in relation to Council. The Chief Executive Officer and the internal audit coordinator facilitate day-to-day operations.

Internal audit coordinator

The Chief Executive Officer must appoint a member of staff as an internal audit coordinator to direct and coordinate internal audit activities in relation to Council. The internal audit coordinator must, in relation to the internal audit function:

¹ As defined by the International Standards for the Professional Practice of Internal Auditing (2017)



- report to the audit, risk and improvement committee, and
- comply with a direction of the audit, risk and improvement committee.

The Chief Executive Officer must consult with the chairperson of the audit, risk and improvement committee about a proposed decision affecting the employment of the internal audit coordinator.

The internal audit coordinator must be independent, impartial, unbiased and objective when performing their work. Where a matter has the potential to involve a conflict of interest, the internal audit coordinator must bring this to the attention of the Chief Executive Officer and chairperson of the audit, risk and improvement committee. If the CEO or chairperson consider that the conflict of interest is material and cannot be managed, a temporary internal audit coordinator may be appointed to undertake relevant tasks. The internal audit coordinator should confirm at least annually to the audit, risk and improvement committee the independence of the internal audit function.

Responsibilities of the internal audit coordinator include:

- contract management
- managing the internal audit budget
- ensuring the external providers complete internal audits in line with the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the audit, risk and improvement committee
- acting as a liaison between the external provider and the audit, risk and improvement committee
- monitoring Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the audit, risk and improvement committee, and
- assisting the audit, risk and improvement committee to ensure the Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The internal audit coordinator may undertake other tasks within Council. However, where this may present a conflict of interest (conflict of duty) the internal audit coordinator must report this to the Chief Executive Officer.

Authority

Section three of the audit, risk and improvement committee's Terms of Reference details the Authority granted by Council to the committee and, in turn, the internal audit function.

Internal auditors

Council will contract one or more external third-party providers, in accordance with Council's procurement policy, to undertake its internal audit activities. To ensure the independence of the external provider, the internal audit coordinator is to ensure the external providers:

- do not conduct any audits on specific Council operations or areas that they have worked on within the last two years



- is not the same provider conducting Council's external audit
- is not the auditor of any contractors of Council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

Performing internal audit activities

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and ISO31000.

The internal audit coordinator is to provide the findings and recommendations of internal audits to the audit, risk and improvement committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The internal audit coordinator is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The Chief Executive Officer, in consultation with the audit, risk and improvement committee, is to develop and maintain policies and procedures to guide the operation of internal audit.

The internal audit coordinator is to ensure that the audit, risk and improvement committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

Conduct

Internal auditors must comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

Administrative arrangements

Audit, risk and improvement committee meetings

The internal audit coordinator will attend audit, risk and improvement committee meetings as an independent non-voting observer.

The internal audit coordinator can meet with the chairperson of the audit, risk and improvement committee at any time, as necessary, between committee meetings.

External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.



External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

Internal audit should maintain an effective working relationship with Council and the audit, risk and improvement committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation. The audit, risk and improvement committee's Terms of Reference outline processes for dispute resolution.

Review arrangements

Council's audit, risk and improvement committee must review the performance of the internal audit function each year and report its findings to the governing body.

A strategic review of the performance of the internal audit function must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the governing body.

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.



**Schedule 1 – Audit and Risk Committee role (section 7 and 7.1.1 –
7.1.11 of Terms of Reference)**

COPY HERE



ARIC 8.1 ARIC Terms of Reference

Author: Deputy Chief Executive Officer, Matthew Hansen

Appendices: 1. Berrigan ARIC Terms of Reference JCM edit May.docx

Recommendation

1. That the Committee note the revised Audit Risk and Improvement Committee Terms of Reference provided to this Meeting.
1. That the Committee note that at its Meeting held on 12 December 2023 the Committee considered and supported the revised Audit Risk and Improvement Committee Terms of Reference and recommended these to Council for adoption.
2. That the Committee note that the revised Audit Risk and Improvement Committee Terms of Reference provided at this Meeting (22 May 2024) is not the Terms of Reference that was considered at the Committee Meeting on 12 December 2023, which was supported by the Committee, and recommended to Council for adoption.
3. That the Committee note that the Council did not receive, for consideration and adoption, the Committee's revised and supported Terms of Reference which were considered by the Committee at its Meeting held on 12 December 2023.
4. That the Committee note that the Council is to consider the revised Audit Risk and Improvement Committee Terms of Reference (included in this Committee Agenda 22 May 2024) at the Council Meeting to be held on 19 June 2024.

That the Committee develop a 'schedule of responsibilities' to inform its annual work plan based on section 7.1 of the revised Audit Risk and Improvement Committee Terms of Reference that is to be considered by Council at its Meeting on 19 June 2024.

Report

Attached is a revised Audit, Risk, and Improvement Committee Terms of Reference as proposed by Council.

This revision has been provided in response to the revised Terms of Reference adopted as a draft by ARIC at its meeting in November 2023.

The advice of the Committee on the proposed revisions is sought.

The revised Terms of Reference, along with ARIC advice, will be presented to the ordinary Council meeting on Wednesday, 19 June 2024.





AUDIT RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE

xx May 2024



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Berrigan Shire Council (Council) has established an Audit, Risk and Improvement Committee (Committee or ARIC) in compliance with section 428A of the *Local Government Act 1993* (the LGA) and, the *Local Government (General) Regulation 2021* and consistent with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. These terms of reference set out the Committee's objectives, authority, composition, and tenure, roles, and responsibilities, reporting and administrative arrangements.

1. Objective

The objective of the Committee is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's:

- governance processes,
- compliance,
- risk management and control frameworks,
- external accountability obligations, and
- overall performance.

2. Independence

The Committee is to be independent of Council. This is to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and provide Council with robust, objective, and unbiased advice and assurance.

The Committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The Committee will provide independent advice to Council that is informed by Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies, and subject matter experts.

The Committee must always ensure it maintains a direct reporting line to and from Council's internal audit function and acts as a mechanism for internal audit to report to the governing body and Chief Executive Officer on matters affecting the performance of the internal audit function.

3. Authority

Council authorises the Committee, within the scope of its role and responsibilities, to:

- access the information it needs from Council (subject to any legal obligations to protect information),
- use Council resources it needs, within reason, and in consultation with the Chief Executive Officer,
- have direct and unrestricted access to the Chief Executive Officer and Senior Management of the Council,
- seek the Chief Executive Officer's permission to meet with any other Council staff member or contractor,
- discuss any matters with the external auditor or other external parties (subject to confidentiality considerations),



- request the attendance of any relevant employee at Committee meetings,
- obtain external legal or other professional advice considered necessary to meet its responsibilities up to a value of \$1,000. Any advice exceeding the monetary limit will require approval from the Chief Executive Officer or delegate.

In providing this Authority, Council requires the Committee to ensure that its requirements are consistent with a Committee that is fit for purpose for the Berrigan Shire. In particular, Council requires the Committee to consider:

- the population and geographic size of Berrigan Shire
- the overarching budget and scope of responsibilities of Berrigan Shire Council
- the budget allocated by Council for the Committee and the internal audit function
- staff availability and workload.

Information and documents pertaining to the Committee are confidential and are not to be made publicly available. The Committee may only release Council information to external parties that are assisting the Committee to fulfil its responsibilities and only with the approval of the Chief Executive Officer, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4. Committee composition; tenure and conditions of appointment.

The Committee consists of three independent voting Members appointed by the Council, one of whom shall be the Chair appointed by the Council who have voting rights and one non-voting Councillor, as required under the *Local Government (General) Regulation 2021*.

4.1. Structure

The committee structure is:

- Independent chair (voting)
- Independent member (voting)
- Independent member (voting)
- Councillor member (non-voting)

4.2. Tenure

4.2.1. Councillor member

The Councillor member will be appointed for a two-year term at the extraordinary meeting held to elect the Mayor every second September – subject to the standard Council election cycle.

The Councillor member must not be the Mayor. If the Councillor member is elected Mayor, the Council will appoint a new Councillor member for the remainder of the two-year term.

4.2.2. Independent member

All committee members must ensure they act independently and without bias at all times.

Members will be appointed for a four-year period. Members can be reappointed for a further term, but the total period of continuous membership cannot exceed eight years. This includes any term as Chair of the Committee.



Members who have served an eight-year term (either as member or Chair) must have a minimum two-year break from serving on the Committee before any subsequent appointment is possible. To preserve the Committee's knowledge of Council, ideally no more than one member should leave the Committee because of rotation on any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the Chair's or an independent member's term, the Council, through the Chief Executive Officer, is to undertake an assessment of the Chair's or committee member's performance.

Members of the Committee must possess and maintain a broad range of skills, knowledge, and experience relevant to the operations, governance and financial management of Council, the environment in which council operates, and the contribution that the Committee makes to the Council.

At least one member of the Committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the Council's financial reporting responsibilities to be able to contribute to the committee's consideration of the Council's annual financial statements.

5. Responsibilities of members

The Chair and members of the Committee are expected to understand and observe the requirements of the *Guidelines for risk management and internal audit for local government in NSW*.

Members of the Committee are expected to:

- make themselves available as required to attend and participate in meetings,
- contribute the time needed to study and understand the papers provided,
- apply good analytical skills, objectivity, and judgement,
- act in the best interests of the Council
- express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry,
- maintain effective working relationships with Council
- complete and lodge Disclosure by Councillors and Designated Persons Return.

The Chair is expected to:

- have strong leadership qualities, and
- lead effective committee meetings.



6. Councillor members

To preserve the independence of the Committee, the Councillor member of the Committee is a non-voting member. Their role is to:

- relay to the Committee any concerns the governing body may have regarding the Council and issues being considered by the Committee
- provide insights into local issues and the strategic priorities of the Council that would add value to the Committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the Committee and any issues arising from it, and
- assist the governing body to review the performance of the Committee.

Issues or information the Councillor member raises with or provides to the Committee must relate to the responsibilities of the Committee and issues being considered by the Committee.

The Councillor member of the Committee must conduct themselves in a non-partisan and professional manner. The Councillor member of the Committee must not engage in any conduct that seeks to politicise the activities of the Committee or the internal audit function or that could be seen to do so.

If the Councillor member of the Committee engages in such conduct or in any other conduct that may bring the Committee and its work into disrepute, the Chair of the Committee may recommend to the Council, that the Councillor member be removed from membership of the Committee. Where the Council does not agree to the Chair's recommendation, the Council will give reasons for its decision in writing to the Chair.

7. Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the Committee is to review and provide independent advice to the Council regarding the following aspects of the Council's operations:

1. Compliance
2. Risk management
3. Fraud control
4. Financial management
5. Governance
6. Implementation of Council's strategic plan, delivery program and strategies
7. Service reviews
8. Collection of performance management data by the Council, and
9. Internal Audit
10. External audit and accountability
11. Control framework
12. Other matters, and
13. Referrals from the Chief Executive Officer and Council



In carrying out its responsibilities, the Committee must, always, recognise that primary responsibility for management of Council rests with the Council and the Chief Executive Officer as defined by the Local Government Act.

7.1.1. Compliance

The Committee is required to review and advise Council of the adequacy and effectiveness of the Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

7.1.2. Risk management

The Committee will review and advise:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether Council is providing the resources necessary to successfully implement its risk management framework
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans



- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

7.1.3. Fraud and corruption

The Committee is required to review and advise Council of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud related information.

7.1.4. Financial management

The Committee is required to review and advise:

- if Council is complying with accounting standards and external accountability requirements
- of the appropriateness of accounting policies and disclosures,
- of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations,
- whether Council's financial statement preparation procedures and timelines are sound,
- the accuracy of Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council's annual report is consistent with signed financial statements,
- if Council's financial management processes are adequate,
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate, and
- if Council's grants and tied funding policies and procedures are sound.



7.1.5. Governance

The Committee should review and advise the Council regarding its governance framework including:

- Decision-making processes
- Implementation of governance policies and procedures
- Reporting lines and accountability
- Assignment of key roles and responsibilities
- Committee structure
- Management oversight responsibilities
- Human resources and performance management activities
- Reporting and communication activities
- Information and communications technology (ICT) governance, and
- Management and governance of the use of data, information and knowledge.

7.1.6. Strategic Planning

The Committee should review and advise Council:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes, and
- if appropriate reporting and monitoring mechanisms are in place to measure against objectives.

7.1.7. Service reviews and business improvement

The Committee should act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies).

The Committee should also review and advise:

- if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how Council can improve its service delivery and Council's performance of its business and functions generally.

7.1.8. Performance data and measurement

The Committee should review and advise:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting.

7.1.9. Internal Audit

To acquit its internal audit responsibilities the Committee will:

- provide overall strategic oversight of internal audit activities



- act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit
- coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- review and advise:
 - on whether Council is providing the resources necessary to successfully deliver the internal audit function, taking into account the population and geographic size of Berrigan Shire Council and the budget Council has allocated to the internal audit function
 - if Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by Council's internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by Council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately, taking in account the population and geographic size of Berrigan Shire and the budget Council has allocated, and has sufficient skills and expertise to meet its responsibilities.

7.1.10. External audit

To adequately acquit its external audit accountabilities, the Committee must:

- act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit
- coordinate as far as it is practicable, the work programs of internal audit and external audit
- provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations
- provide advice to the governing body and/or Chief Executive Officer on action taken on significant issues raised in relevant external audit reports and better practice guides.

7.1.11. Internal Controls

With respect to internal controls, the Committee will review and advise:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically review and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with



- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

7.2. Conduct

Independent committee members are required to comply with the Council's Code of Conduct.

Complaints alleging breaches of Council's Code of Conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

The Chief Executive Officer must consult with the Council before taking any disciplinary action against an independent committee member in response to a breach of the Council's Code of Conduct.

7.2.1. Resignation and dismissal

Where the Chair or a Committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give four weeks' notice to the Chair and governing body prior to their resignation to enable the Council to ensure a smooth transition to a new Committee member.

The Council can terminate, via resolution, the engagement of any Chair or independent committee member before the expiry of their term where the individual has:

- breached the Council's Code of Conduct;
- performed unsatisfactorily or not to expectations,
- been declared bankrupt or found to be insolvent,
- experienced an adverse change in business status,
- been charged with a serious criminal offence,
- been proven to be in a serious breach of their obligations under any legislation, or
- declared, or is found to be in, a position of a conflict of interest which is unresolvable.

The position of a Councillor member of the Committee can be terminated at any time by the governing body by resolution.

7.2.2. Dispute resolution

Members of the Committee and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way via discussion and negotiation.

In the event of a disagreement between the Committee and the Chief Executive Officer or other senior managers, the dispute is to be resolved by the Council.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.



7.2.3. Conflicts of interest

Once a year, Committee members will provide written declarations to the Council stating they do not have any conflicts of interest that would preclude them from being members of the Committee. Independent Committee members are 'designated persons' and must also complete and submit returns of interest.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have at the start of each meeting, before discussion of the relevant agenda item or issues, and when the issue arises. Where Committee members and observers are deemed to have a pecuniary or a significant non-pecuniary conflict of interest, they are to remove themselves from Committee deliberations on the issue. Details of any conflicts of interest should also be appropriately minuted.

8. Work plans

The work of the Committee is to be thoroughly planned and executed. The Committee must develop a strategic work plan every four years to ensure all matters included in the Committee's responsibilities (outlined above) are reviewed by the Committee and considered by the internal audit function when developing their risk-based program of internal audits.

In developing the work plan, the Committee must ensure that it is fit for purpose. This includes consideration of:

- the population and geographic size of Berrigan Shire
- the overarching budget and scope of responsibilities of Berrigan Shire Council
- the budget allocated by Council to the internal audit function
- available council resources
- relative risk of each of the matters included in the Committee's responsibilities.

The program of internal audits should not cover all matters included in the Committee's responsibilities, but should take a risk-based approach to identifying those which require prioritisation.

The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Committee may, in consultation with Management, vary the strategic work plan at any time to address new or emerging risks. The Council may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The Committee must also develop an annual work plan, and the work of the internal audit function over the forward year.

In developing the annual work plan, the Committee must ensure that it is fit for purpose. This includes consideration of:

- the population and geographic size of Berrigan Shire
- the overarching budget and scope of responsibilities of Berrigan Shire Council
- the budget allocated by Council to the internal audit function
- available council resources
- relative risk of each of the matters included in the Committee's responsibilities.



The Committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the Committee to approve a variation to the annual work plan.

When considering whether to vary the strategic or annual work plans, the Committee must consider the impact of the proposed variation on the Council's resources (physical and financial) as well as ensuring completion of pre-existing ARIC priorities and activities identified under the work plan, are not compromised, taking into account any identified risks of altering priorities and amending the work plan.

9. Assurance reporting

The Committee must regularly report to the Council to ensure the Council is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The Committee will provide an update to the governing body and Chief Executive Officer of its activities and opinions after every Committee meeting, via the Meeting Minutes, which shall be provided to the next available Council Meeting following approval by the Chair.

The Committee will provide an annual assessment to the governing body and the Chief Executive Officer on the Committee's work and its opinion on how the Council is performing.

The Committee will provide a comprehensive assessment every Council term of the matters included in the Committee's responsibilities to the governing body and Chief Executive Officer.

The Committee may at any time report to the governing body or the Chief Executive Officer on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the Chair may also meet at any time to discuss issues relating to the work of the Committee.

Should the governing body require additional information, a request for the information may be made to the Chair by resolution. The Chair is only required to provide the information requested by the governing body where the Chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Committee.

10. Administrative arrangements

10.1. Meetings

The Committee will meet four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The Committee can hold additional meetings when significant unexpected issues arise, or if the Chair is asked to hold an additional meeting by a Committee member. The Chair is to be mindful of the budget allocated for sitting fees for the Committee when holding such additional meetings, as well as the additional workload for Council staff, ensuring that any such meetings must meet the threshold of a significant unexpected issue.

The Chief Executive Officer and the Council may also request additional meetings.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted if a member is unable to attend a meeting, unless in the absence of the councillor member, a predetermined alternate will be required to attend.



A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chair has the casting vote.

The Chair of the Committee, in conjunction with Management, will determine the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the Committee.

The Chief Executive Officer (or delegate) and Deputy Chief Executive Officer as ARIC liaison, are to attend Committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each Committee meeting as an independent observer.

The Chair may request the Council's Finance Manager, senior managers, any Councillors, and any employee/contractor of the Council and any subject matter expert to attend committee meetings, with the approval of the Chief Executive Officer. If invited, these individuals **must** attend and provide any information requested where possible. Observers have no voting rights and may be excluded from a meeting by the Chair at any time.

The Committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the Committee present.

The Committee must meet separately with both the Head of internal audit and the Council's external auditor at least once per year.

10.2. Secretariat

The Chief Executive Officer will nominate a staff member to provide reasonable secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the Chair at least one week before the meeting and ensure that minutes of meetings are prepared and maintained.

Minutes shall be approved by the Chair and circulated to each member within five working days after the meeting.

The Chief Executive Officer will make the Chair aware if a view is reached that the required secretariat support is unreasonable.

10.3. Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the Committee and once each Council term by the governing body. Any substantive changes must be approved by the governing body.

(signed)

_____ (date)

Adopted by Council,

_____ (date)

_____ (resolution reference)



Date of review: _____

DRAFT



7.1 Audit, Risk and Improvement Committee - Minutes 22-05-2024

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Minutes - Audit Risk and Improvement Committee - 20.05.2024.pdf2. Berrigan ARIC Terms of Reference - for Council adoption 19.06.2024.docx (under separate cover)3. Berrigan Internal Audit Charter - for Council adoption 19.06.2024.docx (under separate cover)

Recommendation

That the Council:

1. Note the minutes of the Audit Risk and Improvement Committee meeting held on 22 May 2024
2. Adopt the following recommendations from the meeting:
 - (a) ARIC 03/2024 – Internal Audit Charter
 - (i) That the Council adopt the Internal Audit Charter
 - (ii) That Council Staff develop a three (or four) year strategic internal audit program, based on Council's risk profile.
 - (b) ARIC 04/2024 – Response to ARIC Recommendation 7.4 (February meeting)
 - (i) That the Staff take on notice the provision, to ARIC, of a schedule outlining all commitments relating to Council's restricted and unrestricted cash position.
 - (c) ARIC 05/2024 – Delivery Program, Operational Plan and Statement of Revenue Policy 2024-25
 - (i) That a 'capital funding schedule' be incorporated into the relevant sections of Council's Integrated Planning and Reporting documents.
 - (ii) That Council's loan funding strategy be reviewed to ensure the costs (principal and interest) of any loans are incorporated into the relevant sections of Council's Integrated Planning and Reporting documents.



- (d) ARIC 06/2024 – Strategic Risk Register Report
 - (i) That further work be done to focus the strategic risks into a smaller subset of risks aligned with the Community Strategic Plan 2040, with the aim of focusing effort and attention of council on those key risks which may impact the delivery of this plan.
 - (e) ARIC 06/2024 – ARIC Terms of Reference
 - (i) That the Council adopt the revised Audit Risk and Improvement Committee Terms of Reference.
-

Purpose

The minutes of the Audit Risk and Improvement Committee meeting held on 22 May 2024 is attached as an appendix to this report.

The meeting made the following recommendations to Council:

- **ARIC 03/2024** – That Council adopt the Internal Audit Charter referred to the ARIC meeting. This is also attached to this report.
- **ARIC 04/2024** – That staff take on notice a request by ARIC to provide a detailed schedule of all commitments relating to Council’s restricted and unrestricted cash position.
- **ARIC 05/2024** – That Council include a detailed capital funding statement and a loans schedule in its Operational Plan.
- **ARIC 06/2024** – That staff focus the strategic risk register on a small set of key risks to focus effort and attention on those key risks.
- **ARIC 06/2024** – That Council adopt the Terms of Reference referred to the ARIC meeting. This is also attached to this report.

Details on each of these recommendations are available in the attached minutes or in the ARIC agenda on request.



AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Wednesday 22 May, 2024
at

Microsoft Teams

Minutes



Audit, Risk and Improvement Committee Meeting

Wednesday 22 May, 2024

MINUTES

The Audit, Risk and Improvement Committee Meeting of the Shire of Berrigan held via Microsoft Teams, on Wednesday 22 May, 2024 when the following business was considered:-

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Audit, Risk and Improvement Committee Meeting Minutes

Wednesday 22 May, 2024

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13	GENERAL BUSINESS.....	9
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14	CLOSE OF MEETING.....	9



Present:

Independent Members: Linda MacRae (Chair); Todd Bentley and Angela Urquhart

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy CEO), Genevieve Taylor (Finance Manager) and Keelan McDonald (Executive Assistant).

NSW Audit Office and the External Auditor representatives were in attendance for Item 7.

1 OPENING OF MEETING

The Audit, Risk and Improvement Committee Meeting opened its meeting at 10:01am.

Prior to the consideration of the formal agenda, the Chair discussed the roles and responsibilities of the Committee including the following:

- The Committee is an advisory Committee to the Council operating in accordance with the NSW Local Government Act and associated legislation and guidelines and the Committee's Terms of Reference.
- The Committee is fully aware of its role and that of the Council and Management.
- The three Independent Members possess a diverse range of skills enabling them to add value to the Council. The use of these skills is not to undermine the professionalism nor capability of the staff but to assist the staff (add value) in the areas that they possess expertise.
- The Committee should be able to operate in a 'frank and fearless' environment, at all times conducting themselves in a respectful and professional manner and have the ability to ask questions that may, at times, challenge Management's advice and assumptions. The Committee needs evidence and clear responses to such questions / challenges as it does not have direct 'line of sight' regarding the issues that it seeks assurances about.
- Good governance processes are essential to the operations of the Committee. A component of good governance is the accurate and timely preparation of the Committee's Agendas and Minutes.
- The Committee will continue to focus on strategic risks such as financial sustainability and safety risks (staff and the community).

2 ACKNOWLEDGEMENT OF COUNTRY

Chair, Linda MacRae made an Acknowledgement of Country with the following statement:



“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

3.1 Apologies/Leave of Absence

Nil

3.2 Attendance Via Audio-Visual Link

All via Teams

4 DISCLOSURES OF INTERESTS

Linda discussed the roles and responsibilities regarding the committee.

5 CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Audit, Risk and Improvement Committee Meeting held in the Council Chambers on Wednesday 28 February, 2024 were confirmed.

6 VISITORS

Nick Bell – RSD Audit, the NSW Audit Office (NSWAO) contracted Auditors

Lawrissa Chan – NSW Audit Office

7 ITEMS FOR DISCUSSION

ARIC 7.1 Internal Audit Charter

Recommendations:

1. That the Committee note the revised Council Internal Charter provided to this Meeting.
2. That the Committee note that at its Meeting held on 28 February 2024 the Committee considered and adopted an Internal Audit Charter and recommended it to Council for adoption.
3. That the Committee note that the revised Internal Audit Charter provided at this Meeting (22 May 2024) is not the Internal Audit Charter that was considered at the Committee



Audit, Risk and Improvement Committee Meeting Minutes
Wednesday 22 May, 2024

Meeting on 28 February 2024, which was adopted by the Committee, and recommended to Council for adoption.

4. That the Committee note that the Council did not adopt the Committee's recommended Internal Audit Charter at the Council Meeting held on 20 March 2024.
5. That the Committee note that the Council is to consider the revised Internal Audit Charter, provided at the ARIC Meeting today (22 May 2024) at the Council Meeting to be held on 19 June 2024.
6. That Council Staff develop a three (or four) year strategic internal audit program, based on Council's risk profile.

ARIC 7.2 Underpayment of Staff

That Audit, Risk and Improvement Committee Meeting noted the report.

ARIC 7.3 Excessive overtime

That Audit, Risk and Improvement Committee Meeting noted the report.

ARIC 7.4 Response to ARIC Recommendation 7.4 (February Meeting)

Recommendations:

1. That the Committee note the reissued report, by the CEO, regarding this matter.
2. That the Committee note that the CEO has advised that she is of the view that due to budget system upgrades currently being undertaken that no action is required at this time in relation to 7.4 of the ARIC Meeting of 28 February 2024.
3. That the Staff take on notice the provision, to ARIC, of a schedule outlining all commitments relating to Council's restricted and unrestricted cash position.

ARIC 7.5 Delivery Program, Operational Plan and Statement of Revenue Policy 2024-25

Recommendations:



1. That a 'capital funding schedule' be incorporated into the relevant sections of Council's Integrated Planning and Reporting documents.
2. That Council's loan funding strategy be reviewed to ensure the costs (principal and interest) of any loans are incorporated into the relevant sections of Council's Integrated Planning and Reporting documents.

ARIC 7.6 Strategic Risk Register Report

Recommendations:

1. That the Committee notes the significant and positive progress on the development of Council risk register.
2. That the Committee recommend that further work be done to focus the strategic risks into a smaller subset of risks aligned with the Community Strategic Plan 2040, with the aim of focusing effort and attention of council on those key risks which may impact the delivery of this plan.
 - a. It is noted that ARIC member Todd Bentley will engage with Michelle Koopman to work on this and progress development.

ARIC 7.7 Insurance renewal update

The Audit, Risk and Improvement Committee noted the report.

ARIC 7.8 2023-24 Audit Engagement Plan

Nick Bell and Lawrissa Chan from the NSW Audit Office presented the 2023/24 Engagement Letter and advised that the 2023/24 'Interim Management Letter' will be provided to the Council and to ARIC 'out of session' in June 2024.

Lawrissa Chan advised that the report to Parliament on the results of the Local Government 2022/23 financial audits was released in March 2024. She also advised that there was a 'Cyber Security' report available. Lawrissa recommended that the Council review these reports (available on the NSWAO website) to determine if any of the recommendations were relevant to the Council.



Nick Bell advised that the required revaluations for the 2023/24 financial year appeared to be 'on track'. He also indicated that there were 'legacy system issues' that could impact the quality and timeliness of the preparation of the financial statements. IT security issues were also identified due to reliance on some manual controls.

8 ITEMS FOR DECISION

ARIC 8.1 ARIC Terms of Reference

Recommendations:

1. That the Committee note the revised Audit Risk and Improvement Committee Terms of Reference provided to this Meeting.
1. That the Committee note that at its Meeting held on 12 December 2023 the Committee considered and supported the revised Audit Risk and Improvement Committee Terms of Reference and recommended these to Council for adoption.
2. That the Committee note that the revised Audit Risk and Improvement Committee Terms of Reference provided at this Meeting (22 May 2024) is not the Terms of Reference that was considered at the Committee Meeting on 12 December 2023, which was supported by the Committee, and recommended to Council for adoption.
3. That the Committee note that the Council did not receive, for consideration and adoption, the Committee's revised and supported Terms of Reference which were considered by the Committee at its Meeting held on 12 December 2023.
4. That the Committee note that the Council is to consider the revised Audit Risk and Improvement Committee Terms of Reference (included in this Committee Agenda 22 May 2024) at the Council Meeting to be held on 19 June 2024.
5. That the Committee develop a 'schedule of responsibilities' to inform its annual work plan based on section 7.1 of the revised Audit Risk and Improvement Committee Terms of Reference that is to be considered by Council at its Meeting on 19 June 2024.

9 EXTERNAL AUDIT AND ACCOUNTABILITY

ARIC 9.1 Final Management Letter action items - update

That Audit, Risk and Improvement Committee noted the report.



10 INTERNAL AUDIT

ARIC 10.1 Internal Audit action items - update

Recommendation

That Audit, Risk and Improvement Committee noted the report.

11 BUSINESS PROCESS IMPROVEMENT AND PERFORMANCE

ARIC 11.1 Policy review - update

That Audit, Risk and Improvement Committee noted the report.

12 ITEMS FOR NOTING

ARIC 12.1 January - March 2024 Financial Results

That Audit, Risk and Improvement Committee noted the report. A discussion was held regarding the financial information provided, particularly the details that indicated that the Council would be in a significant deficit position at the end of June 2024. Management to review this information.

13 GENERAL BUSINESS

Section 355 Committee update. Management advised that it was undertaking a review of the provision of services to the Community via Section 355 Committees'. Such a review could be completed as soon as practicable.

14 CLOSE OF MEETING

Next Audit, Risk and Improvement Committee Meeting will be held on 28 August 2024. The Chair and Deputy CEO to ensure that the Agenda is distributed in a timely manner that allows sufficient time for ARIC members to review the Agenda in a considered manner.

There being no further business the closed the meeting at 12:36pm.





8 REPORTS TO COUNCIL

8.1 Correspondence Incoming and Outgoing - May to June 2024

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	1. All Incoming (under separate cover) 2. All Outgoing

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 one attachment (incoming and outgoing) to ensure appendices are manageable.

Incoming

DATE	FROM	TO	TYPE	RESPONDED DATE
10 May 2024	The Hon Ron Hoenig MP	Mayor Julia and Karina Ewer	Letter (2024 Ministers' Awards for Women in LG	N/A
13 May 2024	American Social Liquidator	All Creditors	Letter	Outcome emailed to all Councillors (included in outgoing mail)
13 May 2024		Karina Ewer	Letter (Early Revaluation Process for	N/A



			Financial Reporting)	
14 May 2024	Gary Arnold (Interim CEO Edward River)	Karina Ewer	450GL Buy Back Concerns	Meeting with Julia and I (MRC, Leeton, Murrumbidgee, Edward River, Seftons 24.05.2024
24 May 2024	Transport for NSW	Karina Ewer	Traffic Route Lighting Subsidy Scheme Payment*	N/A
27 May 2024	United Services Union	Karina Ewer	Review of the Funding System for NSW Emergency Services	N/A

* Staff identifying project suitable for this funding

OUTGOING

DATE	FROM	TO	REGARDS	TYPE
16 May 2024	Karina Ewer	Councillors	American Social Liquidation	Email



From: [Karina Ewer - MBA, MCDR, MAHRI, GAICD](#)
To: [Councillors](#)
CC: [Michael Eddie](#); [Andrew Fletcher](#); [Keelan McDonald](#); [Matt Hansen](#); [Michelle Koopman](#); [Tahlia Fry - CPA](#)
Subject: Update on American Social Liquidation
Date: Thursday, 16 May 2024 8:01:00 AM
Attachments: [image002.png](#)

Dear All

I met with the court appointed liquidator yesterday afternoon. We will transfer the funds we have in trust for the sale of the goods and chattels abandoned at the property.

The liquidator is also make the following applications:

- to ASIC to ban Stephen Raftellis for life as a Director (our liquidation is the second in a year so that meets the threshold). He will in this way not be able to be a director of any company, so opening a new company and starting again is no longer an option,
- to the Commonwealth government for the employees so they are able to receive their lost wages and superannuation through that fund. We are within the statutory timeframes. This will mean we have a small amount to spread out across the other creditors.

I had not realised either were possible.

I have provided the liquidator with a list of those we know are owed money but there could be some I have missed. The list I sent is below:

- MV Locksmiths
- Premix King
- TCM Construction
- Fussy as Cleaning
- KM Foods
- Celebrations Bottle Shop
- IGA Tocumwal
- Rice Food Wholesaler
- Staff wages and superannuation (I do not have each person's name)
- Managers (I do not have each person's name)

This is the list I had collected through our communications with Mr Raftellis and the community. The liquidator will do their investigations and believe they will be able to find the rest. If you know anyone not on the list, please feel free though to get them to contact me.

I will update you as I find out anything else.



Karina Ewer - MBA, MCDR, MAHRI, GAICD
Chief Executive Officer

Berrigan Shire Council | 56 Chanter Street, Berrigan NSW 2712

P: 03 5888 5100 M: 0456 802 006

E: KarinaE@berriganshire.nsw.gov.au

W: www.berriganshire.nsw.gov.au



Disclaimer:- this e-mail and attached files may contain information that is confidential and/or subject to legal privilege. If you receive this e-mail and are not the addressee please delete and notify sender immediately. Views expressed in this message are those of the individual sender and not necessarily the views of Berrigan Shire Council.



8.2 Moira Foodshare

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.3. Strengthen the inclusiveness and accessibility of our community
Council's Role:	<p>Part Funder: The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it.</p> <p>Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign</p>
Appendices:	1. 28.04.2024 Moira Foodshare Berrigan Shire.pdf

This report is for information only.

Report

Moira Foodshare has written to Council to thank it for the \$10,000 donation to its operations. The letter is attached to this report.

Moira Foodshare provides a shopfront at the Finley Showgrounds every Thursday between 10:30am and 11:30am.



MHA Care

'The Right Care for You'



28/04/2024

Dear Berrigan Shire,

I would like to formally recognise your generous contribution of \$10,000 in April 2024 on behalf of the MHA Care Limited Moira FoodShare Program.

Your contribution allows our team of over 40 volunteers to source, rescue and distribute more than 15,000kgs each month to over 3500 residents.

2023 saw significant growth in our program with over 200,000kgs distributed, equivalent to 400,000 meals otherwise destined for landfill to local our residents.

Without the support of generous fundraising and donations Moira FoodShare would not have the resources to make such an important impact to our community.

I look forward to providing you regular updates throughout the year.

Yours Sincerely

James Rouel
Moira FoodShare Coordinator

MHA Care 22 Orr Street, (PO Box 376), Yarrawonga Vic 3730
Telephone (03) 5742 1111 Facsimile (03) 5743 2533 Email office@mhacare.org.au
ABN 90 463 327 686

8.3 Mayor and Councillor allowances - 2023-24

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. LGRT-2024-Annual-Determination-29-April-2024.pdf

Recommendation

That the Council

1. adopt the following Mayoral and Councillor allowed effective from 1 July 2024
 - (a) Councillor allowance \$13,520
 - (b) Mayoral allowance \$29,500

Purpose

This report provides the Council with the Annual Determination of Mayor and Councillor Remuneration for 2024/25, issued by the Local Government Remuneration Tribunal.

It also provides an opportunity for Council to determine Councillor and Mayor remuneration for the incoming year.

Background

Determination

The Local Government Remuneration Tribunal is required to annually determine minimum and maximum remuneration levels for the various categories of Councils within New South Wales.

The Local Government Remuneration Tribunal is also required to review the range of Council categories and category applicable to each Council every three years.

The Tribunal has determined a 3.75% increase in the cap for Mayoral and Councillor fees for 2024/25, effective from 1 July 2024.

The tribunal has significantly walked back their suggestion in their 2023/24 report of a complete review into Councillor remuneration – claiming such a review is not within the Tribunal's remit. The Minister for Local Government is not in favour of a review and has stated he considers Councillors stand for election out of a sense of community spirit, rather than remuneration. This is correct but

fails to consider how many prospective Councillors are deterred from running because they can't afford to run.

A copy of the Tribunal's report is attached as an appendix to this report.

The table below shows the determination for Councils classified as "Rural", including Berrigan Shire Council.

Councillor Fee		Mayoral Fee (additional)	
<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
\$10,220	\$13,520	\$10,880	\$29,500

This provides Councillors with an additional \$420 per year and the Mayor with an additional \$1,580 per year – \$420 plus an additional \$1,160 in Mayoral allowance.

From a staff perspective, this remains grossly inadequate for the time and effort Councillors are expected to provide.

It has been the practice of this Council to take up the entire increase and set Councillor remuneration at the maximum allowable, in the interests of recognising the commitment in time made by Councillors and to continue to attract a wide and diverse group of Councillors. However, the Council is not obliged to take up this increase and can set its remuneration anywhere inside the bands provided.

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

N/A

Issues and Implications

The implications for Council remains the attraction and retention of high quality Councillors, or indeed convincing anyone to run for Council. For the amount of time taken to undertake Councillor's duty, and for the increasing complexity and personal risks (as per the Parramatta Council finding that can now mean Councillors bear the same personal risks any other Corporate Body would for the purposes of the Work Health and Safety Act) Councillors are expected to take on, this increase is clearly insufficient compensation.

It will be important for Council to continue to advocate for Councillors' remuneration to reflect the scope of the work required in a fair and honest way that shows clearly the value of that work and personal risk.

Policy

N/A

Financial

As the increase is less than budgeted, there is no financial impact for the next financial year at least.

Legal / Statutory

Part 2, Division 5 of the Local Government Act 1993 sets out the requirements for Councillor fees, expenses and facilities.

Community Engagement / Communication

N/A

Human Resources / Industrial Relations (If applicable)

N/A

Risks

No risks were considered for this report. The only real risk is not being able to attract enough people to run for Council, or to stay with it, given the poor remuneration provided.

Options

1. Accept the full increase as offered, but continue to campaign for a better outcome for Councillors
2. Accept only the minimum increase, acknowledging this will make it increasingly difficult to attract candidates in the future.
3. Defer a decision on an increase and allow the new Council to make a decision on their allowance.

Conclusions

The increase offered to Councillors is considerably less than we had hoped and budgeted for. It is less than is expected for staff and certainly well under CPI.

Council should continue to work with LGNSW to demand a complete review of Councillor remuneration in New South Wales.

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024



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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”
4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal's determination takes effect from 1 July each year.

Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.

Section 3 – 2024 Review

2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
 - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
 - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
 - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
 - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
 - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that

the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.
23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:
 - The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
 - Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
 - 99 towns, villages and nine economic centres across an area of 757 square kilometres
 - An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
 - 1.3 million tourists per year
 - 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
 - Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
 - Operating revenue exceeding \$290 million.

24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

Categories – movement of Councils within the framework

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
38. Each Council was also assessed against the relevant criteria at Appendix 1.
39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

Submissions Received – Remuneration Structure

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
 - Is benchmarked in a more transparent way

- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*

- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

54. Section 249 (5) of the LG act states:

"A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.

Section 4 – 2024 Fees

Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:

- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
- Mitigate economic pressures and the rising cost of living
- Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
- Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.

60. LGNSW used economic and wage data to support their argument that included:

- Consumer Price Index
- Wage Price Index
- National and State Wage cases
- Market comparability

61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
65. Other submissions advocated for remuneration to be set at a level to:
- Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
 - Ensure no one is out of pocket for the work they do for council
 - Attract a diverse range of potential candidates.
66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”

Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.

A handwritten signature in black ink, appearing to be "Viv May".

Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed

- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

A handwritten signature in black ink.

Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.



8.4 Rural and Regional Summit and Country Mayors Meeting Outcomes

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

This report is for information only.

Report

The cost for attendance for these two days was as per the below:

- Rural and Regional Summit registration = \$1,080
- Accommodation = \$1,300
- Flights = \$1,560
- TOTAL = \$3,940

Rural and Regional Summit

Presenters and information are detailed below:

The Honourable Ron Hoenig MP – Minister for Local Government

- \$1.8B in new infrastructure projects has been budgeted for
- Roads – Councils are bearing the weight of road management – RERRF has been provided to allow some assistance
- Councils are no longer providers of roads, rates and rubbish – now also service deliverers for state and federal government and service delivery for people
- Only local government has ability, capability and experience to take community with them
- “don’t have enough and don’t have much” but are focussed on what communities need
- Parliamentary Inquiry into Rate Pegging and Financial Sustainability



- Almost half a century, councils have lost the ability to deliver services and grow skilled workforces because of their financial constraints
- Rate peg is now as political as it is philosophical. There will continue to be rate pegging below inflation rates. This has a cumulative impact on councils for numerous reasons including the policy settings of the government of the day
- Special Rates Variations protests have increased due to cost-of-living pressures and this is a significant issue for local and state government
- IPART – 12 months – financial sustainability review – on hold – referred to Committee of the Upper House (will be faster) – should be remembered we cannot push half a century of problems onto current rate payers
- Regional Hearings into financial sustainability coming soon (before September elections)
- FAGs – Federal Inquiry – NSW Grants Commission (affluent urban councils are no worse off to the detriment of rural and regional communities)
- Emergency Services Levee – Treasurer leading work on funding – consultation paper released
- Parliamentary Accounts Committee – inquiry into Red Fleet in ongoing
- Looking at what is depreciated. Minister believes if assets are not realisable then it is a farce to have them on council's depreciation schedules and looking into ways these can be removed – assets (as a first step) to be valued every 5 years
- Waste Regulation Bill – Minister does not want council employee's to lose entitlements to work for less pay – change regulation where unintended consequences of moving to three bin system – LGNSW has provided some suggested changes to the Bill – willing to consider them.
- Code of Conduct Reform
 - Strategic Policy Unit – OLG
 - Resource OLG sufficiently
 - Councils meetings need to look like the third tier of government: a democratically elected representative committee and not a Board
- Code of Meeting Practice
 - Being redone also
 - Provide councillors with the ability to make decisions appropriately
 - Not Boards of Directors – elected representatives of community
 - No one else can decide on the service delivery etc other than Council
- "Councils are the future of the quality of the life of the people of NSW"

Questions

Accounting Standards?

- Does not believe councillors know where money is being spent
- Accounting standards have made local government accounts opaque



- Need transparent accounts so councils and community know a council is going broke before they can't make payroll.

Police checks for Councillors?

- Agrees need to prevent property developers and real estate agents from being councillors (this is a difficult state constitutional change that is required)
- As for police checks for councillors – we can't restrict people from running.

What can be done about 35-50% increase in Audit Fees?

- Auditor General is an independent institution
- Local government is being ripped off by them and the electoral commission
- Fight them

Infrastructure and Services Panel

Carmel Donnelly PSM – Chair IPART

Professor Joseph Drew

Brett Whitworth – Deputy Secretary Office of Local Government

Carmel Donnelly

- Rate Peg review and 17 SRVs this year
- Raised broader issues that local government financial sustainability can't be fixed by the rate peg or SRVs
- Requested review of funding model of local government
- Report will be on website soon
 - It is not a review of council financial sustainability
 - Is a review of the regulatory framework, SRV process, cost shifting (including exemptions and non-rateable lands)
 - Generally people appreciate the services of local government and do not want them reduced
 - Those with the least ability to pay have the highest reliance on council services
 - Councils reporting operating deficits is increasing, infrastructure backlogs are increasing, operational ratios are increasing, grant funding reliance is increasing
 - Rate peg before 2022 did not consider population increase and still does not have the capacity to catch up
 - SRV is not a practical option for councils due to the process – therefore a lack of avenues to address financial sustainability
 - Looking to release rate base, cost shifting and alternative funding options with the report

Professor Joseph Drew



- Council unit costs are up 16%
- Cash position is going down
- Distance between haves and have notes is growing
- “there is no magic bullet”
- Beyond reasonable doubt that amalgamations have left local governments and their communities in a worse position
- Don’t current competently measure financial sustainability

Brett Whitworth

- Is financial sustainability about balance sheets or communities?
- Talking about public money
- Communities change and the response to Covid and cost of living crisis is eating into council reserves
- Struggle with benchmarks and financial ratios – books might look good but also looking at huge infrastructure needs to be funded or can’t access restricted reserves
- Depreciation is still about putting money aside to pay for renewal
- Council can’t use financial levers available to state and federal governments and we have to be able to pay back our loans
- Financial sustainability review came about as part of an election commitment
 - Rate cap is political decision
 - Rates must be about whether rates are within community capacity to pay
- Difficult to understand local government financial statements
 - Need to be data driven
 - Too many discussions are devoid of data

Renewal Energy Panel

Dr Sheridan Coates

- Social impacts
- “Factors that Affect Outrage”
- Housing solutions required (different for different communities)
- Cumulative impact model
- Distributive equity and benefit sharing
 - Need to ensure communities see tangible outcomes for renewable energy developments
- Partnerships with First Nations Peoples
 - Councils should ensure included in project design stage



- Multi-use sites (solar should not exclude continued agriculture for instance)

Cr Sam Coupland – Mayor Arimdale

- New England Renewable Energy Zone
- Main issues is short termism
- Artificial deadlines = rush to deliver
- Local government not sufficiently engaged (i.e. Draft Wind and Solar Guidelines)
- Governments have not done the homework
- Void is left behind = bad actors increasing in this space
- Leads to social friction between hosts and near neighbours particularly
- Developers have been initiating and offering shiny things – they are here to make money – do not ever consider their social licence
- Problems – those money at – money has been conceptual until now
- Need to address significant cumulative impacts of these developments (was careful not to call them farms as this is how they get under the radar)
- SOLUTION
 - Need to accept it is happening
 - Once can move to there can shape conversations and can extract best outcomes for community
 - Need to ensure you and neighbouring councils approach is similar
 - They need to come to OUR table
 - Benefit must be cumulative
 - Community benefit through future funds
 - Intergenerational fund – spent to make better place to live
 - 70% council decide
 - 30% community decide through advisory committee
 - Need state government to provide supporting infrastructure – Olympic style village – access roads
 - Quality jobs via decentralisation

Des Kennedy

- Local government = roads, rates, rubbish and renewables
- Need to actively manage
- Will take resources (staff time)
- Approvals happen quickly and do not include end of life considerations
- Transitional workforce does affect the fabric of the community



- Very little due diligence done by proponents
- Proposed State Significant Developments
 - Campsites (gone in 12 months)
 - Must get bang for buck when they are there
 - Accommodation will be stressed (rents go up and less tourist beds)
 - Water supply capacity
 - Waste management
 - Road infrastructure (heavy vehicles and normal traffic increases)
 - Supporting road infrastructure as local will change their routes to avoid areas
 - Social services impacts (once permanent)
 - Emergency departments
 - GPs
 - Paramedics
 - Primary schools
 - Secondary schools
 - Child care
 - Policing
- Long term legacy industries or infrastructure investment should be expected of developers
- MUST sign VPAs prior to commencement of project
- Wind blades and solar panels – need to work out where they put the waste – rehabilitation has not been addressed as it would be for a mine site
- Needs to be rehabilitation bond as is required for mines for instance
- THEY ARE NOT FARMS
- Landholders do not generally understand they will be responsible for decommissioning – should therefore require 15 year bank guarantee
- Standard and guidelines for these projects should be developed and include decommissioning
- Many proponents only interested in building and on selling (not in long term)
- How do we have better engagement (currently usual only inform the community what is happening, not consulting in any way).
- Need to change the framework (currently based on individual projects)
- Currently the *modus operadi* appears to be “Engagement by Intimidation”

OUTCOME: 23 May 2024 – I met with Mayor Coupland to discuss the community wealth fund initiative of Armidale Council in relation to renewable energy developments. He has provided us documents to develop a framework for Council to adopt to allow us to enter into Voluntary Planning



Agreements with renewable energy proponents to ensure long term and ongoing outcomes for our community.

Housing – the Byron Experience

Andrew Cooper - Landcom

- In Australia housing is not seen as a human right – rather an investment opportunity
 - Need cultural change
 - Councils can tell people what they can do with their land and houses (through planning provisions)
- Issue with holiday lettering – have increased visitation but at what cost?
- Byron had 20% of stock on holiday letting therefore more short term than long term rentals
- In a market of approx. 3,000 long term rental properties, a change as small as 30 properties can move vacancy rates by 1%. This can have significant impact on private rentals
- Council capped short term at 90 nights in residential precincts per year
- Need long term housing for volunteers, employees (community benefits)
- 60 day cap was provided (unhosted short term rentals) – DA pathway still needed
- Council can levee fees on those properties now
- Local government need to be trusted to respond to local issues and makes laws for its area.

Brewarrina Shire – CEO David Kirby – A Success Story for Council and Community

- The effects of previous policy on indigenous community – “fringe dwellers”
- Indigenous community not part of democracy – even at local level until 90’s when Brewarrina changed how they engaged
- Traineeships were offered before that deliberately excluded indigenous peoples
- David is the current CEO (went through traineeship program and is now CEO)
- Now 80% indigenous staffing – 6 of 9 councillors are indigenous though the Mayor is not indigenous – community believes he is the right person for the job.
- Indigenous people continually have to prove people wrong to prove their worth
- “Value people and you get valuable people”
- Told a story about how we treat people matters
- Recruitment must not discriminate
- Year 10 traineeships offered – most become Council employees – standards and expectations can then be set at early age

Chris Minns - Premier

- \$100M infrastructure to rural and regional funding
- Opportunities for communities



- Partner with Council on projects

Wendy Tuckerman – Shadow Minister for Local Government

- Waste Tendering Regulation – consultation only with unions – motion to disallow being made
- Doing more with less is making local government unsustainable
- Encouraged to make submissions to Federal Inquiry
- (De)amalgamations
 - Funding of de-amalgamations (Cootamundra – Gundagai)
- Employment Arrangements (Senior Staff positions removal from LG act – Award based contracts)
- Whilst local government is performing the State government is performing

Vision for Roads to Recovery NSW – Tara Moriarty MLC

- Regional Development Act
- Grant streams being released soon
- Regional Trust (Regional Growth Fund) – pathways to access funding – assured making application as easy as possible – not criteria based on specific infrastructure outcomes – co-contribution may not be necessary – can leverage federal funding or other functions.

Dr Joe McGuirr MP

- Local decisions should be made by local people
- Policies made at state and federal levels don't consider the rural context
- Energy infrastructure – communities who host this infrastructure should be adequately compensated – should also be consulted honestly.
- Better communication between TfNSW and local government is required
- Work with local government and they will work with you – all of NSW will be better off when that happens.

Acting CEO Reconstruction Authority

- Formed December 2022 (NSW Reconstruction Authority)
- Looks to support LG
- Community Leaders Forums
- Disaster Adaptation Plans (like drought resilience)
- Local preparedness – work before hand so can recover sooner and better
- Future Flood Program (mostly Nepean and Illawarra areas)
- Get Ready (App) – community access to relevant local information in times of disaster
- Communication



- Recovery starts with combat agencies
- Want to avoid State imposed recovery
- Reconstruction will be better planned prior to any disaster – will reduce community stress and worry
- Disaster Funding – betterment is only available under category D funding at the moment, which requires the Premier to apply to the Prime Minister – this is part of the current Federal Inquiry
- Will improve speed of reimbursement
- Internal inquiry in NSW for DRFA funding administration

Country Mayors

The Hon Jenny Aitchison MP – Minister for Transport

- Working with Qld re disaster recovery
- Documentation between State and Local Government not good enough
- NEMA reviewing disaster recovery guidelines
- Tripartite agreement (Lithgow etc) – ensures can respond more quickly
- If relationship with departmental officer not working – Minister Aitchison is happy to assist
- Backlog of claims – hired more people to assess
- Betterment remains an issue – working on
- RERRF (2 rounds of funding) now distributed
- Can use TfNSW tier 1 and 2 contractors
- Strategic Regional Integrated Transport Plans being developed – looking to partner with Councils to ensure local roads and connectivity between communities – need to consider community transport as more ageing population are giving up licences
- Road safety – 351 last year – some is improving behaviour – some is road safety projects
- Airports in integrated plans (not part of transport portfolio)
- Freight not in portfolio though working closely with

Linda Scott – ALGA President

- Federal Budget – watching for increases in funding as promised – looking not only at the amount but when will be paid. High risk won't get payments this year.
- National Housing Accord – asking for it to change to annual funding
- Energy fund – asking for annual funding also
- State of the Assets Report coming out soon – expecting to see improvement in situation due to recent access to higher funding amounts
- R2R Grants – also looking for increase



- Financial Sustainability Review
- Road Safety – national increase 8%
 - NSW 30% increase
 - Catherine King – National Data Safety Hub
 - New “heat health index” – local government facilities being relied on to cool down
 - Many councils starting to advise where can go to cool down on hot days
- Banks – some announcing keeping regional banks open
- Banning on book in Cumberland Council – rescission motion next week – risking State Library Funding – must uphold social licence – where councils make decisions such as these it damages our reputation over all and makes ALGA’s job that much harder
- Federal and State Governments fund local government and these types of outliers make funding difficult
- Local government not in federal constitution and therefore at the mercy of state government legislation

Dr Joseph Drew

- Concerns regards financial sustainability
 - Not been defined for purposes of the inquiry
 - Why do we have local government? – have because need community co-operation to get best outcomes possible
- Financial Sustainability is going to be a long and difficult road – inquiries usually end up at amalgamations
- Local councils must start to explain what local government do and why
- Can’t describe financial sustainability with 10 ratios
- Councils should not have to beg for FAGs (section 6(3) of the FAGs legislation requires horizontal fiscal equity
- If councils do the right things, then should be all able to provide same level of service
- Ratios don’t use correct math to measure the things they say they do (such as efficiency)
- Need to get academics to do the work required to show the fact of the situation and what to do to fix it.

Darria Turley – President LGNSW

- LGNSW Report Released (value proposition)
- Housing forum
- Shore submissions for sustainability with LGNSW
- Red Fleet submission close soon
- Water utilities – developing legislation to protect



- Waste levy – Minister will look at amendments (waste tender) – local government not consulted – can't work in its current form.
-



8.5 Barooga Aquatic Centre - Quarterly Report - MOU

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.2. Strengthen strategic relationships and partnerships with community, business and government
Delivery Program:	2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. BARC Quarterly Report Jan-Mar 2024 (under separate cover)2. BARC Q1 2024 P&L statement

This report is for information only.

Report

Berrigan Shire Council have a Memorandum of Understanding with Barooga Aquatic and Recreation Centre (BARC) and the Moira Shire Council regarding ongoing funding of the BARC indoor swimming pool. A requirement of the MOU is that BARC provide a quarterly report outlining how the money provided by both Moira and Berrigan Shires is allocated and the benefit it has to our community.

It should be noted the gymnasium is NOT subsidised through the MOU. The information provided in this report is meant to show how those operations are kept separate so that money provided by both councils is quarantined for the use of the indoor pool facility.

Learn to Swim classes continue to be the major income of the facility and fit with Council's objective to provide equitable access to support recreation, sporting and health pursuits (CO.3 of the new Community Strategic Plan).

The report also shows visitors to the pool are primarily from Cobram and Barooga (though it is noted a group of "unknown" is the second largest user of the facility. I will follow up with Sporties to see what might be done to define this group and encourage them to provide details that allow us to have a clearer picture of usage.

The Profit and Loss statement outlines the gymnasium also in an effort to show the funding provided by Moira and Berrigan Shires is committed fully to the indoor pool and does not get redirected in any way to the gym itself. Even with both Shires contributing funding, the pool in the January to March Quarter of 2024 made an actual loss of \$42,000.



**BAROOGA SPORTS CLUB
PROFIT AND LOSS
BAROOGA AQUATIC AND RECREATION CENTRE**

01 January 2024 - 31 March 2024

	ACTUAL MTD	GYM	POOL
<u>UNALLOCATED</u>			
Unallocated			
 Cost of Sales Unallocated			
 <u>GENERAL AND OPERATING</u>			
GENERAL AND OPERATING Income			
SHF - MEMBERSHIP	77,300.99	38,650.50	38,650.49
SHF - CASUAL VISITS	17,527.76	8,763.88	8,763.88
SHF - CRECHE	854.55	427.28	427.27
SHF - GROUP BOOKINGS	(36.36)	(36.36)	0.00
SHF - POOL HIRE	127.28	0.00	127.28
SHF - SWIMMING LESSONS	28,728.49	0.00	28,728.49
SHF - PERSONAL TRAINING	4,081.81	4,081.81	0.00
SHF - SUNDRIES	0.00	0.00	0.00
SHF - HOLIDAY PROGRAM INC	0.00	0.00	0.00
SHF - COURT HIRE	836.38	836.38	0.00
BERRIGAN SHIRE SUBSIDY	12,500.01	0.00	12,500.01
MOIRA SHIRE SUBSIDY	100,000.00	0.00	100,000.00
STAFF TRAINING INCENTIVES	0.00	0.00	0.00
HIRE OF FACILITIES	0.00	0.00	0.00
OTHER INCOME	0.00	0.00	0.00
 Total GENERAL AND OPERATING Income	241,920.91	52,723.49	189,197.42
 Cost of Sales: GENERAL AND OPERATING			
PURCHASES: GAS CYLINDERS	0.00	0.00	0.00
PURCHASES: EQUIPMENT	0.00	0.00	0.00
MEMBERS EXPENSES: GENERAL	0.00	0.00	0.00



Total Cost of Sales: GENERAL AND OPERATING	0.00	0.00	0.00
Gross Profit GENERAL AND OPERATING Income	241,920.91	52,723.49	189,197.42
Gross Profit %	100%	100%	100%
FUNCTIONS - INCOME	0.00	0.00	0.00
<u>SPORTS SHOP & KIOSK</u>			
SPORTS SHOP & KIOSK Income			
SHF - SPORTS SHOP	2,584.48	2,584.48	0.00
SHF - KIOSK	1,474.12	1,474.12	0.00
Total SPORTS SHOP & KIOSK Income	4,058.60	4,058.60	0.00
Cost of Sales: SPORTS SHOP & KIOSK			
CLOSING STOCK-SHF SHOP	(749.78)	(749.78)	0.00
CLOSING STOCK-SHF BEVERAGE	(42.24)	(42.24)	0.00
PURCHASES: BAR - GENERAL	0.00	0.00	0.00
STOCK TRANSFERS INTERNAL	668.16	668.16	0.00
PURCHASES: SPORTS SHOP & KIOSK	3,272.18	3,272.18	0.00
Total Cost of Sales: SPORTS SHOP & KIOSK	3,148.32	3,148.32	0.00
Gross Profit SPORTS SHOP & KIOSK Income	910.28	910.28	0.00
Gross Profit %	22%	22%	0%
Less: Expenses			
Expenses	GYM	POOL	
ADVERTISING: NEWSPAPERS/M	0.00	0.00	0.00
ADVERTISING: DIGITAL	195.13	195.13	0.00
PROMOTIONS: GENERAL	0.00	0.00	0.00
DEPN: P&E	15,224.76	3,273.53	11,951.23
DEPN: BUILDING	33,400.43	18,734.42	14,666.01
AUDIT - FEES	0.00	0.00	0.00
BANK CHARGES	0.00	0.00	0.00
BANK FEE - CREDIT CARD SURCHARGE	1.22	1.22	0.00
CONTRACT CLEANING	630.00	315.00	315.00
CLEANING MATERIALS	2,361.18	1,180.59	1,180.59
COMPUTER FEES & PROGRAMS	482.25	241.13	241.12
COMPUTER SOFTWARE	0.00	0.00	0.00
EQUIPMENT RENTAL GYM EQUIPMENT	7,098.00	7,098.00	0.00
FIRST AID SUPPLIES: BSC	0.00	0.00	0.00
FREIGHT	60.73	60.73	0.00



GARDENS & GROUNDS	0.00	0.00	0.00
HIRE OF EQUIP	146.25	0.00	146.25
INTERNET EXPENSES	0.00	0.00	0.00
JUNIOR ROOM COST	112.68	56.34	56.34
LICENSES & FEES	1,553.98	776.99	776.99
MANAGEMENT EXPENSES	0.00	0.00	0.00
MERCHANT FEES	498.36	249.18	249.18
PAYMENT GATEWAY FEE	111.40	55.70	55.70
PEST CONTROL	0.00	0.00	0.00
POOL CHEMICALS & SUPPLIES	3,488.85	0.00	3,488.85
PRINT/STATIONERY	1,737.83	868.92	868.91
PURCHASES: PAPERS	0.00	0.00	0.00
PURCHASES: LIGHTS	0.00	0.00	0.00
RUBBISH REMOVAL	558.15	279.08	279.07
SECURITY - MONITOR	1,831.88	915.94	915.94
SIGNAGE	0.00	0.00	0.00
STAFF EXPENSES	315.17	260.17	55.00
STAFF TRAINING	3,385.45	392.72	2,992.73
SUBSCRIPTIONS	0.00	0.00	0.00
SUNDRY EXPENSES	835.00	0.00	835.00
TELEPHONE & FAX	193.50	96.75	96.75
TRAVEL	0.00	0.00	0.00
UNIFORMS	609.09	609.09	0.00
ASSETS PURCHASED < \$2,000	0.00	0.00	0.00
INSURANCE - BUILDING	8,345.58	4,172.79	4,172.79
INSURANCE - GENERAL	220.83	110.42	110.41
RATES: SHIRE	939.51	469.76	469.75
RATES: EXCESS WATER	708.00	0.00	708.00
REP/MAIN: A/COND	1,147.27	573.64	573.63
REP/MAIN: GENERAL	33.68	33.68	0.00
REP/MAIN: BUILDINGS	1,078.23	539.12	539.11
REP/MAIN: BUILDINGS: ELECTRICAL	1,883.91	1,433.91	450.00
REP/MAIN: BUILDINGS: PLUMBING	140.00	0.00	140.00
REP/MAIN: BUILDINGS: FIRE SERVICES	0.00	0.00	0.00
REP/MAIN: EQUIPMENT	10,358.98	345.39	10,013.59
ELECTRICITY	12,417.35	6,208.68	6,208.67
GAS	9,536.62	4,768.31	4,768.31
INSURANCE - W/COMP	5,571.30	3,075.66	2,495.64
SUPERANNUATION	14,933.20	8,243.95	6,689.25
WAGES	150,580.94	83,128.98	67,451.96
Total Expenses	292,726.69	148,764.92	143,961.77
Total Income	242,831.19	53,633.77	189,197.42



Total Expenses	292,726.69	148,764.92	143,961.77
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Net Profit (Loss)	(49,895.50)	(95,131.15)	45,235.65
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Commentary

Although the P&L statement indicates the pool is making a \$45k profit for the quarter, this includes 2 years of subsidy from Moira (\$100K) paid in one financial year.

If MSC quarterly contribution of \$12.5k was distributed across quarters as per the new MOU, it would make the Net Profit a \$42,264.35 loss for the quarter.



8.6 Governance Framework

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

Recommendation

That Council adopt the Governance Framework as presented.

Report

One of my Professional Development outcomes for this financial year was to produce a Governance Framework that would assist the new Council to understand the governance requirement for Council and staff.

I have drafted the required document and provide it for Council's consideration in Appendix 1.

I did not want the framework to be onerous, rather provide an accessible overview of the governance requirements of Council as a whole.



8.7 Renewable Energy Community Benefit Framework

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	4. Diverse and resilient business
Strategic Objective:	4.1. Strengthen and diversify the local economy and invest in local job creation and innovation
Delivery Program:	4.1.1. Partner with government and industry to promote strategic investment in the development of economic assets and infrastructure needed to create jobs
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Renewable Energy Community Benefit Framework2. Draft Benefit Sharing Guideline (under separate cover)3. Draft Energy Policy Framework (under separate cover)

Recommendation

That Council adopt the Renewable Energy Community Benefit Framework as presented

Purpose

The purpose of this document is to allow Council to be prepared should a state or regionally significant renewable energy project be applied for within the Berrigan Shire Council Local Government Area (LGA).

The paper and attached framework are designed to:

- set expectations of renewables proponents when they are developing in our LGA,
- allow appropriate lobbying and representation to Energy Corporation / Department of Planning and
- provide a framework within which the Mayor and CEO could negotiate sustainable outcomes for our communities.

Summary

Council has already had one state significant windfarm make application at Boomoonoomana. That application was withdrawn. The likelihood of others making such application in the future however is increasing as reliance on renewable energy increases.

To ensure Council has a framework for considering such development in the future, the draft Renewable Energy Community Benefit Framework is included at Appendix 1 of this document.



The Framework aligns with the Draft Benefit Sharing Guideline currently out for public comment from the Department of Planning and Environment (including at Appendix 2)

Background

To date LGAs have not been sufficiently engaged or consulted by state government bodies (Energy Corporation / Department of Planning) or renewable energy proponents, yet LGA communities are the ones who will bear the social and financial burden of these developments.

At one end of the spectrum, the nature of how renewable projects come into being sets the scene for social friction in a community. This is initially between host landholders and near neighbours who discover they have been kept in the dark about developments which may fundamentally change their amenity and possible, their livelihoods. The social friction will then radiate outwards to the town centres during construction phase as a tight accommodation market is placed under increased stress and the availability of skilled labour is soaked up.

On the positive side, the construction phase would likely last many years and provide a boost to local economies. LGAs should then consider post construction opportunities to build on the renewables projects now in place with renewables companies to solve mutual problems such as housing supply or road infrastructure. There are opportunities to monetise these renewable developments to ensure multi-generational benefits to the community.

Berrigan Shire Council is not in a designated Renewable Energy Zone (REZ) but this does not mean state and regionally significant development could not occur within our boundaries.

Council should note it can require voluntary planning agreements for any development, regardless of size. We should however be mindful they are voluntary so developers do need to agree to enter into them. Council will also need a mechanism to resolve disputes under these agreements in the future. The framework is offered to ensure something is in place should it prove necessary to need it and to test what the community think of such a scheme.

It is possible to consider dispute clauses / mechanisms in this document and hold off on putting out for public exhibition until those are added so we could seek community feedback as to how they would like to see possible disputes management.

Our advice is that this framework at least provides for negotiations to begin if they are needed but be included in a voluntary planning agreement template that would be developed after this framework is adopted. Council may also consider this framework and a separate framework for other lesser but large developments under the review of our contributions (DCP). Section 7.11 allows Council to consider other contributions beyond sewer, water, open space and stormwater. In those cases the contributions to such a fund would be through a condition on a development approval rather than through a voluntary agreement.

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

Local Strategic Planning Statement 2020-2024

Local Environment Plan

Development Control Plans

Community Strategic Plan



Issues and Implications

The community will not always be able to deter state or regionally significant renewable energy projects as was the case with the Windfarm attempt. In that vein it may be useful to ensure that some community benefit from such development is possible.

Other implications that may not be considered by land holders is the fact that, once the project is decommissioned, they are generally the party responsible for demolition of the infrastructure. Council should therefore consider how it might expect waste from these sites to be managed (i.e. wind turbine blades and most industrial solar panels are not recyclable and therefore end up in landfill).

Policy

Draft Energy Policy Framework (included in Appendix 3). This document is also currently out for public comment through the Department of Planning and Environment.

Financial

The creation for a Community Benefit fund, which would hold any payments made by renewable energy proponents, has the potential to increase Council's own source funding and therefore reliance on grant funding in the long term.

Legal / Statutory

Draft Energy Policy Framework

Community Engagement / Communication

It is recommended this document be placed on public exhibition for consideration by the community. A draft community engagement plan is included at Appendix 4.

Human Resources / Industrial Relations (If applicable)

N/A

Risks

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

1. Financial

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



The assessment of this risk has been taken from a positive frame. If Council were able to negotiate a successful outcome with a proponent of a state or regionally significant renewable energy developer, the potential for significant funds to be provided for community benefit should not be ignored.

On the other hand, if the funds were not pursued there is the potential of significant costs to Council and the community over the life of and after the decommissioning of a site. During the life of the project, increased heavy vehicle traffic would impact Council's road infrastructure. At decommissioning, the costs of taking and holding considerable infrastructure in Council's landfill site would be considerable.

2. Natural Environment

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

The immediate impact of renewable energy developments is on the amenity of particularly those close to the site. The community's Community Strategic Plan clearly states the community values the current amenity of their natural environment. Council should then consider the ways in which compensation for changes to that amenity might be possible.

Further, the impacts of renewable energy projects on the natural environment also include, removal of vegetation during construction and throughout the life of the project, increase in traffic (particularly heavy vehicles) and the impacts on landfill after the decommissioning of the site.

3. Community

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

Berrigan Shire's community are now actively engaging with the possibility of significant renewable energy projects in and near their communities. It is important Council therefore advocates and negotiates on behalf of its community to provide the best possible outcomes in regard to these developments.

4. Positive

	Consequence				
Likelihood	1	2	3	4	5



A	Medium	High	High	Very High	Very High
B	Medium	Medium	High	High	Very High
C	Low	Medium	High	High	High
D	Low	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

The setting up of a community fund should another state or regionally significant renewable energy proponent wish to develop a project in our area, will ensure significant benefits are possible for our community, now and into the future.

Options

1. Adopt the Renewable Energy Community Benefit Framework as presented
2. Adopt the Renewable Energy Community Benefit Framework with suggested alterations
3. Do not adopt the Renewable Energy Community Benefit Framework

Conclusions

The framework and advice for the attached framework and this report has come from Armidale Regional Council. They are in a Renewable Energy Zone and have already implemented this framework to the benefit of their community. I feel, Council being ready for any future eventuation is important to ensure we are able to respond appropriately to and with proponents and relevant agencies.



Renewable Energy Community Benefit Framework

Adopted XXX 2024





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1 Introduction

The objectives of the Renewable Energy Community Benefit Framework (Framework) are to promote benefit sharing strategies associated with the development of state significant and regionally significant renewable energy projects in the Berrigan Shire Council Local Government Area (LGA) that:

- secure off-site benefits for the community so renewable energy development delivers future sustainable net community benefit,
- ensure the wider community shares in the benefits resulting from renewable energy development in the LGA,
- ensure the costs and benefits of renewable energy development will be equitably distributed within the community and inter-generationally and
- ensure community benefit outcomes are determined through appropriate governance processes which include community representation.

2 Legislative and Regulatory Framework

Section 1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative basis for this Framework. Subdivision 3 of the EP&A Act provides the legislative basis for planning agreements.

3 Planning Agreements

Berrigan Shire Council (the Council) will use the planning agreement provisions of the EP&A Act to delivery the objectives of this Framework. A planning agreement is a voluntary agreement between Council and a developer, who has made a development application, under which the developer is required to dedicate land free of cost, pay a monetary contribution, and / or provide any other material benefit to be used for, or applied towards, a public purpose.

4 Community Benefit

Community benefit excludes that which is required to mitigate adverse impacts of development including (but not limited to) host and adjoining landowner payments required to obtain consent or prescribed by legislation.

The financial value of community benefit will vary from project to project, however, the minimum community benefit threshold for the Council is:

- \$890 per megawatt per annum for solar energy development for the life of the development (including future modified or recommissioned projects),
- \$1,097 per megawatt per annum for wind energy development for the life of the development (including future modified or recommissioned projects), and / or



- \$890 per megawatt of capacity for energy storage developments (including pumped hydro).

Note: Amounts above are in 2024 dollars and will be adjusted annually for CPI.

Projects that do not deliver community benefits above this threshold are likely to be considered not in the public interest.

Developers who demonstrate involvement with and for the community will be encouraged against those who show no such incentives. Council requires developers to be responsible members of the community (eg support an ongoing workforce, disincentives for “fly in fly out” or “bus in bus out” practices, landscape rehabilitation is incorporated into projects).

5 Public Purpose

The public purpose that funds will be applied to include works to:

- upgrade public spaces,
- provide spaces for public recreation and community facilities,
- provide of affordable and / or key worker housing,
- rehabilitation or conservation of biodiversity values,
- options to improve energy efficiency,
- community batteries,
- low cost electricity deals to allow local use of renewable energy,
- low cost electricity deals for local manufacturers and supply chains, or
- some other public purpose if the Council reasonably considers the public interest would be better served by applying the funds towards that other purpose.

5 Governance and Inter-generational Equity

Council will ensure a governance structure that, as far as possible, reflects the needs and concerns of the immediate communities of impact and the broader region to assist with determining the public purpose for funds.

Council will manage funds to ensure they benefit future generations as well as the present generation.

6 Related Legislation, Policy and Strategies

13.1 Legislation and External Guidelines

- *Environmental Planning and Assessment Act 1979*
- [Draft Benefit Sharing Guideline](#) (Department of Planning and Environment)
- [Draft Energy Policy Framework](#)



13.2 Council Policies and Guidelines

- Local Strategic Planning Statement 2020-204
- Local Environment Plan
- Development Control Plans
- Town Masterplans

14 Records Management

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

15 Review and Evaluation

This framework will be reviewed by the Chief Executive Officer annually. It will be evaluated and reviewed by the Council every four (4) years or as required.

16 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

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Document title Subtitle



17 Version Control

Version Number	Date	Summary	Responsible Officer
1.0		New framework	Chief Executive Officer





8.8 Sustainability Report

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Project Proposal and Business Case - Sustainability Report (under separate cover)2. Project Plan - Sustainability Report (under separate cover)

Recommendation

That Council direction regarding the completion of the Sustainability Report is sought.

Purpose

The purpose of this report is to provide Council with a more in depth understanding of the proposed Sustainability Report project.

Summary

During the March Ordinary Council meeting, Council directed that I was to undertake the development and delivery of the Sustainability Report myself.

I have since developed a Project Proposal and Business Case, and a Project Plan as required by our own internal processes for all new projects.

I shared these documents with the Mayor who suggested they should come back to Council for consideration.

A note, since our initial discussions, Matt Hansen will assist with providing some of the underpinning research and financial data needed to help progress this report. This should assist with reducing the timeframes for development of the document.

The documents attached to this report, I think clearly outline the intention and size of the project to be undertaken. Documents include the:

- Project Proposal and Business Case (Appendix 1) and
- Project Plan (Appendix 2)



It should be noted that, whilst I am working on this document, I have ensured staff know I will not be available to undertake other work. I have discussed the matter with Matt Hansen and he is willing to assist with the research and underpinning evidence required to complete the report, which may reduce the costs and timeframe to some extent.

Council should also note that this document is considered a high priority by me so I will not be available to undertake other duties or roles Council need me to during this time. I am fully committed to this document and the general running of Council only.

Council should also note, that as per newly implemented processes internally, my time, and that of any other employee working on this project will be “booked” against this project so that the total cost of undertaking the work is fully understood. I am therefore keeping a record of all hours spent working on the document.

Options

1. Acknowledge the project proposal and business case, and the project plan as presented to the Council and agree that the CEO should continue on this path, noting the required time to do so.
 2. Acknowledge the project proposal and business case, and the project plan as presented to the Council and agree that the CEO should engage assistance to finalise the Sustainability Report more expeditiously
 3. Acknowledge the project proposal and business case, and the project plan as presented to the Council and direct the CEO to engage a consultant to undertake the delivery of the Sustainability Report.
-



8.9 Acting CEO during CEO Leave

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

Recommendation

That Council Director Strategic Planning and Development, Andrew Fletcher act as the CEO for the CEO's already approved leave period from 22 July 2024 through to and including 5 August 2024.

Report

At the March Ordinary meeting, Council moved the following:

8.13 CEO Annual Leave Request

Resolved OCM 068/24

Moved: Cr John Taylor

Seconded: Cr Sarah McNaught

That Council approve the CEO's request for annual leave for the following dates:

- 26 to 03 May 2024 and
- 22 July to 5 August 2024.

During these periods of leave Deputy CEO, Matt Hansen will act into the position of CEO.

CARRIED

Since that time plans have changed and Matt Hansen will now be on leave from 15 July 2024, through to and including 11 August 2024. As such he will not be available to act as CEO.

I therefore ask that Andrew Fletcher, Director Strategic Planning and Development act in the position from 22 July 2024 through to an including 5 August 2024. I will remain available for any urgent matters should they arise.



8.10 Asset Management Policy

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Asset Management Policy - June 2024

Recommendation

That Council:

1. adopt as a draft the Asset Management Policy attached to this report,
2. place the draft policy on public exhibition and invite submissions for a period ending 19 July 2024 and
3. consider the draft policy and any submissions received at its ordinary meeting scheduled to be held on 16 September 2024.

Purpose

This report is to consider a revised Asset Management Policy.

The Asset Management Policy was last reviewed in April 2020 and is past due for review.

Summary

The Asset Management Policy is a component of the Asset Management Strategy, which itself is a component of the Council's Resourcing Strategy. The Resourcing Strategy is a core component of the Council's Integrated Planning and Reporting Framework.

The policy provides direction to Council officials when considering asset management, replacement, maintenance, and service levels.

The review and adoption of the Asset Management Policy is the first step in the process of reviewing Council's overall Asset Management Strategy and its suite of Asset Management Plans. As such, it may be appropriate to place a draft policy on public exhibition prior to final adoption.



This will mean the policy will come back to Council at the first Ordinary meeting on 17 October 2024 after the election.

Background

The management of the community's assets is a priority of the community and is included in the Community Strategic Plan.

Berrigan Shire Council has invested significant funds in community assets over many years in order to service the needs and enhance the quality of life of the communities within the Local Government Area (LGA).

The importance of these assets to our community and their significance in relation to Council's budgets means asset management must be a critical part of Council's planning and service delivery. Council faces many challenges in maintaining a financially sustainable position and pressures as roads, footpaths, buildings, and drains get older and require additional maintenance and ultimately renewal.

Council needs to balance the need to fund the renewal and maintenance of assets with maintaining a healthy financial position. This sometimes involves difficult choices and requires community input and feedback.

The objective of this policy is to ensure adequate provision is made to ensure the community's assets meet a level of service set by Council in consultation with the community, to the best of the Council's ability.

The policy assists the Council to determine its service levels for each asset class. These service levels are to be based on condition, utilisation, and functionality ratings and informed by the cost of delivery.

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

The NSW Local Government Integrated Planning and Reporting Framework requires Council to adopt a Resourcing Strategy. Included in the Resourcing Strategy is an Asset Management Strategy.

The [NSW Local Government Integrated Planning and Reporting Handbook](#) states

*Each council must prepare and adopt an **Asset Management Policy**, an Asset Management Strategy and Asset Management Plans to support the Community Strategic Plan and Delivery Program.*

[...]

*The Asset Management Strategy must include the council-adopted **Asset Management Policy**.*

Issues and Implications

Policy

The Asset Management Policy should be read to be consistent with the Council's Governance and Procurement Frameworks.



Financial

Asset Management is the single biggest cost to Council. It is important Council has a robust Asset Management Policy to inform its strategy and asset management plans.

There is no direct cost associated with the adoption of this policy.

Legal / Statutory

The requirements for Integrated Planning and Report are set out in the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The Office of Local Government has issued [guidelines for Integrated Planning and Reporting](#) under [s406 of the Local Government Act](#). The proposed Asset Management Policy is consistent with these guidelines.

Community Engagement / Communication

While there does not appear to be an explicit requirement to place this policy on public exhibition, it is part of the Integrated Planning and Reporting Framework.

As such, it would be better practice to seek submissions from the public on the draft policy before adoption.

Human Resources / Industrial Relations (If applicable)

Council should consider the staffing resources required to develop the Asset Management Strategy and Asset Management Plans.

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

Mismanagement of Council's infrastructure assets is the largest risk to Council's sustainability. It is important Council has a solid asset management framework. This policy is the underlying document informing this framework.



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

Poor asset management will lead to reputational damage. In the worst case, this could include the dismissal of the Councillors and the appointment of an administrator.

Options

1. The Council can adopt this policy as a draft and place on public exhibition - **recommended**
2. The Council can amend this policy or request the CEO to make amendments and resubmit to Council.
3. The Council can choose not to adopt this policy and retain its existing Asset Management Policy.

Conclusions

Asset Management is perhaps Council's most significant core function. A policy providing the bedrock for an asset management framework is essential.



Policy

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ASSET MANAGEMENT

Strategic Outcome:	Our Infrastructure.	
Policy type	Statutory	
Date of Adoption:	19 June 2024	Minute Number:
Date for Review:	20 May 2026	
Responsible Officer:	Director Infrastructure	
Document Control:	Replaces Asset Management Policy adopted 15 April 2020	
Delivery Program Link:	IN5.1 Council's assets are actively managed across their lifespan	

1. POLICY STATEMENT

The management of the community's assets is a priority of the community and is included in the Community Strategic Plan.

Berrigan Shire Council (Council) has invested significant funds in community assets over many years in order to service the needs and enhance the quality of life of the communities within the Local Government Area (LGA).

The importance of these assets to our community and their significance in relation to Council's budgets means that asset management must be a critical part of Council's planning and service delivery. Council faces many challenges in maintaining a financially sustainable position and pressures as roads, footpaths, buildings, and drains get older and require additional maintenance and ultimately renewal.

Council needs to balance the need to fund the renewal and maintenance of assets with maintaining a healthy financial position. This sometimes involves difficult choices and requires community input and feedback.

This Policy acknowledges that within the limited resources of Council, not all infrastructure assets managed by Council on behalf of the community can be maintained at a level which meets community expectations at all times, but through good asset management practices Council can prioritise its resources to obtain the best value for its expenditure on asset management.



Policy

Council acknowledges it has a duty and responsibility to maintain the community's assets to ensure that optimum usage is achieved, and the community's expectations are met. To help achieve this, Council makes the following commitments to the community:

- Council will engage the community on the standard of services, as defined in the Asset Management Plans, they need and can afford,
- Council will define the level of service required, after consultation with the community and considering the cost of service.
- Council will maintain a register of our assets and we will understand their condition,
- Council will consider the whole of life and long-term costs of acquiring, maintaining and disposing of assets and will renew assets over their lifecycle to minimise long term costs,
- Council will prepare an Asset Management Plan which will influence the Long-Term Financial Plan and Workforce Plan, and integrate with the Delivery Program and Operational Plan, and
- Council will continuously improve our asset management practices.

2. PURPOSE

The objective of this policy is to ensure adequate provision is made to ensure the community's assets meet a level of service set by Council in consultation with the community, to the best of the Council's ability. This includes:

- ensuring Council's services and infrastructure are managed in a sustainable manner, by taking a whole of lifecycle approach to the management of the operations, maintenance, renewal, upgrade and construction of new assets.
- safeguarding Council's physical assets by implementing appropriate asset management strategies and allocating appropriate financial resources for those assets by integrating Asset Management Plans, the Long-Term Financial Plan Workforce Plan and the Combined Delivery Program and Operational Plan.
- creating an environment where all Council employees take an integral part in the overall management of Council assets by creating and sustaining asset management awareness throughout the organisation by training and development.
- meeting legislative requirements for asset management.
- ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.



Policy

- Demonstrate transparent and responsible asset management processes which align with the principles embodied in this policy.
- Consider adaptation and reuse of existing assets as the first step, prior to any new construction.

3. SCOPE

The Asset Management Policy applies to (but is not limited to) the assets across the local government area, including at Council facilities listed below:

Roads and bridges	Carparks	Kerb and gutter
Stormwater infrastructure	Sewer infrastructure	Water infrastructure
Footpaths and shared paths	Buildings	Sporting infrastructure
Park accessories	Playgrounds	Streetlighting
Aerodromes	Saleyards	Cemeteries

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective IN5.1:

Council's assets are actively managed across their lifespan

5. DEFINITIONS

Asset register: A record of asset information, typically held in a spreadsheet, database or software system, including asset attribute data such as quantity, type and construction cost.

Condition assessment: The inspection, assessment, measurement and interpretation of the resultant data, to indicate the condition of a specific component so as to determine the need for some preventative or remedial action.

Critical assets: Those assets that are likely to result in more significant financial, environment and social cost in terms of impact on organisational objectives.

Function: The ability of the physical infrastructure to meet program delivery needs.

Level of service: The defined quality of a particular activity or service area against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental acceptability and cost.



Policy

- Planned maintenance:** Maintenance which is periodic (necessary to ensure the reliability of an asset), predictive (condition monitoring activities used to predict failure) or preventative (initiated without routine or continuous checking and is not condition based).
- Renewal:** Works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability.
- Unplanned maintenance:** Corrective work required in the short term to restore an asset its working condition so it can continue to deliver the required service or maintain its level of security and integrity.
- Utilisation:** Represents the ability of the physical infrastructure to meet service delivery needs.
- Whole of life cost:** A total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs

6. POLICY IMPLEMENTATION

6.1 Principles

Asset Management Principles embodied in this Policy are:

- Asset management is a critical part of Council's planning and service delivery.
- A consistent Asset Management Strategy must exist for implementing systematic asset management, based on industry accepted practice throughout all directorates of Council,
- All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management
- Asset management principles will be integrated within existing planning and operational processes.
- Asset Management Plans will be developed for major service/asset categories. The plans will be informed by community consultation and Council's financial capacity to implement the Plans.
- An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.



Policy

- Asset renewals required to meet agreed service levels and identified in adopted Asset Management Plans will be captured in the Long-Term Financial Plan and will form the basis of annual budget estimates. Every endeavour will be made to adequately fund these renewal requirements within the constraints of Council's financial capacity.
- Service levels defined in adopted Asset Management Plans will form the basis of annual budget estimates with the service and risk consequences of variations in defined services levels and budget resources documented in budget documentation.
- Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Systematic and cyclic reviews will be applied to all asset classes and are to ensure the assets are managed, valued and depreciated in accordance with appropriate industry practice and applicable Australian Standards.
- Whole of life cycle costs will be reported and considered in all decisions relating to new assets and upgrading of existing services and assets.
- Service levels will be detailed in the Asset Management Plans and determined in consultation with the community.
- Asset and financial management information will be provided to councillors.
- Risk associated with the ownership and operation of assets should be understood, with plans in place to address and respond to the elimination or mitigation of those risks.

6.2 Service levels

To achieve the objectives listed in this policy Council must increase its understanding of its owned asset base and the expectations of the community in relation to the maintenance of these assets.

To achieve these objectives the following is necessary:

- Community service levels are to be based on condition, utilisation, and functionality ratings and informed by the cost of delivery.
- Service levels are to be explained in the Asset Management Plans. The community must be engaged about the service levels in these plans. The outcomes of community engagement must be considered in the development of these service levels.

6.3 Planning and budgeting



Policy

Council will adopt whole of life cost analysis for the management of infrastructure assets. Each asset will be condition assessed and included in the asset management system. Projections of the life cycle of each asset will be extrapolated from data including current condition, intervention levels and forecast maintenance requirements.

Council will regularly review its asset stock and identify opportunities for asset rationalisation and condition improvement, or asset renewal as required.

6.4 Renewal and maintenance

Annual planned maintenance and renewal plans will be developed using asset condition data and incorporate corresponding financial data.

All asset condition data will be captured in accordance with the inspection regimes as documented in the applicable Asset Management Plan.

All services shall be regularly benchmarked to ensure Council is adopting industry accepted practice.

6.5 Risk assessment and management

Council will maintain a program of regular inspection of assets under its control to ensure it is aware of the condition of all assets and to identify potential hazards in the asset base to be minimised.

Council will maintain a Workplace Health and Safety (WHS) System for its employees and contractors working on Council assets.

Council will consider risk associated with each asset category in its Asset Management Plans.

6.6 Accounting

Council will maintain detailed asset registers for those asset categories as listed in this policy in accordance with the current applicable accounting standards.

Assets will be valued in accordance with accounting standards.

Useful lives will be assigned to each asset, with the written down value and depreciation determined annually.

Depreciation charges will be calculated for all assets on an applicable basis in accordance with relevant accounting standards

6.7 Asset Management Strategy and Plans



Policy

Council will develop Asset Management Plans for each asset category listed in this Policy, either individually or combined in larger categories. They need to include service levels, and long-term projections of maintenance, renewal and upgrade costs for each asset category.

These Asset Management Plans will be subjected to annual review and update.

The Asset Management Plans and the Delivery Program and Operational Plan must integrate.

The Asset Management Plans and the Asset Management Strategy must identify critical infrastructure assets.

Council will develop an Asset Management Strategy to provide direction in the management of assets included in the Asset Management Plans.

The Asset Management Strategy will be subject to review every four years in line with the Integrated Planning and Reporting documents.

6.8 Responsibilities

6.8.1 Councillors

- To act as custodians of community assets.
- To adopt and endorse the Asset Management Policy, Strategy and Plans.
- To use the information contained in Asset Management Plans to support decision making.

6.8.2 Executive Leadership Team

- To foster and support the principles of asset management.
- To use the information contained in Asset Management Plans to prioritise the maintenance and renewal of assets and support decision making
- To ensure organisational resources are appropriately utilised to address the organisation's Asset Management Plans and priorities.

6.8.3 Director Infrastructure

- To maintain the Asset Management Policy and procedures to implement the Policy.
- To monitor and champion the implementation of the asset management framework within the organisation.
- Facilitate the alignment of the asset management framework with everyday practice.
- Provide linkage between the community, key stakeholders and the Council's asset managers on management of Council assets.
- To encourage continuous improvement, innovation and cost-effective methods to improve asset management practices.



Policy

- To facilitate the development of Asset Management Plans, Asset Management Strategy and strategic asset management outcomes with a reporting mechanism to Council executive and the elected Councillors.

6.8.4 Asset owners

- To ensure the necessary data associated with each asset throughout its whole of life as contained in the Asset Management Plans is captured in the asset register.
- To develop 20-year renewal and maintenance plans for assets included in this Asset Management Policy.
- To develop and implement regimes to assess condition, utilisation and function of assets included in this Policy.
- To review and recommend improvements to the Asset Management Policy, Strategy, Plans and processes, including the asset management improvement plans.
- To promote and raise asset management awareness.
- To assess and manage the risk of asset failure.

6.8.5 Responsible Accounting Officer

- To ensure each asset contained in the asset register contains the current adopted unit rates.
- To ensure costs in regard to capitalisation and disposal of assets are entered into Council's asset register.
- To ensure the appropriate depreciation rate is allocated to each asset category and class. • To interpret Accounting Standards to ensure Council's asset information is compliant.
- To provide final approval of all asset revaluation financial data and provide associated supporting documentation to Council's external auditors.
- To provide the Executive Management Team and the Elected Councillors with requested scenarios on funding infrastructure maintenance and renewal.

7. **RELATED LEGISLATION, POLICIES AND STRATEGIES**

7.1 **Legislation**

- *Local Government Act 1993*
- Local Government (General) Regulation 2021
- Australian Accounting Standards (AASB116, AASB108, AASB136)
- AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines
- International Infrastructure Manual

7.2 **Council policies and guidelines**

- Governance Policy



Policy

- Code of Conduct
- Asset Management Strategy
- Asset Management Plans
- Community Strategic Plan
- Long Term Financial Plan
- Delivery Program and Operational Plan
- Workforce Plan

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every two (2) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

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

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

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

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

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Policy

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15 April 2020	New Policy document	Director Technical Services
2.0		Major revision (detail)	Director Infrastructure



8.11 Land Acquisition and Disposal Policy

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Land Acquisition and Disposal Policy - June 2024 - for adoption.pdf

Recommendation

That the Council adopt the Land Acquisition and Disposal Policy attached to this report.

Purpose

This policy asks Council to consider the adoption of a land acquisition and disposal policy.

Summary

Council does not have a formal framework for decisions around the acquisition and disposal of land.

Previously, Council was not particularly active in the property market with most land transactions relating to the sale of developed land on a market basis. This has changed in recent years and is expected to continue to increase in future years as new and expanded infrastructure is required.

On this basis, it is important Council has a firm framework to ensure it meets its probity, transparency and regulatory obligations while obtaining best value for Council.

The purpose of the draft policy is to:

- ensure Council has open and accountable processes to consider the acquisition and disposal of land or its interest in land,
- ensure best value is achieved in Council land dealings and
- establish the criteria under which Council will consider acquisition and disposal of land or its interest in land.



Background

The proposed policy includes a general principle to be followed by Council officers when dealing with land.

Council (as custodian of public assets) acquires and disposes of all property interests in open market format to ensure due probity of process and optimal financial return (and minimal risk).

All dealings in Council land can only be achieved through a resolution of Council.

It includes seven assessment criteria to determine whether a piece of land should be retained and developed for the community or developed and sold to realise its commercial potential.

1. Statutory influences
2. Existing usage
3. Potential future use
4. Spatial distribution
5. Conservation value
6. Site constraints and opportunities
7. Maintenance issues.

The policy states all sale of property should be by competitive process. This could be via tender, public auction, private treaty or expression of interest – other than in limited circumstances where direct negotiation would be appropriate.

For completeness the policy also provides direction on other interests in land such as covenants and easements.

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

The proposed policy is designed to assist the Council meet the following strategic objective under Berrigan Shire 2040.

CL.5 Manage people, assets, resources and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.

The policy will also inform the reviews of the Council's Asset Management Plans scheduled for the next term of Council.

Issues and Implications

Policy

This policy should be interpreted to be consistent with Council's Governance Framework and Procurement and Disposal Framework.

Financial

Acquisition and disposal of land can have significant costs to Council. Any process should look to manage this risk and assist in achieving best value.



Legal / Statutory

[Section 55\(3\)\(d\) of the Local Government Act 1993](#) exempts the sale and purchase of land from the requirement to tender. This does not mean Council does not have to follow a transparent and accountable process that meets its probity obligations.

The proposed policy provides this framework.

[Section 186 of the Act](#) sets out for what purpose Council can acquire land. This is very general. S186(1) states “A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.”

The *Land Acquisition (Just Terms Compensation) Act 1991* governs any process where Council is seeking to compulsorily acquire land.

Community Engagement / Communication

There is no formal requirement to consult with the community on the sale of operational land.

Where Council wishes to sell Community land, it will need to re-classify the land in question and that requires consultation.

Human Resources / Industrial Relations (If applicable)

NIL

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

Transactions in land can expose Council to significant financial risk.

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



Non-compliance with Council's statutory obligations could see action taken against Council.

3. 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

Land transactions, especially the sale of community land and the compulsory acquisition of land, can be topics of intense community interest and concern.

Options

1. Council can adopt the policy as attached – **Recommended**.
2. Council can make revisions to the policy or request staff revise and bring back to a future meeting.
3. Council can choose not to adopt a policy.

Conclusions

A framework for acquisition and disposal of Council land is desirable and should be in place.



Policy

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LAND ACQUISITION AND DISPOSAL

Strategic Outcome:	CL. Our Civic Leadership	
Policy type	Strategic	
Date of Adoption:	15 May 2024	Minute Number:
Date for Review:	17 May 2028	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New policy	
Delivery Program Link:	CL.5 Manage people, assets, resources and risks responsibility to support the Council's ongoing viability and maximise value for money for ratepayers	

1. POLICY STATEMENT

Berrigan Shire Council will from time to time acquire or dispose of land or its interest in land, including road reserves.

It is important all acquisition and disposal of Council land is open, transparent and in the best interest of the Council and the community.

2. PURPOSE

The policy aims to:

- Ensure Council has open and accountable processes to consider the acquisition and disposal of land or its interest in land.
- Ensure best value is achieved in Council land dealings.
- Establish the criteria under which Council will consider acquisition and disposal of land or its interest in land.

3. SCOPE

This policy applies to all acquisition and disposal of Council lands or its interests in land including easements over private property.

4. OBJECTIVE



Policy

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

CL.5 Manage people, assets, resources and risks responsibility to support the Council's ongoing viability and maximise value for money for ratepayers.

5. POLICY IMPLEMENTATION

5.1 General principle

Council (as custodian of public assets) acquires and disposes of all property interests in open market format to ensure due probity of process and optimal financial return (and minimal risk).

All dealings in Council land can only be achieved through a resolution of Council.

5.2 Land acquisition

Section 186 of the *Local Government Act 1993* prescribes for what purposes Council can acquire land.

Properties are to be identified taking into consideration the purpose for which they need to be acquired, the strategic nature of such properties and the value that such properties have to the community.

Where properties are listed for sale on the open market, Council officers shall negotiate the terms of purchase with either the vendor or the vendor's agent.

Where properties are not listed on the open market, council officers will arrange a valuation report as a basis for negotiation and the valuation report shall be attached to the report submitted to Council, as required. In the event of a formal valuation being obtained, this shall be used as a guide in any negotiations and subsequent report to Council.

For all land and easement acquisitions for properties not listed on the open market, the acquisition must be undertaken in strict accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. Authority to compulsorily acquire land is granted under the *Roads Act 1993* or the *Local Government Act 1993*.

Any negotiations are to be conducted on the basis that a formal offer cannot be made until Council has considered a report authorising purchase of the property.

At the time of acquisition, Council must resolve the classification of the land to be either Operational or Community land.

5.3 Land disposal

5.3.1 Assessment



Policy

Land and buildings are to be tested against a number of criteria to determine whether the property is retained and developed for community use or developed or sold to realise its commercial potential.

The seven (7) criteria contained in the assessment are:

1. Statutory influences (restrictions or limitations) – are there statutory reasons for the Council ownership of the property? This will extend to actual or implied trusts that have been established as a result of Council's acquisition of the land.
2. Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs?
3. Potential future use – is the land or road likely to be required for Council's operational needs.
4. Spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community?
5. Conservation value – does the land or road have cultural, natural or heritage value that should be maintained?
6. Site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to [but not restricted to] flood liability, land slip, mine subsidence or other physical impairment?
7. Maintenance issues – what maintenance requirement does Council have for the land?

Should the proposed sale be impacted by any of these matters, it should not proceed unless it can be demonstrated that there is a public and/or economic benefit to the sale or the contract conditions can be structured to ensure that the issue is addressed.

5.3.2 Process

Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, **the sale shall be by competitive process involving public auction, private treaty, tender or expression of interest** unless circumstances warrant sale by Direct Negotiation (as set in clause 5.4.1).

For public auction, the Chief Executive Officer will set the reserve price based on a recommendation of an independent valuer.

5.4 **Direct negotiation**

5.4.1 Conditions for direct negotiation

Council can dispose of land by Direct Negotiation under the following circumstances:

1. Where the total cost of the public sale process will exceed the expected community benefit. For example, where the land is worth \$1,000 and the cost to market the land is \$5,000.



Policy

2. Where there is only one identifiable purchaser. For example, where a site is not large enough for development in its own right (including a portion of road reserve) and is surrounded by public roads on all sides other than the adjoining owner. Where a site adjoins two owners such as laneways, they will each be offered 50%.
3. Where Council is bound by a contractual obligation. For example, a tenant with a first right of refusal, where that tenancy has been entered into as a result of public competition.
4. Disposal of land to a government or utility authority for the purpose of infrastructure provision.
5. Where a public marketing process which has been undertaken within the last 12 months in accordance with this policy has failed to achieve the desired outcome.
6. In response to a proposal which achieves specific policy goals of Council.

This exclusion aims to allow Council to respond to an approach for the development of a unique project. Any such proposal must comprise a concept plan and description of the project and clear demonstration of the achievement of specific policy and strategic goals and objectives of Council, e.g., a land-swap transaction.

The report to Council covering these sales will identify the reasons why this sale process was chosen.

5.4.2 Valuation

Where Council proposes to sell land by direct negotiation, the Council will obtain an independent valuation to establish the market value, considering the highest and best use of the site and any conditions Council may place on the sale.

For land being sold to an adjoining owner, the valuation shall be carried out on an added-value basis and the sale price shall be consistent with the difference in values on a before-and- after basis.

Council recognises that valuation advice is not an exact science, and it is reasonable that a sale price of up to 10% variation from that valuation may be achieved. However, where the negotiated outcome results in a sale price more than 10% less than the assessed market value, it shall be acknowledged in the report to Council giving reason why that variation shall be adopted.

5.5 **Covenants and restrictions**

Restrictions should not be imposed or agreed in relation to Council land unless there is a net tangible benefit to Council or the public and provided the restriction does not unreasonably impact service delivery or the future use or development potential of the land.

The beneficiary of the restriction must compensate Council for any diminution in the market value of the land arising from the restriction, as assessed by Council's independent valuer. All costs associated



Policy

with the restriction including valuer costs should normally be paid for by the person benefitting from the restriction.

5.6 Easements

5.6.1 Easements over Council land

An easement should not normally be granted over Council land unless there is a net tangible benefit to Council or the public and provided the easement does not unreasonably limit service delivery or the future use or development potential of the land.

The person or entity benefitting from the easement should pay full market value for the easement as assessed by Council's independent valuer. All costs associated with the easement including valuer costs should normally be paid for by the person benefitting from the easement.

If the land is classified as community land, easements may not be granted other than for public utilities or if expressly authorised in a Plan of Management

5.6.2 Easements over private land

Council supports the extinguishment of easements it has over private properties when the benefits of the easements are no longer required.

Where Council no longer requires an existing easement(s), such easement(s) can be extinguished provided the landowner pays Council at least an amount determined by a registered Valuer.

If the extinguishment is owner initiated then an application fee together with a deposit to cover the legal, valuation and Council administrative costs as determined annually by Council are to be borne by the owner.

If the extinguishment is Council-initiated then legal and valuation costs are to be borne by Council.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Real Property Act 1900*
- *Land Acquisition (Just Terms Compensation) Act 1991*
- *Local Government (General) Regulation 2021*
- *Tendering Guidelines for NSW Local Government (2009)*
- *Guidelines for the Compulsory Acquisition of Land by Councils (2006)*



Policy

6.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Procurement and Disposal Policy
- Tender Policy
- Leasing and Licencing Council Property Policy

7. RECORDS MANAGEMENT

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

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.

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:

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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.

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Policy

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15 May 2024	New Policy document	Deputy Chief Executive Officer

APPENDICES



8.12 Leasing and Licencing of Council Property Policy

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Leasing and Licencing of Council Property Policy - June 2024 - for adoption

Recommendation

That Council adopt the Leasing and Licencing of Council Property Policy attached to this report.

Purpose

This report proposes Council adopt a Leasing and Licencing of Council Property Policy.

Summary

Council does not currently have a framework for managing the leasing and licencing of Council property to third parties.

The attached policy provides a proposed framework.

The purpose of the Policy is:

- to set out the general principles, criteria and responsibilities for Council and Council Officers to consider in the management of the leasing and licensing of Council Land and
- to ensure impartiality, transparency, accountability and the delivery of best value leasing and licensing Council Land.

Background

At present Council formally leases out 18 properties and has another 7 licence arrangements. Outside this there remain several informal arrangements in place.

The Chief Executive Officer has asked for a review of Council's leases and licences to ensure third parties understand Council requirements in relation to these agreements. In the process of this



review, it became clear Council needed a consistent framework to manage its leases and licences to ensure Council met its legal obligations as well as ensuring the leases meet Council's strategic objectives.

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

The proposed policy is designed to assist the Council meet the following strategic objective under Berrigan Shire 2040.

CL.5 Manage people, assets, resources and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.

The policy will also inform the reviews of the Council's Asset Management Plans scheduled for the next term of Council.

Issues and Implications

Policy

The policy should be read to be consistent with Council's probity and transparency obligations in its Procurement and Disposal Framework and Governance Framework.

Financial

The policy requires that non-commercial arrangements for commercial tenants and/or operational land are transparent and accountable.

Legal / Statutory

Council is bound by its accountability and transparency obligations under the *Local Government Act 1993*. Leasing of Community Land needs to meet the requirements of [s46 of the Act](#).

Leasing and licencing of Crown Land must be consistent with the requirements of the Crown Land Management Act 2016. This includes a requirement to have Crown Land Plans of Management in place for land being leased.

Community Engagement / Communication

The Local Government Act and the Crown Land Management Act both require community consultation before alienating Community Land via a lease.

Human Resources / Industrial Relations (If applicable)

Council does not have a dedicated property management resource in place.

Council has resolved to appoint an external property manager. This policy will provide direction for this external manager.



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

It is important Council has in place a solid framework to ensure it is achieving best value for money for commercial leases.

It is also important Council's financial commitments for non-commercial leases are well-defined and understood.

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

Council has clear probity, accountability and transparency obligations it must meet.

3. 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

Council may be vulnerable to community pressure when leasing Council land to commercial operators. Having a consistent framework in place will assist the Council



Options

1. Council can adopt the policy as attached - **recommended**
2. Council can make revisions to the policy or request staff revise and bring back to a future meeting.
3. Council can choose not to adopt a policy.

Conclusions

A framework for managing leasing and licencing Council land is desirable and should be in place.



Policy

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LEASING AND LICENCING OF COUNCIL PROPERTY

Strategic Outcome:	CL. Our Civic Leadership	
Policy type	Statutory	
Date of Adoption:	15 May 2024	Minute Number:
Date for Review:	17 May 2028	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New policy	
Delivery Program Link:	CL5 Manage people, assets, resources, and risks responsibly to support the Council’s ongoing viability and maximise value for money for ratepayers.	

1. POLICY STATEMENT

Council from time-to-time leases and licences Council Land. In doing so, Council has obligations under legislation that are underpinned by probity, due diligence, analysis of risk, value for money and other key issues.

This Policy is a general guide to the principles and criteria that is to be followed when Council leases or licences Council land.

This Policy describes, generally, the manner in which Council will undertake the leasing and licensing of Council Land and acts to provide Council with:

- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue Council Land leasing and licensing opportunities of merit and pro-actively present such opportunities to Council.

2. PURPOSE

The purpose of this Policy is:

- to set out the general principles, criteria and responsibilities for Council and Council Officers to consider in the management of the leasing and licensing of Council Land;
- to ensure impartiality, transparency, accountability and the delivery of best value leasing and licensing Council Land.



Policy

3. SCOPE

This Policy applies to the leasing or licensing of all Council Land.

This Policy applies to all Councillors, Council Officers and agents of Council and to any other person involved in the leasing or licensing of Council Land.

4. OBJECTIVE

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

CL.5 Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.

5. DEFINITIONS

Lease: A **lease** provides the lessee with exclusive possession over the relevant Council Land (or part of the relevant Council Land) usually for a fixed period.

A lease creates an interest in the land (proprietary right) and confers greater protection than a licence.

A lessee can enforce its rights against third parties (i.e., subsequent owners of the property, if the land is sold).

A lease can be transferred (assigned) to another party but usually subject to the consent of Council.

Licence: A **licence** provides the licensee with non-exclusive rights over the relevant Council Land (or part of the relevant Council Land).

A licence does not create an interest in the land (as the rights are based in contract only).

A licensee cannot enforce its rights against third parties.

A licence is non transferrable (as the rights are based on contract only and are personal to the licensee).

6. POLICY IMPLEMENTATION

6.1 General requirements

6.1.1 Land type



Policy

The classification of Council Land will impact on the agreement type, method of offer to the public and term of agreement.

Under the LG Act, Public Land must be classified as either “Operational Land” or “Community Land”.

Accordingly, land leased or licensed by Council will fall into one of the following groups:

- Public Land – classified as either:
 - Community Land; or
 - Operational Land;
- Crown Land; or
- a Public Road.

6.2 Land types

6.2.1 Community land

Community Land is land which:

- is reserved for community use;
- is of importance to the community because of its use or special features and must be managed according to special guidelines in accordance with the LG Act;
- Council has no power to sell, exchange or otherwise dispose of it;
- there are restrictions on Council’s ability to grant a lease, licence or other estate over the land; and
- must have a Plan of Management prepared for it by Council (in accordance to the *Local Government Act 1993*) or applying to it.

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.

6.2.2 Operational Land

Operational Land is land which:

- is held as a temporary asset or as an investment;
- facilitates the carrying out by Council of its functions or operational activities, such as the provision of public car parks;
- may not be open to the general public (such as a works depot or Council garage); or
- is not required to be managed on behalf of present and future communities or kept for general public use.



Policy

Operational Land has no special restrictions other than those that may apply to any piece of land.

6.2.3 Crown Land

Crown Land is owned by the State Government of NSW and is reserved or dedicated for public recreation or similar purpose and governed by the CL Act.

A lease or licence of Crown Land can only permit the lessee or licensee (as the case may be) to use the land in a way that is consistent with the reserve purpose (as stated when the reserve was dedicated or reserved). However, temporary licences (licences up to one (1) year) can be granted for certain purposes.

6.2.4 Road

Leasing or licensing of a Public Road (or part of a Public Road) is governed by the *Roads Act 1993*

Council is the Roads Authority for all Public Roads within the Council local government area, except for any freeway, Crown public road or any Public Road declared to be under the control of some other authority (i.e. Transport for NSW).

Council may only lease a Public Road to the owner or lessee of land adjoining the Public Road if, in the opinion of Council, the Public Road is not being used by the public.

Note: pursuant to section 153(3) of the Roads Act a lease may be terminated by Council at any time (and the lease should include a clause to this effect).

Any agreement in relation to street vending is to be pursuant to Council's Outdoor Dining and Street Trading Policy

A lease or licence may be granted in respect of the air space above, or land below the surface of, any Public Road (section 149 of the Roads Act). A lease pursuant to section 149 of the Roads Act may not be granted by Council without the approval of the Chief Executive Officer.

6.3 **Retail leases**

Leases of some property will be governed by the *Retail Leases Act 1994*, depending on the permitted use under the lease.

Schedule 1 of the Retail Leases Act sets out the leases to which the Act applies.

The requirements under the Retail Leases Act are in addition to the restrictions and requirements under the LG Act (for Community Land) or under the CL Act (for Crown Land).



Policy

There are certain procedural and disclosure requirements for retail leases including for Lessor's and Lessee's Disclosure Statements which must be given to the proposed lessee prior to the lease being entered into by Council and the proposed lessee.

6.4 Determining rent

6.4.1 Retail and commercial leases

Commercial leases are leases where the lessee operates a business in, undertakes commercial activities on, obtains income from and/or there is a private gain from the use of, the premises.

Examples of commercial leases are:

- leases of kiosks, restaurants, shops, offices and other premises used for the operation of a business;
- leases of childcare centres to a person or company which operates a for-profit service; and
- a lease to a lessee which sub-licences or hires the premises for profit.

Retail leases are usually commercial leases.

Current market rent will be charged by Council on all commercial leases.

If there is a direct negotiation with one potential lessee only, the current market rent will be determined by an external Valuer or otherwise by a practising real estate agent.

If Council selects the lessee by a competitive process (i.e., auction, tender or expression of interest), the current market rent may be, but is not restricted to, the highest rent offered in a complying proposal.

6.4.2 Non-profit and commercial leases

Leases may be granted to non-profit, sporting and community organisations for non-commercial purposes for below market rent.

A minimum rent may be applied to all leases, at the same minimum rate applicable to Leases of Crown Land (as determined by Crown Lands NSW).

The following are relevant factors in Council's assessment of the community benefit from a proposed lease and its decision to grant a lease to a non-profit organisation and accept less than current market rent:

- the identity of the organisation, its Constitution and its aims and objectives;
- its history and experience;



Policy

- the length of time it has been based in the Council local government area and/or its connection with the Council local government area;
- its funding sources and financial position;
- the services it offers;
- whether there are other organisations in the Council local government area offering the same or similar services and whether there is a shortage of such services;
- whether such services are most efficiently delivered by Council providing subsidised premises to the organisation or another organisation or by Council providing the services itself or by making monetary grants to another organisation;
- the clients and/or members of the organisation (the rent discount may be higher if the organisation is local and if it is delivering services mostly to the residents of the Council area);
- whether the lessee generates income from the premises and, if so, whether the income generated from the premises is used for the leased premises only or the services of the local community. If the lessee is remitting income earned from the premises to its other services outside the Council local government area, higher rent may be charged (but not exceeding current market rent);
- the costs and expenses incurred by Council in owning and leasing the premises, including staff administration time (the minimum rent should, where possible, cover Council's costs);
- the costs and expenses Council would incur for the maintenance and other expenses if it did not lease the premises (that is, the savings by Council if a lessee undertakes the maintenance and repairs instead of Council providing the service and maintaining the premises itself);
- any capital works to be done by the lessee (see clause 5.3 of this Policy); and
- whether the lessee is competing with other services or businesses and, if so, whether the lease at less than current market rent provides an unfair advantage to the lessee over its competitors.

Council recognises that many existing lessees of Community Land and Crown Land, notably sporting bodies and community groups, have strong historical and/or social and/or recreational ties to the facilities they use. In some cases, they have contributed cash or in kind to the development of these facilities.

In considering new or continued leases or licences for such facilities, Council will take these factors into account and may, in its absolute discretion, not require expressions of interests or tenders (except where required by the LG Act) and will negotiate the lease directly with the relevant lessee.

It cannot be assumed that a new lease will be granted to the same non-profit lessee at the end of a lease.

Council will consider the issues of the community benefit on each occasion a new lease is to be granted by Council. In deciding whether to grant a new lease to the same lessee, Council will (in addition to the above) consider:



Policy

- the extent of compliance by the lessee with the lease throughout the term, including whether the lessee has properly maintained the premises as required and/or if the lessee has completed any work it has to do in a satisfactory manner;
- whether demand for the service has increased or decreased;
- whether demand by other groups for access to these or similar premises has increased or decreased, and whether it is equitable for one organisation to have on-going exclusive use;
- whether the membership/clientele of the lessee has increased or decreased; and
- whether renewals of leases to the same lessee for less than current market rent result over time in effective or perceived privatisation of Council Land without proper return to the public.

A non-profit organisation requesting a new lease or a renewal of a lease of Council Land at less than current market rent is expected to provide Council with all information requested by Council to enable Council to assess the community benefit.

A lease to a non-profit, sporting or community organisation for less than current market rent will contain provisions in the lease to ensure that it is (and continues to be) in the interests of the public.

6.4.3 Capital works

If the lease requires the lessee to undertake capital works or improvements to the premises, the lease will state that the works (or improvements resulting from such works) are or will become the property of Council or the Crown (as the case may be).

Capital works undertaken by the lessee do not give the lessee any interest or claim in the works or improvements or the premises (beyond what is in the lease) nor does it give the lessee any claim to the premises or improvements after the termination of the lease.

Undertaking capital works during the term of a lease does not entitle the lessee to demand a new lease following the termination of the lease.

Care is to be taken if the rent payable is reduced as a result of capital works to be done by the lessee. Capital works by the lessee may only be a return to the public if, following termination of the lease, Council is able to rent the premises for a higher/market value having regard to the improvements which have been made by the lessee (which become the property of Council or the Crown (as the case may be)).

If the lease term is very long and/or if renewals of leases of premises are continuously granted to the same lessee, capital works may benefit only that lessee (or are part of its use of the premises as lessee) and do not provide compensation to the public for the use of the Council Land.

6.5 **Selecting lessees/licences**

Council officers are to consider the processes for a lease or licence:



Policy

- approximately 6-12 months prior to the expiry date of a current lease or licence; or
- as early as possible before the anticipated commencement of a new lease or licence.

A lease or licence of Council Land may be offered by one of the following means (unless Council is required by legislation to offer the lease or licence in a specific way):

- Advertised as an "Expression of Interest"
- Advertised "For Lease/Licence"
- Offered direct to Potential Lessee/Licencee

Council Officers are to give direct notice of the advertisements (or invitation to lodge tenders or expressions of interest) to any existing lessee/licensee of the premises.

6.5.1 Advertised as an 'Expression of Interest'

This option is appropriate in the following circumstances:

- the use of the Council Land is unclear;
- the rental value is unknown;
- there is potential for interest from multiple parties;
- the works to be carried out prior to leasing or licensing are unknown; or
- Council has identified that the relevant Council Land has lease/licence potential.

Invitations to lodge tenders or expressions of interest are to be made public in a manner likely to bring it to the attention of interested parties and on the Council website.

Expressions of Interest will be assessed by a panel of at least two Council Officers.

6.5.2 Advertised 'For Lease'/'For Licence'

This option is appropriate when the value and potential use of the land is clearly known by Council and it is likely that more than one potential lessee/licensee may have an interest in the relevant Council Land.

Potential lessees/licensees or groups are to respond by completing an application form. Council may elect to engage the services of a real estate agent.

Applications will be assessed by a panel of at least two Council Officers.

6.5.3 Offered Direct to Potential Lessee / Licensee

This option is appropriate when the potential lessee or licensee already has a relationship with Council regarding a property and it is advantageous to both parties for the relationship to continue.



Policy

Potential lessees/licensees may be asked to respond to a prepared proposal.

6.6 Other considerations

6.6.1 Agistment

Council may enter into an agreement with another party for that party to agist cattle, horses or other animals on Council Land. Such an agistment agreement will be by way of a licence.

The term of an agistment agreement must not exceed five (5) years.

(At the expiry of an agistment agreement the land may be offered to the current licensee (agistee) for a further term subject to a market fee review.

When Council wishes to offer Council Land for agistment; or at the expiry of an agistment agreement:

- Council does not offer the current licensee (agistee) a further term; or
- Council offers the current licensee (agistee) a further term and the licensee (agistee) does not wish to renew the agistment agreement,

the land is to be advertised in the local paper and Council website calling for expressions of interest to determine the most suitable agistee.

6.6.2 Instructions

Once the lessee or licensee has been determined and the terms of the lease or licence have been negotiated, Council's Property Officer will be responsible for:

- providing instructions to Council's legal services provider for the preparation of the lease or licence;
- arranging for the execution of the documents by all parties;
- where applicable, the inclusion in the Council Meeting Agenda (under Documents for Sealing);
- registration and/or completion of the lease (if applicable);
- arranging access to the property on the commencement date;
- preparation of the debtors advice to Finance;
- updating the Lease Register; and
- monitoring the review of the fees and terms of the lease or licence

6.6.3 Insurance

All lessees and licenses must effect and maintain the appropriate insurance policies for their permitted use throughout the term of the lease or licence



Policy

These policies will include:

- public liability insurance not less than \$20 million;
- workers or accident compensation (if required);
- contents insurance (if required); and
- any other insurance required by Council.

The lessee/licensee must provide Council with a copy of the relevant Certificate of Currency during each year of the term.

6.6.4 Current market value

For leases or licences of Public Land, Council must obtain a current market review of the rent or licence fee every 5 years.

The current market review can be by way of:

- full market valuation by a Valuer; or
- appraisal by a suitably qualified practising real estate agent (experienced in leasing/licensing of similar properties).

Where a current market review is required under the terms of the lease or licence, then the current market review must be undertaken in accordance with the requirements of the lease or licence.

Council is not bound by any current market review (unless such current market review is required under the terms of the lease or licence). However, Council should consider the current market review in determining the rent or licence fee payable.

6.6.5 Execution of lease or licence

Leases should be executed by Council under the Council Seal (in accordance with Council's Use of Council Seal Policy) pursuant to regulation 400 of the Local Government (General) Regulation 2021.

Licences do not have to be executed by Council under the Council Seal. Licences may be executed by Council by being signed by an authorised delegate of Council pursuant to section 377 of the LG Act.

6.7 Departure from the policy

Any provision of this Policy may be varied to meet the needs of a particular matter, by resolution of Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES



Policy

7.1 Legislation

- *Local Government Act 1993*
- *Crown Land Management Act 2016*
- *Roads Act 1993*
- *Retail Leases Act 1994*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Use of Council Seal Policy
- Capital Works on Community Facilities Policy
- Outdoor Dining and Footpath Trading Policy
- Acquisition and Disposal of Land Policy
- Commercial Activities Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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



Policy

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15 May 2024	New Policy document	Deputy Chief Executive Officer

APPENDICES

- Appendix A – Kell Moore Lease/Licence Flowchart



8.13 Rural Doctors Network NSW - Bush Bursary

Author:	Director Strategic Planning and Development, Andrew Fletcher
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.3. Strengthen the inclusiveness and accessibility of our community
Council's Role:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	Nil

Recommendation

That Council:

1. defer participation in the NSW Rural Doctors Network (RDN) Bush Bursary program for 2024 and
2. direct the CEO to determine staff time and other expenses of the program and if required based on a Council decision, nominate a staff member/position (at an additional cost) for participation in the 2025 placement.

Purpose

This report proposes the Council defer participation in the NSW Rural Doctors Network (RDN) Bush Bursary program for 2024 on the basis that Council have limited staff and the employee who undertook the task is no longer able to fulfil the role.

Background

The NSW Rural Doctors Network (RDN) is a not-for-profit, non-government charitable organisation that *"works to create and sustain access to quality multidisciplinary healthcare for all Australians – no matter where they live."*

RDN state its purpose is to *"improve the health and wellbeing of people living in remote, rural, regional, Aboriginal and disadvantaged communities, particularly those in New South Wales (NSW) and the Australian Capital Territory (ACT)."*

In support of this purpose, the RDN has an active in health workforce recruitment in rural areas. One initiative it administers is the [Bush Bursary and CWA Scholarships program](#).

The Bush Bursary and CWA Scholarships provide selected medical students in NSW and the ACT with funding to assist with costs associated with their studies. In return, students spend two weeks on a rural placement in country NSW during their university holidays.



The placement aims to provide a rural immersion experience by combining the enjoyable aspects of country life and rural medicine.

The scholarships are offered annually selected medical students in NSW and the ACT and are financially supported by the rural councils of NSW, the Country Women's Association and NSW Rural Doctors Network (RDN).

Council's role

Rural councils and council-assigned community contacts are encouraged to work collaboratively with RDN to facilitate placement programs.

In practice, the main responsibilities of councils participating in the program are as follows:

- provide accommodation for students for the duration of their stay in the LGA,
 - in the event that non-council and non-health service accommodation, and therefore payment, is required, a maximum of \$500 will be deducted from the student's funding amount, with RDN to pay the balance,
- work with health care facilities and other key stakeholders to be involved in the placement to determine an appropriate time to undertake the placement, specifically ensuring health care facilities will have the capacity to host the students during their stay,
- link with health care providers and services within the community to engage in the program and collaborate with them to arrange time(s) for students to undertake placements within the facilities,
- link with social and community groups (i.e. CWA, Rotary Club, etc.) to engage in the program and arrange time(s) for students to meet the respective groups and individuals, ensuring rich social and community engagement over the course of their stay,
- ensure all services, accommodation, and social/community groups are safe for student engagement,
- provide students with a placement itinerary at minimum two weeks before the start of their placement and
- be the main point of call to provide on the ground support within the community in the case of unforeseen circumstances (i.e. becoming locked out of accommodation).

Issues and Implications

In 2020, Council's Economic Development Manager undertook a review of Council's scholarship programs in 2020.

The report made the following findings on the Bush Bursary:

The Bush Bursary has failed to deliver an economic development outcome for the Berrigan Shire. The Council has participated in this program over an extended period of time with no direct result back into the LGA. Whilst participation in this program demonstrates the Council's preparedness to be a good corporate citizen it is felt that the value of the program was diluted in 2020 with two students participating for the same funding.

Recommendation: That the Council terminates its relationship with the Rural Doctors Network and the Bush Bursary.



This recommendation was accepted in March 2020 and Council had not participated until 2024.

In 2024, the officer who managed the program has identified there is considerable work involved, which includes the weekends. The officer has outlined the following:

- **Accommodation** – Finding accommodation was extremely hard and often booked out by locum staff or could not provide in a local home, became so difficult that one of the students stayed at the officers home.
- **Maps** – Had to make maps of each town and destinations. Provided a full itinerary and contact details.
- **Tour** – On the first day take them around to each destination to meet with the hosts and give them a rundown of the facts, figures and economics of each town including Cobram with lunch in Tocumwal or Barooga dependent on what was open.
- **Contacts** – Have to contact and organise with multiple users, Berrigan Pharmacy, Berrigan Uniting, Berrigan Medical Centre, Cobram Medical Centre, Finley Dental Clinic, Finley Medical Centre, Finley Regional Care, Finley Hospital, Finley Ambulance, Finley Veterinary Centre and Tocumwal Medical Centre. Did not receive response or positions from all.
- **Other Options** – Tried to organise visits to schools (generally unsuccessful) and visit the Berrigan and Tocumwal Hospital who are usually only willing to spare an hour.
- **Weekend Activity** – Officer used to do the drive around to the wineries on the weekend and Corowa Chocolate Factory, markets, etc.

As can be seen above, to ensure its success, the role requires a dedicated officer and at present we do not have any one suitable, able, or willing to provide this level of service. The weekend work, under the Award, should be paid at time and a half and double time. Council cannot ask, nor expect an employee to volunteer to undertake this role.

It is noted this is not a council function and, from previous advice, there still seems to be no direct results or benefits to local government.

Financial

The direct cost to Council is approximately \$3,000. The main indirect cost is staff time coordinating the placement before and during the visit. Given staff would be paid time and a half and double time as per Award for working on weekends, plus the time taken to arrange the visit and supervise during their stay, it is estimated the indirect cost to Council would be approximately a further \$6,000 - \$10,000 (based on an employee paid at \$32/hr). The work would include two weekends full time work, around 20 hours each week of engagement and driving the person around and approximately 10 hours preparation work.

This does not include consideration of the value to the community the work may provide.

Community Engagement / Communication

Although not a Council service, the bursary provides an opportunity to support and advocate for improved access to health professionals in the area.



Human Resources / Industrial Relations (If applicable)

As discussed above, the Council's role in supporting the bush bursary requires a significant input of staff time, noting presently we do not have an officer able or willing to assist.

There may be an opportunity to outsource this to a volunteer organisation which has not been presently explored. Alternatively, the elected members may wish to be involved in the process.

Risks

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

1. Financial

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

The worst-case scenario for Council is the loss of \$3,000.

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

While most students placed at Berrigan Shire have been excellent, there has been an incident which reflected poorly on the Council and did not help Council in finding hosts for future placements.

3. People and culture

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



There would be an impost of any staff responsible for arranging the placement, however as outlined, we have not been able to find a suitable staff member and the previous staff member is leaving the organisation.

Options

1. Council can choose to defer with a placement in 2024 and reconsider the following year. Applications have to be lodged by 1 July 2024.
2. Council can proceed with a RDN NSW Bush Bursary Placement for 2024, but would need to find a suitable staff member, volunteer or elected member who is willing to manage the placement.

Irrespective of the option, Council should consider its role in the program, review the cost and benefit and/or determine if any other group could be the relevant contact and organiser on behalf of Council.

8.14 Draft Integrated Plans

Author:	Administration Support - Building & Planning, Melissa Kennedy
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Asset ManagementStrategy 2023-2033.pdf (under separate cover)2. Workforce Development Plan 2022-2026.pdf (under separate cover)3. Fees-and-Charges-2024-2025.pdf (under separate cover)4. Annual Operational Plan 2024-2025.pdf (under separate cover)5. Delivery Program 2024-2028.pdf (under separate cover)6. Long Term Financial Plan 2024-2034.pdf (under separate cover)

Recommendation

That Council:

1. Adopt the following plans and strategies and policy:
 - Reviewed the Asset Management Strategy 2023 – 2033
 - Reviewed the Workforce Development Plan 2022 – 2026
 - Long-Term Financial Plan 2024 – 2034
 - Delivery Program 2024 – 2028
 - Annual Operational Plan 2024 – 2025
 - Schedule of Fees and Charges included in the Annual Operational Plan 2024 – 2025
 - Statement of Revenue Policy included in the Annual Operational Plan 2024 – 2025

Report

In accordance with the timetable adopted by the Council at its Ordinary Council Meeting 15 May 2024, Council Officers presented for adoption as Draft the following:

- Long-Term Financial Plan 2024 – 2034

- Delivery Program 2024 – 2028
- Annual Operational Plan 2024 – 2025, including
 - Schedule of Fees and Charges 2024 – 2025
 - Statement of Revenue Policy 2024 – 2025
 - Annual Budget 2024 – 2025

Presented for Council adoption is the reviewed Resourcing Strategy. The Reviewed Resourcing Strategy includes:

- Reviewed Asset Management Strategy 2023 – 2033
- Reviewed Workforce Development Plan 2022 – 2026
- Long Term Financial Plan 2024 – 2034

The Annual Operational Plan 2024 – 2025 includes new actions and endorsed for inclusion in the Council's Delivery Program:

- Upgrade Council's internal Information Technology systems and software in the short term. This includes implementation of a new Enterprise Resource Management System which will allow Council to create efficiencies in its workflows and enable a better Customer Experience for our community.
- Replace 5 community building roofs in Berrigan, Finley and Tocumwal.
- Commission the new water treatment plant at Barooga.
- Reconstruction of Murray Street, Finley between Wollamai and Pinnuck Streets (in conjunction with TfNSW).
- Concept studies for upgraded sewerage treatment at Tocumwal and Barooga.

The Annual Operational Plan 2024 – 2025 also includes summary commentary on the Council's budget, the budget and the detail of the Capital Works budget, as well as an update to the Council's Fees and Charges. The update includes statutory changes to Planning and Building charges. The statutory changes to Companion Animal charges for 2024-2025 have not been received by Council at time of writing this report.

Within the public exhibition period, Council received no submissions.

To comply with the statutory requirements, the documents have been on public exhibition for 28 days and it is now recommended that the Council's draft suite of integrated plans are adopted.



8.15 Development Determinations for Month of May 2024

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

Recommendation

That Council receive and note this report.

Report

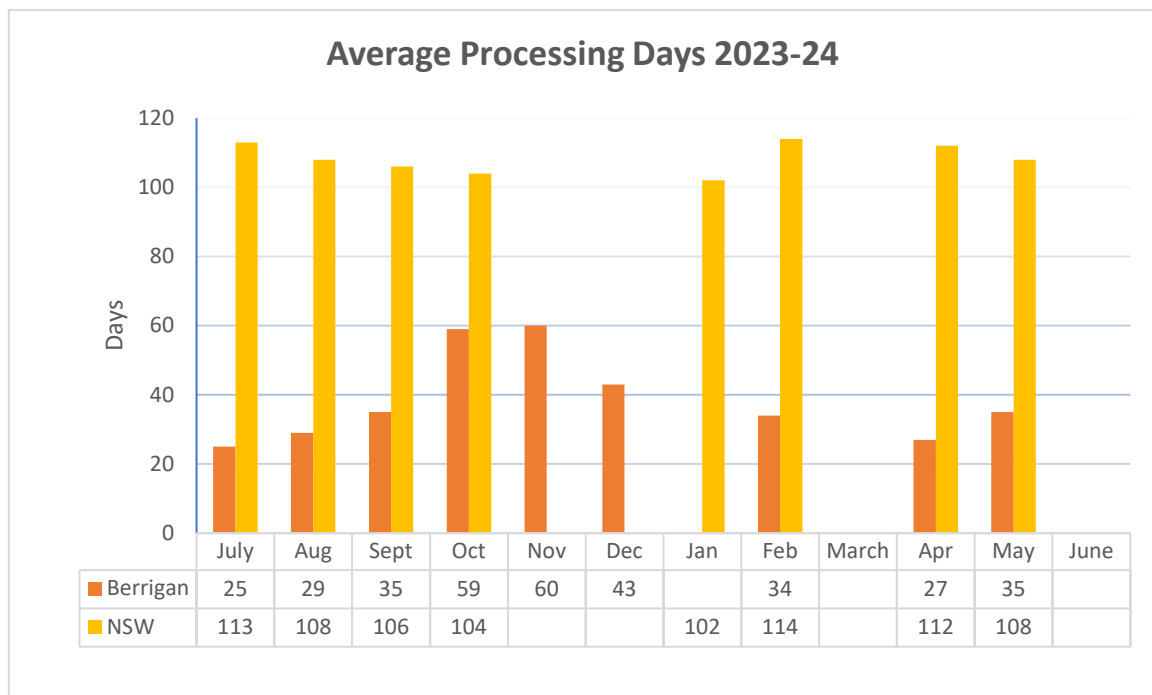
APPLICATIONS DETERMINED FOR MAY 2024

Application	Proposal	Property	Status	Work Value
86/24/DA/D2	Self Storage Units	4 Wise Court, TOCUMWAL	Approved	\$276,900
89/24/DA/D2	Self Storage Units	2 Wise Court, TOCUMWAL	Approved	\$101,387
65/24/DA/D3	Aircraft Hanger	19 Flight Place, TOCUMWAL	Approved	\$270,000
68/24/DA/D5	Residential Storage Shed	49 Hennessy Street, TOCUMWAL	Approved	\$94,596
91/24/DA/D5	Residential Storage Shed	20 Budd Street, BERRIGAN	Approved	\$19,900
83/24/DA/DM	Mural	83-87 Murray Street, FINLEY	Approved	\$7,700
97/24/DA/DM	Tree Removal	1B Riverview Court, BAROOGA	Approved	\$500
84/24/DA/D6	Additions to Dwelling – 2 nd Storey	15 McIntyre Field View, TOCUMWAL	Approved	\$500,000



Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (May 2024)	NSW (May 2024)
Average time taken to determine a Development Application ¹	35	108



Staff have worked through the development application backlogs (increase in DAs determined) and are now seeking to process applications in accordance with the statutory timeframes.

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



APPLICATIONS PENDING DETERMINATION AS AT 31/05/2024

Application No.	Date Lodged	Description	Property Location
53/24/ACT/ZF	23-05-2024	WATER METER CONNECTION	2 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot2//DP1274032)
94/24/DA/D9	27-05-2024	25 LOT SUBDIVISION	60-90 BRUCE BIRRELL DRIVE, TOCUMWAL NSW 2714 (Lot1//DP1291985)
95/24/DA/D5	27-05-2024	GARAGE	21 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot7/1//DP758057)
96/24/DA/D5	27-05-2024	CARPORT	74 RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot73//DP854762)
97/24/DA/DM	28-05-2024	TREE REMOVAL	1B RIVERVIEW COURT, BAROOGA NSW 3644 (Lot2//DP1172277)
98/24/DA/D6	28-05-2024	ADDITIONS TO DWELLING	100 WOLLAMAI STREET, FINLEY NSW 2713 (Lot221//DP1056415)
99/24/DA/D1	28-05-2024	BV DWELLING & ATTACHED GARAGE	62 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot29//DP1250358)
100/24/DA/D9	29-05-2024	24 LOT SUBDIVISION	CADDY CLOSE, BAROOGA NSW 3644 (Lot2//DP1120769)
101/24/DA/D5	29-05-2024	RESIDENTIAL SHED	37 HADLEY STREET, TOCUMWAL NSW 2714 (Lot10//DP1250358)
102/24/DA/D5	29-05-2024	RESIDENTIAL SHED	8 KAMAROOKA STREET, BAROOGA NSW 3644 (Lot5//DP238626)
103/24/DA/DM	30-05-2024	MURAL ON BERRIGAN WATER TOWER	12 COBRAM STREET, BERRIGAN NSW 2712 (Lot1//DP786939)
104/24/DA/D5	30-05-2024	RESIDENTIAL STORAGE SHED	48 CLAIRE DRIVE, TOCUMWAL NSW 2714 (Lot10//DP844053)
75/24/CC/C1	30-05-2024	CIVIL WORKS	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)

OTHER CERTIFICATES ISSUED FOR MAY 2024

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total
BAROOGA	5	62	0	1	0	0	0	0	0	0	0	1
BERRIGAN	1	37	0	8	0	8	0	6	0	0	0	2
FINLEY	14	98	0	6	0	3	0	3	0	0	0	0
TOCUMWAL	11	102	0	1	0	3	0	2	0	0	0	6



TOTAL	31	280	0	16	0	14	0	11	0	0	0	9
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8.16 CEO Annual Performance Review

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Guidelines for the appointment and oversight of general managers (under separate cover)

Recommendation

That Council establish the CEO Performance Review Panel to consist of Mayor Julia Cornwell McKean and Cr XXX to undertake the CEO's Annual Performance Review and make recommendations to Council's July Ordinary meeting.

Report

The Office of Local Government provides Guidelines for the Appointment and Oversight of General Managers. Performance management matters commence at page 11 of that document (Appendix 1).

The guidelines dictate there must be a performance review panel to be led by the Mayor. The panel may consist of as few as 2 councillors or all councillors but there must be more than only the Mayor.

The Mayor has initiated the feedback process and now needs to establish the committee so the review of the CEO's performance may be conducted according to requirements.



8.17 Confirmation of designated persons

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
Appendices:	Nil

Recommendation

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

Chief Executive Officer	Karina Ewer
Deputy Chief Executive Officer	Matthew Hansen
Director Infrastructure	Gary George
Director Strategic Planning and Development	Andrew Fletcher
Director Corporate Services	Tahlia Fry
Enterprise Risk Manager	Michelle Koopman
Finance Manager	Genevieve Taylor
IT Project Manager	Harin Perera
Assets and Engineering Manager	Ramesh Shrestha
Operations Manager - Transport	Darron Freund
Manager Sustainability	Vageesh Nonavinakere
Assets and Engineering Manager	Ramesh Shrestha
Biosecurity and Compliance Coordinator	Matt Wooden
Building and Planning Manager	Sarah Griffith
Building Surveyor (Contract)	Michael Foley



Town Planner	Noureen Wajid
Building Surveyor/Facilities Maintenance	Chris Koschel
Trainee Building Surveyor/Facilities Maintenance	Josh Allen
Noxious Weeds and Public Safety Officer	Brendan Toll
Audit Risk and Improvement Committee member	Linda McRae
Audit Risk and Improvement Committee member	Angela Urquhart
Audit Risk and Improvement Committee member	Todd Bentley

Report

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

Background

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

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

This table was generated following a review by the CEO and me following receipt of the report. Some of these positions have not been identified as designated persons previously.

The Risk Management and Internal Audit guidelines for local government in NSW deem members of the Audit Risk and Improvement Committee as designated persons.

Position	Office holder	Justification
Chief Executive Officer	Karina Ewer	Cl 4.8(a)
Deputy Chief Executive Officer	Matthew Hansen	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Infrastructure	Gary George	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Strategic Planning and Development	Andrew Fletcher	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Corporate Services	Tahlia Fry	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team. Responsible Accounting Officer



Position	Office holder	Justification
Finance Manager	Genevieve Taylor	CI 4.8(c) Significant delegation of regulatory and procurement functions. Responsible Accounting Officer
Enterprise Risk Manager	Michelle Koopman	CI 4.8(c). Member of Executive Leadership Team
Operations Manager - Transport	Darron Fruend	CI 4.8(c) Significant delegation of regulatory and procurement functions.
IT Project Manager	Harin Perera	CI 4.8(c) Significant delegation of procurement functions.
Manager Sustainability	Vageesh Nonavinakere	CI 4.8(c) Significant delegation of regulatory and procurement functions.
Assets and Engineering Manager	Ramesh Shrestha	CI 4.8(c) Significant delegation of regulatory and procurement functions.
Planning and Building Manager	Sarah Griffith	CI 4.8(c) Significant delegation of regulatory and procurement functions.
Building Surveyor (contract)	Michael Foley	CI 4.8(c) Significant delegation of regulatory functions.
Biosecurity and Compliance Coordinator	Matt Wooden	CI 4.8(c) Significant delegation of regulatory and procurement functions.
Town Planner	Noureen Wajid	CI 4.8(c) Significant delegation of regulatory functions.
Building Surveyor/Facilities Maintenance	Chris Koschel	CI 4.8(c) Significant delegation of regulatory and procurement functions.
Trainee Building Surveyor/Facilities Maintenance	Josh Allen	CI 4.8(c) Significant delegation of regulatory functions.
Noxious Weeds and Public Safety Officer	Brendan Toll	CI 4.8(c) Significant delegation of regulatory functions
ARIC members	Linda McRae, Todd Bentley Angela Urquhart	As per the Risk Management and Internal Audit guidelines for local government in NSW

Obligations

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

A designated person:

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

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



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



8.18 Development Application 92-24-DA-DM - Electricity Generating Facility

Author:	Town Planner, Noureen Wajid
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1.1. Coordinate strategic land-use planning
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
Appendices:	<ol style="list-style-type: none">1. Assessment Report - 92-24-DA-DM - 118 Silo Road Tocumwal - 5MV Solar Farm.docx2. Appendix B - Solar Farm Plans - 118 Silo Road.pdf

Summary

Applicant:	GREENTECH SOLAR
Owner:	KELLY (FINLEY) SUPER PTY LTD
Proposal:	Electricity Generating Facility sub-5MW AC Solar Farm and Battery Energy Storage System (BESS)
Location:	118 Silo Road, Tocumwal

Division:

In Favour:

Against:

Recommendation

That Council resolves to APPROVE Development Application No 92-24-DA-DM for an electricity generating works (solar farm) and battery energy storage system at 118 Silo Road, Tocumwal as the proposal complies with Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, Berrigan Local Environment Plan and Berrigan Development Control Plan subject to the draft conditions of consent attached to this report as **Attachment A**.

Purpose

That Council determine a Development Application for an Electricity generating works (solar farm) and battery energy storage system at 118 Silo Road, Tocumwal.



Background

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

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

Notice of the application was given, which included all of the application material (reports and plans) and a total of 10 submissions have been received. The submissions raise concerns in relation to the proximity, glare and glint, visual impact, fire hazard, impacts on agriculture and flood event which have been considered within the report.

The officer recommendation is that the proposal is suitable for the site, compatible with the locality, will not result in any unreasonable off-site impact and addresses all relevant requirements. It is submitted the application should be supported subject to conditions.

Options

In relation to the Development Application, Council can:

1. determine to agree with the officer's recommendation and approve the application subject to conditions,
2. determine to agree with the officer's recommendation and approve the application and make changes or include additional conditions, or
3. determine to refuse the application. 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 92-24-DA-DM and determine to issue an approval in accordance with the officers' report and draft conditions.



DEVELOPMENT ASSESSMENT REPORT Electricity Generating Facility

PAN - REFERENCE	PAN-425211
DA NUMBER	92-24-DA-DM
PROPOSED DEVELOPMENT	Electricity Generating Facility sub-5MW AC Solar Farm and Battery Energy Storage System (BESS)
ADDRESS	118 Silo Road Tocumwal NSW 2714
LOT	Lot 1 & 2 // DP1280853
APPLICANT	GreenTech Sola, Project No5 Pty Ltd
OWNER	KELLY (FINLEY) SUPER PTY LTD
DA LODGEMENT DATE	17.04.2024
CIV	\$8,583,956.00 (Including GST)
KEY SEPP/LEP	<ul style="list-style-type: none">▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i>▪ <i>State Environmental Planning Policy (Primary Production) 2021</i>▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>▪ <i>Berrigan Local Environmental Plan 2013</i>▪ <i>Berrigan Development Control Plan 2014</i>
TOTAL AND UNIQUE SUBMISSIONS AND KEY ISSUES RAISED	Eight (8) submissions One submission was in support
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none">▪ Statement of Environmental Effects▪ Site Plan▪ Acoustic Report



	<ul style="list-style-type: none">▪ Landscape Plan/Fence elevations▪ Bushfire Assessment Report▪ Flood and Groundwater assessment report▪ Flora and Fauna Assessment report▪ Traffic Impact Assessment▪ Glint and Glare Assessment▪ Aboriginal Cultural Heritage Assessment▪ Preliminary Site Investigation
RECOMMENDATION	Approval subject to conditions
REPORT PREPARED BY	Noureen Wajid – Town Planner

1. THE SITE AND LOCALITY

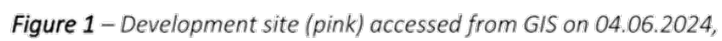
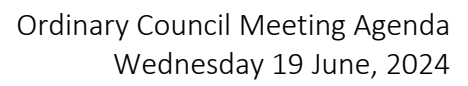
1.1 The Site

The subject site is known as Lot 1 and Lot 2 DP1280853 addressed 118 Silo Road Tocumwal. The subject site zoned E4 – General Industrial under the Berrigan LEP 2013.

The site is located on the northwestern side of Silo Road and western side of Newell Highway, approximately 4 kilometres northwest of the Tocumwal town centre. The site is irregular in shape with an area of approximately 20Ha as shown in **Figure 1**.

The site has primary frontage to the northwestern side of Silo Road. The site area has a flat topography and is used as agricultural land. The Tocumwal Channel No 6 borders the western boundary of the site and extends north adjacent to the Newell Highway and a constructed irrigation channel (Lalaly Channel) runs east to west adjacent to the northern boundary. No natural watercourses occur within or adjacent to the site. There is no significant on-site vegetation. A 33kv overhead powerline is located on the northwestern side of Silo Road, within the road reserve, and runs northeast to the Newell Highway.

Silo Road intersects with the Newell Highway northwest of Tocumwal and Tuppal Road to the south. Silo Road is a rural road which services agricultural properties and a grain handling facilities located south of the project site and northwest of Tocumwal.





2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for a solar farm and battery energy storage system (BESS) with a capacity 5 megawatts (MW) on land at 118 Silo Road, Tocumwal. Overhead wires will connect the facility to a nearby substation.

In summary the proposed development includes below:

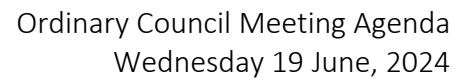
- 5,500PV solar panels (ground mounted single access trackers allowing east to west tracking) The non-reflective solar panels with approximate dimensions of 2.2m by 1.13m and a depth of 40mm. The tracking system will utilise small electric motors to tilt the arrays to ensure maximum solar radiation is received at all times throughout the day. The solar arrays will be mounted with the central axis being approximately 1.4m from ground level. The array and tilted panel would have a maximum height of approximately 2.2m when tilted to its sharpest angle (**Figure 4**).
- A central inverter. A prefabricated 13m long, 3m wide and 3m high central inverter. The inverter will be utilised as the primary conduit for electricity generated from the solar panels to the HV kiosk (**Figure 5**).
- Underground cabling 0.5 to 1m below ground (using open trenching excavation) to connect the solar arrays, inverters and batteries via a new power pole to the overhead 22kV power line (with a new easement in favour of Essential Energy)
- 4 DC-coupled batteries and High Voltage (HV) kiosk
- 1.8m high steel wire security fence around the whole perimeter of the facility
- A combined 5m width of landscaped buffer around the whole perimeter of the facility
- A carpark and material laydown area will be located within the site, along the southern site boundary.
- A new site access from the Silo Road, approximately 400m from the exit point of Silo Road from the Newell Highway

The solar farm is proposed to be constructed over a four (4) to five (5) month period, utilising 30 to 38 construction staff on site at any one time. The operational phase will not require staff permanently on-site. A program of inspections and monitoring will be prepared for maintenance staff.

The development is proposed to be decommissioned within 32 years, at the end of the expected lifespan of the solar panels. The decommissioning of the solar farm and subsequent rehabilitation of the land will include removal of all infrastructure, followed by on-site works, so that the property can be returned to its previous use.

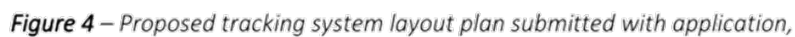
Table 1: Key Development Data

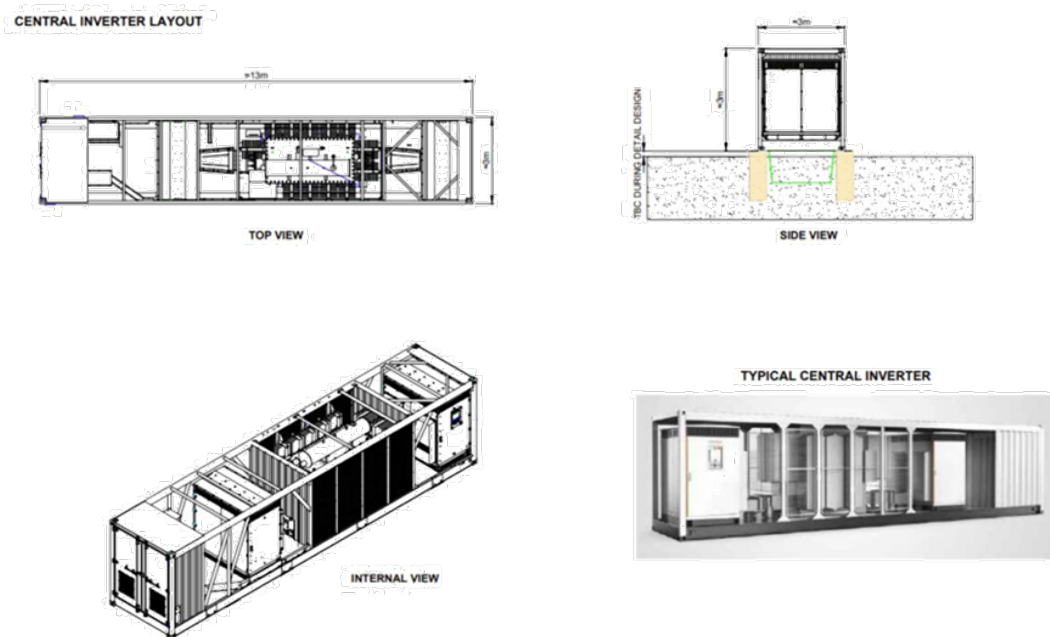
Info.	Proposal
Site area	20HA
Max height	Panel height of 2.2m at maximum rotation and 3m height for the inverter and BESS
Landscaping	A 5m wide landscape around whole site
Car parking spaces	15 parking spaces during the construction period and 2 parking spaces on post construction operational phase
Setbacks	Solar panel arrays will be setback a minimum of:



- [illegible]

A schematic diagram of a solar tracking system. It shows a long horizontal structure with multiple rectangular PV panels mounted on it. The structure is supported by vertical posts. Labels with leader lines point to the 'PV PANEL', 'TORQUE TUBE', and 'TRACKER POST'.





*Figure 5 – Proposed central inverter layout plan submitted with application,
Battery Energy Storage Systems (BESS)*

Four (4) DC-coupled battery energy storage systems (BESS) would also be included in the development and would be installed on concrete footings. The shipping container will approximately 10m long, 2m wide and 3m high and will have a powder-coated grey finish. The battery energy storage systems would allow generated energy to be stored as required and utilised during times of high demand.

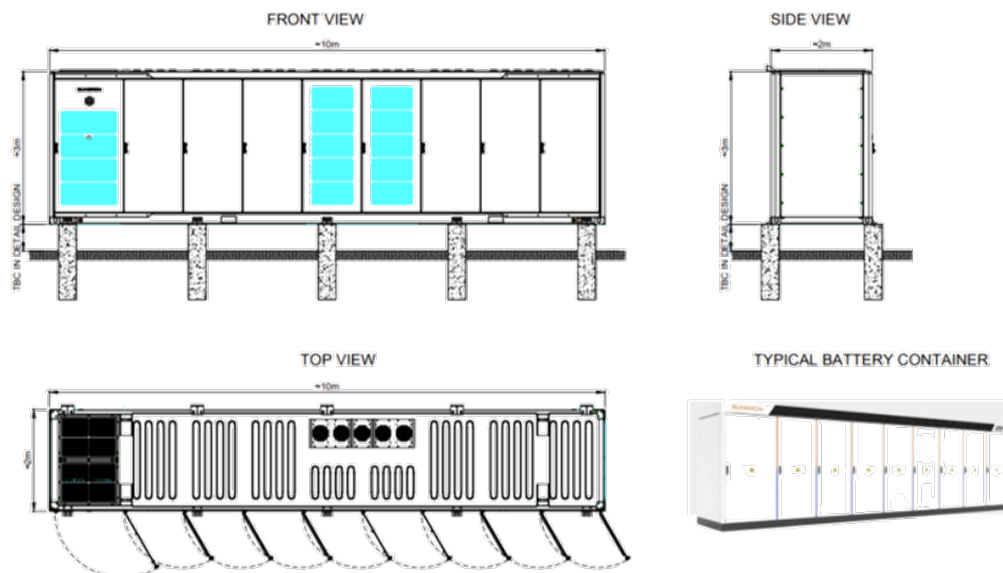


Figure 6 – Proposed central inverter layout plan submitted with application,

Landscaping and Fence

The subject site will be enclosed by a 1.8-metre-high chain mesh security fence. A landscape buffer would be included on the exterior of the fenced area, which would take the form of two rows of plantings located approximately 2.5 metres from the security fence. The buffer would have an anticipated combined width at maturity of approximately 5 metres. The vegetation would include trees with a mature height of approximately 3 metres and, understorey plantings with a mature height of approximately 1.5 metres. This combined height and width would assist in lessening the visual impacts of the proposal within the wider area over time.

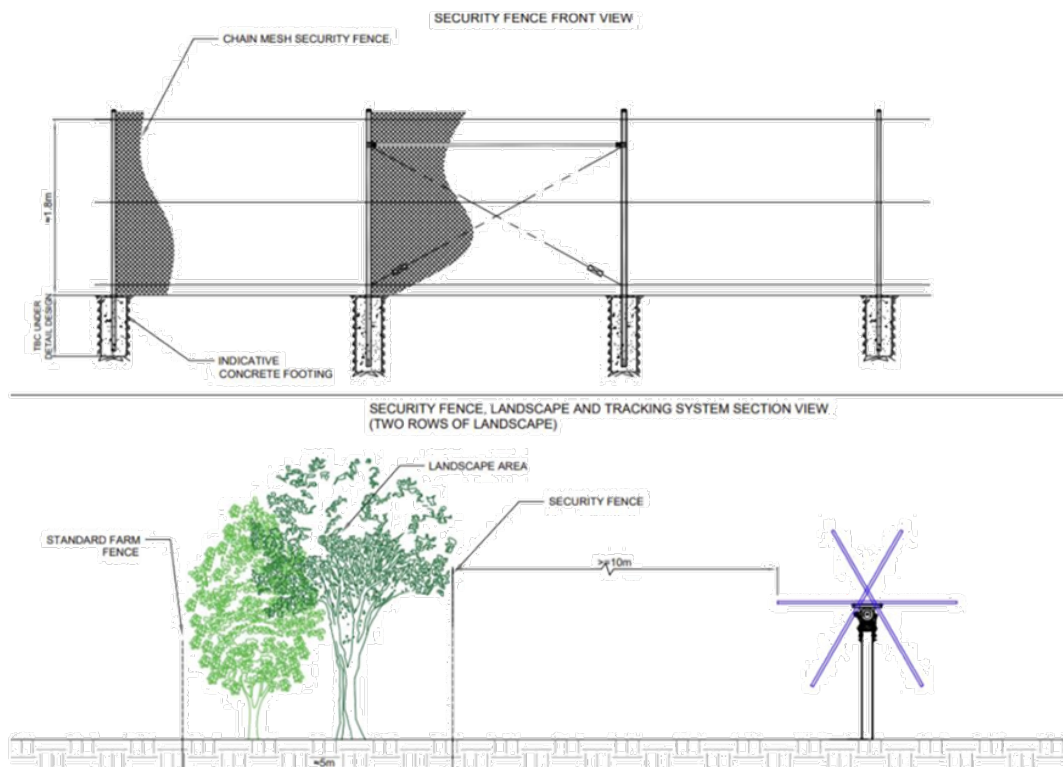


Figure 7 – Proposed landscaping front view submitted with application,

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the application in November 2023 where the following key issues were identified by Council:

- Biodiversity impacts
- Noise
- Glare
- Traffic impact assessment report
- Landscape screening
- Site and locality plans
- Elevations

The applicant has submitted reports which address the key requirements.



3. NOTIFICATION

The development application was exhibit on Planning Portal and published on Southern Riverina Newspaper as per Berrigan Development Control Plan for 14 days.

Public Notification (Exhibition)		Yes	
Advertised Development		N/A	
Date From:	15.05.2024	Date To:	04.06.2024
Newspaper:		Yes	
Submissions Received:		8 submissions received 1 submission was in support	

Eight (8) submissions have been received, with one (1) submission being in support. One submission objected but did not provide a reason and a summary of the other submissions is as follows:

- Proximity to the Town
- Health impact on local residents
- Impacts on agriculture land and waterways
- Emergency services
- Glare
- Location and neighbouring uses
- Impact on insurance
- Visual Impact
- Close proximity of explosive storage area
- Fire hazard

3.1 Consultation Meeting

In response to the submissions a consultation meeting was organise by Council staff on 6 June 2024. The applicant and objectors were invited for open discussion including answering to their questions relating to the proposal. Three Councillors also attended the meeting and were there to observe.

The following table 2 summarises the concerns raised in the submission and provides a brief assessment of the application against each concern. A more detailed response is also provided further in the report against eth relevant provisions:

Table 2 – Submissions concerns and Response

No	Submission Concerns	Response
1	Proximity to the Town	The subject site is zoned E4 – General Industry and RU1 – Primary Production, an electricity generating facility is permissible with consent. The site is mapped under the NSW Planning and Environment Resources and Geoscience Renewable Energy Resources Map as receiving the same, or higher level of, average daily solar



		<p>exposure (megajoules per square metre) as all five Renewable Energy Zones.</p> <p>Further details and a response are provided in the site context assessment.</p>
2	Health impact on local residents	<p>The applicant provided the following response:</p> <p><i>The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued Guidelines for Limiting Exposure to Time-Varying Electric and Magnetic Fields. The relevant authority in Australia is the Australian Radiation Protection and Nuclear Safety Agency (ARPNSA) and they refer to the ICNIRP guidelines. The ICNIRP EMF guidelines provide relevant limits for the general public for 50 Hz sources as 2,000 milligauss (mG).</i></p> <p><i>Based upon the typical levels which may be generated by transmission equipment the cumulative effect would not exceed the 2,000 milligauss (mG) the international standards for human exposure limit. In addition, the closest residence is approximately 450 metres away from the EMF generating sources at the development, hence, the potential for the EMF to exceed the accepted levels is considered negligible.</i></p>
3	Impacts on agriculture land and waterways	<p>The subject site is zoned E4 – General Industry and RU1 – Primary Production under the Berrigan LEP and is not on ‘productive’ agricultural land or mapped as being in land subject to inundation. The proposal is consistent with the zone objectives and there are no natural waterways traverses within the subject site, further details are discussed under the assessment sections (see below).</p>
4	Glare	<p>A Glint & Glare Assessment has been undertaken for the development in accordance with the Large-Scale Solar Energy Guideline released in August 2022.</p> <p>The report and modelling identify that there is no glare affecting the flight paths to the four runways at Tocumwal Airport, which is up to a distance of 2 nautical miles. There is also no residential properties in proximity of the subject site that could be affected, noting the purpose of these facilities is to ‘attract/absorb’ sunlight, not reflect.</p>



		Further details have been provided in the assessment section below.
5	Location and neighbouring uses	Addressed above in No 1 - Proximity to the Town and below in the further assessment.
6	Impact on insurance	Not applicable as it is not a Planning matter
7	Visual Impact	<p>The mounted solar panels reach a maximum height of 2.2m and the inverter has a maximum height of approximately 1.4m. There are a number of rural residential receivers located within 3km radius of the subject site, but not within proximity that would result in a disruption to any important views or vistas. This is offset by the minimal height of the works and by the proposed landscape buffer on the exterior of the solar farm fencing which, once established, will provide screening to the site and assist in limiting visual impacts.</p> <p>It is also noted that the site could be developed for large industrial warehouses and buildings which would have far more visual impact than what is proposed.</p>
8	Close proximity of explosive storage area	<p>The subject site is within explosive storage area, however the proposal does not require any on site habitation, further details are below in assessment section 4.5.1.11 in the SEE report.</p> <p>The adjoining landowners/operators were sent notice, are aware of the application, and have not lodged a submission.</p>
9	Fire hazard	<p>A Bushfire Assessment Report and Bushfire Emergency Management and Operations Plan have been submitted with the application.</p> <p>The plans were available to on the Planning Portal during the exhibition period.</p> <p>The plan assesses the bushfire risk to the site and identifies relevant bushfire protection measures including Asset Protection Zones (APZs), construction standards, access, services, and site management. It also identifies requirements for emergency response in the event of bushfire.</p> <p>The proposed development is considered unlikely to generate any significant adverse impacts associated with bushfire risks by implementing recommended mitigation measures outlined in</p>



		Bushfire Emergency Management and Operations Plan.
10	Noise	<p>An Acoustic Report – Environmental Noise Emission Assessment report was submitted with the application and was available to view on planning portal during the notification period.</p> <p>The report outlined that due to the distance separation between the site boundaries and the sensitive receptor locations, vibration levels are not expected to impact adversely on the receptors.</p>
11	Waste	The waste will be disposed of or recycled at an appropriately licensed treatment facility NSW Copper recycling, further details will be in assessment section below.

4. REFERRALS

Internal Referrals

DEPARTMENT	DATE REFERRED	COMMENTS/CONDITIONS
Manager Assets and Engineering	29.05.2024	<p>Sewer, Stormwater, Council's networks are not there. Considering solar project, there is no need to connect with these services.</p> <p>Water is already connected with one of the lots.</p> <p>A condition for a crossover will be included.</p>
Operations Manager - Transport	29.05.2024	<p>Recommended conditions to include in the consent:</p> <ul style="list-style-type: none">• The subject car parks and site access be constructed as per AS/NZS 2890.2 to the satisfaction of the council.• The owner/operator will consult and coordinate with the grain handling facility's operators before and during the construction work to minimise any potential conflict.• The heavy vehicles accessing the subject site will be mainly 12.5m rigid trucks, with occasional 20m semi-trailers (i.e. no B-double trucks will require access). The trucks will access the subject site via a right turn from Silo Road• The proposed site access along Silo Road satisfies the minimum entering sight distance of 111 m, as specified in



		<p>AS/NZS 2890.1 for both approaches front approach (North to South)</p> <ul style="list-style-type: none">• The minimum offset for the gate is 22m from the edge of Silo Road and will accommodate the storage of a 20 19 m semi-trailer clear of the traffic lane. Refer to SD 265 (IDM standard drawing) for crossover.
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External Referrals

DEPARTMENT	DATE REFERRED	COMMENTS/CONDITIONS
Rural Fire Services (RFS)	N/A	Not located in a bushfire area.
Essential Energy	08.05.2024	<p>Agency's comments were received on 27.05.2024 and makes the following general comments:</p> <ul style="list-style-type: none">• If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.• Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.• Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and• It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance



		<p>when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</p> <p>Conditions will be included into the condition of consent.</p>
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5. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA, Division 4.6 (s4.33)
- State significant development, Division 4.7 (s4,36)
- Integrated Development, Division 4.8 (s4.46)



(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 3** and considered in more detail below.

Table 2: Summary of Key Matters in the Relevant Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5(a) of Schedule 6 as it comprises private infrastructure (electricity generating works) with a CIV of more than \$5m.	Yes
SEPP (Resilience & Hazards) 2021	<u>Chapter 4: Remediation of Land</u> Section 4.6 Contamination and remediation to be considered in determining development application.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure, Part 2.3 Development controls</u> Section 2.36 Development permitted with consent. Section 2.42 applies to a regionally significant development application for electricity generating works in a regional city – not applicable as the site is not located in the Renewables Zone of a regional city. Section 2.48(2) (Determination of development applications—other development) – as the development is in proximity to existing electricity infrastructure and may influence the electricity network including capacity at the substation, Essential Energy has been consulted. See section 4 of this report for further details. Section 2.98 Development adjacent to rail corridors – not applicable as the development adjoins a disused, decommissioned rail corridor.	Yes



	Section 2.119 Development with frontage to classified road - not applicable as the development does not have frontage to a classified road. Section 2.122 Traffic generating development – referral to TfNSW is not required. Further details are provided below.	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 4(1) Koala Habitat Protection Chapter 5 River Murray Lands	Yes
Berrigan Local Environmental Plan 2013	Clause 2.3 Permissibility and zone objectives Clause 5.10 Heritage conservation Clause 5.11 Bushfire Clause 6.1 Earthworks Clause 6.3 Terrestrial biodiversity Clause 6.10 Essential services Clause 6.11 Explosive area	Yes

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is not considered 'State Significant' as it is a 'micro' facility that affects Tocumwal. The application was not referred to 'Western Regional Planning Panel' and Council is the consent authority for this application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3: Hazardous and Offensive Development

Under Berrigan LEP 2013, the definition of "industry" includes a place used to carry out an industrial activity and the definition of "industrial activity" includes the production of goods/products for commercial purposes. The proposed solar farm is therefore classified as "industry" given it's a place where electricity will be produced for commercial purposes.

Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 (2011) (the Guideline) assist to identify development to which the SEPP applies. The Guideline includes risk screening tests for potentially hazardous industry that refer to the Australian Dangerous Goods Code 2020. The only dangerous goods associated with the proposal are lithium batteries which are classified as under the Code as a Class 9 dangerous good. Class 9 dangerous goods are excluded from risk screening under the Guideline as they pose little threat to people or property. The facility is therefore not classified as potentially hazardous and a PHA under the SEPP is not required.



Chapter 4: Remediation of Land

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. Based on the available information, the subject site in its current state is considered to be suitable for the proposed development, which is not a sensitive land use, does not require significant excavation and will not involve staff permanently on site, except during the construction phase. The proposal is considered to be consistent with SEPP (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 2.3 Development Controls

Division 4 Electricity Generating Works and Solar Energy Systems

Division 4, section 2.36(1)(b) of the SEPP enables electricity generating works to be carried out with consent on any land in a prescribed non-residential zone. As the subject site is zoned E4 - General Industrial it is permissible with consent under the SEPP. These provisions prevail over any inconsistency in any other planning instruments, inclusive of the Berrigan LEP 2013.

Division 5 Electricity Transmission or Distribution Networks

Division 5, section 2.48 requires development near an electricity distribution pole, easement, substation or power line to be referred to the electricity supply authority for the area for comment. As the application involves connecting to substation, the application was referred to Essential Energy for comment. Essential Energy response does not object to the development and outlines certain safety risks that can be included as advice attached to the conditions of consent.

Division 17: Roads and traffic

Electricity generating works are not identified in Schedule 3 of the SEPP as traffic-generating development and as such would be classified in the schedule as 'any other purpose' which requires referral to TfNSW if it involves a development that generates:

- 50 or more motor vehicles per hour in the case of it having access to classified road or to a road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)', or
- 200 or more motor vehicles per hour if the site has access to a road.

The application was not referred to TfNSW as Silo Road is not a classified road, nor is the proposed access within the connection to a classified road and the proposal will not generate the traffic volumes indicated above.

The proposal is considered to be consistent with *SEPP (Transport and Infrastructure) 2021*.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4(1) Koala Habitat Protection



Berrigan Shire Local Government Area is listed within schedule 1. The development does not propose any removal of trees and vegetation and will therefore development will not have an impact of koala populations.

Chapter 5 River Murray Lands

The subject lot is within the map boundaries that apply to this chapter of the Biodiversity and Conservation State Environmental Planning Policy (SEPP). The proposed development is located more than 100m from the Murray River and the development proposal will not cause any adverse impacts to the Murray River.

Berrigan Local Environmental Plan 2013

The relevant local environmental plan applying to the subject site is *Berrigan Local Environmental Plan 2013* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage development that complements and enhances the unique character and scenic values of Berrigan, offering a diverse economy, significant natural resources and an attractive rural lifestyle,*
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Berrigan in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,*
- (c) to recognise and manage valued environmental and cultural heritage, landscape and scenic features of Berrigan,*
- (d) to promote the efficient and equitable provision of public services, infrastructure and amenities.*

The proposal is consistent with aim (b) above as it will contribute to the economic resources of Berrigan by providing sustainable renewable energy for 32 years.

Berrigan Local Environmental Plan 2013	
Zoning	E4 – General Industrial
	Objectives of the zone <ul style="list-style-type: none"><i>To provide a range of industrial, warehouse, logistics and related land uses.</i><i>To ensure the efficient and viable use of land for industrial uses.</i><i>To minimise any adverse effect of industry on other land uses.</i><i>To encourage employment opportunities.</i><i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i>



	<p>The proposal complies with the zone objectives for the following reasons:</p> <ul style="list-style-type: none">• The proposal is classified as an industrial use.• The proposal will provide renewable energy and enhance the natural resource and support other industries and related land uses.• The development of the solar farm will have minimal impact on the surrounding land uses during the operational phase and can coexist with existing industrial practices.• The use is a facility which will support existing and future businesses and residences in the area.
Permissibility	<p>The proposal for electricity generating works is permissible in the zone with consent under the LEP and on any land in a prescribed non-residential zone under clause 2.36(1)(b) of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (the SEPP).</p> <p>As the E4 Zone is a prescribed non-residential zone, electricity generating works are therefore permissible with consent within the zone.</p>
5.10 Heritage Conservation	<p>The subject site is not listed 'Heritage' under the LEP.</p> <p>An Aboriginal Cultural Heritage Assessment was undertaken by ACHM and included a search of the Aboriginal Heritage Information Management System (AHIMS), the National Native Title Register and the consultant's archives and register as well as an assessment under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code).</p> <p>Procedure in the event of any unexpected find is included in the recommended conditions.</p>
5.11 Bushfire Hazard Reduction	<p>The Rural Fires Act 1997 makes provision relating to the carrying out of development on bushfire prone land.</p> <p>Comments: The subject land is not mapped as bushfire prone land under the Berrigan LEP; however the risk of fire was considered and a comprehensive assessment and emergency management plan has submitted with the application and if approved would be endorsed, requiring compliance.</p>
5.21 Flood Planning	<p>The subject land is not mapped as Flood Prone land under the Berrigan LEP; however, a flood study was submitted with application.</p> <p>The report submitted outlines that the site is potentially within the 1% AEP flood extent of the Murray River. The report however outlines that this is acceptable due to:</p>



	<ul style="list-style-type: none">• The maximum depth within the site boundary is approximately 0.5m to 1.0m• The maximum depth over the solar panel infrastructure is approximately 0.25m – 0.5mm. It should be noted that most of the inundation over the solar panel infrastructure is between 0 – 0.25 m. <p>Therefore, even if the land was inundated at the 1% AEP, it would not have an impact on any important infrastructure associated with the proposal and would not have a significant adverse environmental impact in terms of flood planning.</p>
6.1 Earthworks	<p>The development requires minor earthworks and is permitted without consent.</p> <p>A condition will be included measures to address the potential impacts of excavation.</p>
6.3 Terrestrial Biodiversity	<p>The subject site is not mapped as Terrestrial Biodiversity under the Berrigan LEP.</p> <p>An area along the eastern side of the site boundary and southeastern corner (along Silo Road) of the project site is mapped as Terrestrial Biodiversity, however the proposed development will be on to the northern side of the land and will be setback 50m setbacks from the biodiversity area. The development will not have a significant adverse environmental impact in terms of terrestrial biodiversity.</p>
Clause 6.10 – Essential Services	<p>The site has access to electricity. A new access point from Silo Road is proposed and Council's Asset Engineer has considered the access arrangements and has no objection subject to suitable conditions.</p>
6.11 Development near explosive storage area	<p>Matters for consideration:</p> <p><i>(2) This clause applies to the land identified as "Explosive storage area" on the Explosive Storage Area Map.</i></p> <p><i>(3) Despite any other provision of this Plan, development consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has considered the following—</i></p> <p><i>(a) any likely adverse impacts on the proposed development from the explosive storage area,</i></p> <p><i>(b) any likely adverse impacts on the explosive storage area from the proposed development.</i></p> <p>The subject site mapped explosive storage area, the proposal does not involve any permanent habitation, therefore any loss of life is highly unlikely in the event of an incident.</p>



	<p>The proposed development is not likely to provide any adverse impact on the explosive area as materials typically associated with solar farms are limited to lithium batteries which are classified as a Class 9 Dangerous Good under the Australian Dangerous Goods Code. Class 9 goods do not exceed screening thresholds under the guideline as they “pose little threat to people or property”.</p> <p>The adjoining landowners/operators were sent notice, are aware of the application, and have not lodged a submission. Given the nature of development and consideration of the relevant matters the proposal complies.</p>
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The proposal is considered to be generally consistent with the provisions of the LEP.

Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no exhibited draft environmental planning instruments relevant to this development application.

Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Berrigan Development Control Plan 2014

Berrigan Development Control Plan 2014(DCP) [Microsoft Word - Murray DCP 2012 FINAL Jan 2013.doc \(nsw.gov.au\)](#) applies. The proposed solar farm is classified as “industry” given it’s a place where electricity will be produced for commercial purposes. Chapter 3 of the DCP applies to all forms of industrial development within the Shire and does not stipulate that the development must be within an industrial zone.

Table 4 below provides an assessment of those controls within the DCP which are applicable.

Table 4: Summary of Key Matters in Berrigan Development Control Plan 2014

Chapter 3 – Industrial Development	Assessment
3.1 - Appearance	This is a not a ‘normal’ development which requires street frontage or exposure.
Controls <ul style="list-style-type: none"><i>Buildings are to have their main building facade and entries addressing the primary street frontage.</i><i>High quality materials and finishes should be used for building exteriors as well as any fences.</i>	<p>A battery storage container will be placed in the middle of the development area with solar array panels. The storage facility is appropriately located and will be off muted colours – relevant condition.</p> <p>The site will be screened with the 5m wide proposed landscaping will be contributing visual amenity of the area.</p>



<p>3.2 - Landscaping</p> <p>Controls:</p> <ul style="list-style-type: none">• <i>A landscape plan is required indicating a range of plant species of various heights, low maintenance, preferably drought tolerant native species.</i>	<p>A landscaping plan has been submitted that proposes a 5m landscape buffer around the whole perimeter of the subject site, which will screen the infrastructure from view and make a positive contribution to the area.</p>
<p>3.3 - Building Setbacks</p> <p>Controls</p> <ul style="list-style-type: none">• <i>A minimum 10 metres from the front (primary) property boundary.</i>• <i>A minimum 3 metres from the side (secondary) property boundary.</i>	<p>The proposed setbacks are:</p> <ul style="list-style-type: none">• Minimum of 17m from the Silo Road boundary (front)• 63m from the southern boundary• 67m from the northern boundary and,• Minimum of 18m from the western boundary <p>The setbacks comply and exceed the relevant controls.</p>
<p>3.4 - Parking and Access</p> <p>Controls</p> <ul style="list-style-type: none">• <i>Parking spaces must be separated from accessways, loading, unloading and manoeuvring areas. Parking areas are to be constructed to allow for the catchment and disposal of stormwater to an agreed discharge point. All parking, loading and unloading is to be carried out on-site. There must be sufficient turning areas to enable vehicles to enter and exit the site in a forward direction.</i>	<p>The number of parking spaces to be provided relate to Gross Floor Area, which and is not applicable in this instance.</p> <p>The proposal has 15 car parking spaces during construction stage and 2 parking spaces when operational. This is considered appropriate base don't he type of development proposed. Further parking availability is discussed below under "Traffic, parking and access."</p> <p>A direct access from Silo Road is proposed which is appropriate and a suitable condition will be included. The requirements of Clause 3.4 are further addressed in the recommended conditions.</p>



<p>3.5 - Outdoor areas</p> <p>Controls:</p> <ul style="list-style-type: none">• <i>Outdoor storage and work areas are to be substantially screened from public roads and adjoining lots by landscaping, fencing etc. Outdoor areas must be suitably surfaced to prevent dust.</i>	<p>There will be no outdoor storage other than an all-weather temporary laydown area required during construction that will be located a substantial distance from the road and not result in any off-site impacts.</p> <p>Dust control measures are included in the conditions.</p>
<p>3.6 – Amenity</p> <p>Controls:</p> <ul style="list-style-type: none">• <i>Outdoor areas must be treated and maintained to minimize the impacts of dust. All stormwater is to be appropriately managed. Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.</i>	<p>Potential dust, stormwater and noise impacts can be managed through appropriate conditions of consent.</p> <p>Noise is further considered below under “noise.”</p>
<p>Part 12 Notification</p> <p>Notification requirements are identified.</p>	<p>The proposal has been notified in accordance with the DCP. Refer above the notification section.</p>

The proposal is consistent with the provisions of the DCP.

(b) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(c) Section 4.15(1)(a)(iv) - Provisions of Regulations



Section 61 of the 2021 EP&A Regulation contains additional matters that must be taken into consideration by a consent authority in determining a development application. It is considered the application is consistent with the objectives of the regulations.

5.1 Section 4.15(1)(b) - Likely Impacts of Development

Under section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality must be considered.

Potential impacts related to the proposal that have not been considered above in response to SEPPs, LEP and DCP controls are assessed below.

Glint and Glare

A Glint and Glare Assessment report has been prepared by 'Environmental Ethos' and submitted with application. Glint is defined as a momentary flash of light and glare is a continuous excessive brightness potentially caused by reflection from solar panels.

Solar panels are designed to absorb the sunlight rather than reflect and generally have an anti-reflective coating. The proposed use of a solar tracking system will further reduce the potential for glare. The report considered the potential for glare impacts to affect the nearby Tocumwal Airport and surrounding dwellings. To assess the glare impacts a Solar Glare Hazard Analysis Tool (SGHAT) modelling was implemented and based on the model parameters:

- No glare hazard is geometrically possible affecting rural and residential dwellings within 3km of the Project, therefore no impact is likely.
- No glare is geometrically possible affecting the Highway and local roads within 1km of the Project, therefore no impact is likely.
- No glare is geometrically possible affecting the flight paths to the four runways at Tocumwal Airport, up to a distance of 2 nautical miles, therefore no impact is likely.

The proposal includes landscape planting to the perimeter of the site which will provide visual screening between the solar farm and surrounding dwellings and roads.

Visual Impact

The mounted solar panels reach a maximum height of 2.2m and the inverter has a maximum height of approximately 1.4m. The Statement of Environmental Effects (SEE) indicates that there are a number of rural residential receivers located within 3km radius of the subject site which, due to relatively flat topography have the potential to view the site. It is however submitted that given the distance and that there are no important views or vistas requiring protection that the location and siting are appropriate, and that the proposal will not result in any unreasonable visual impact.

To minimise any perceived visual impact the proposal also includes a 5 metre landscaping area (Figure 9 below). The full perimeter planting along all boundaries of the proposed solar farm will address the potential visual impact on any new residential receptors within the 32-year lifespan of the proposal.

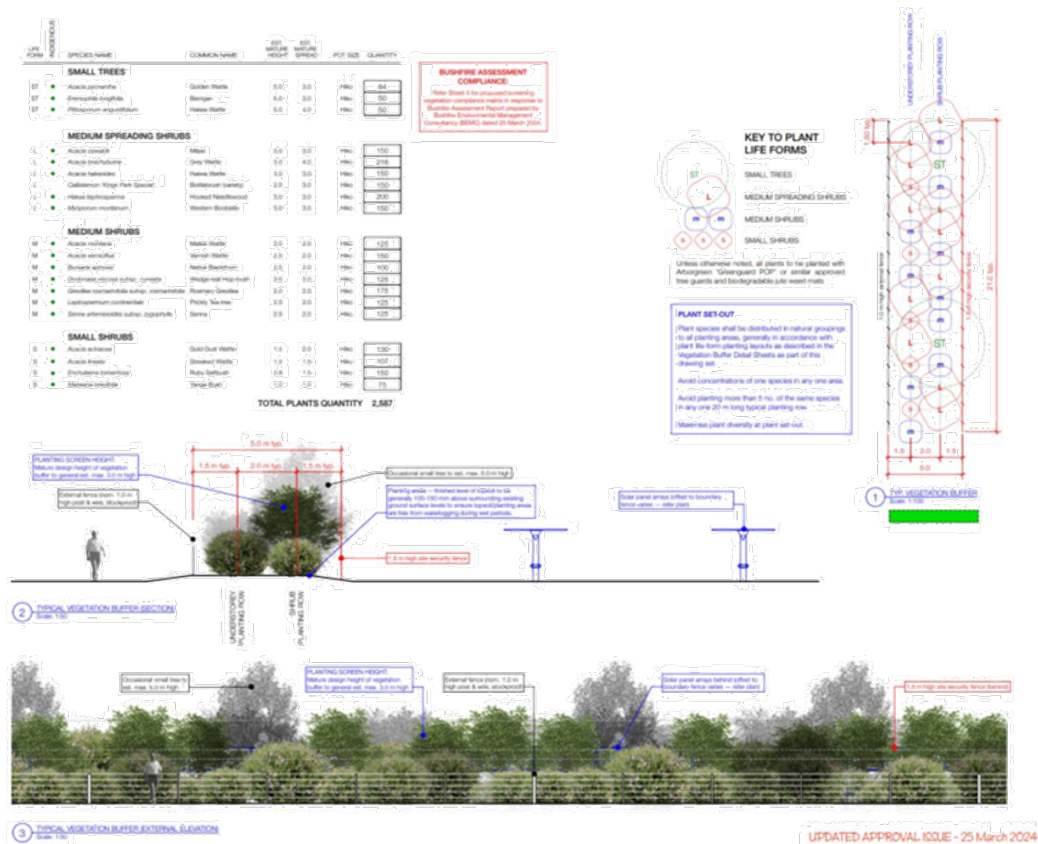


Figure 9 – Landscape Screening

Traffic, Parking and Access

A Traffic Impact Assessment (TIA) report prepared by TrafficWorks has submitted with the application, outlined traffic impact and consequence of the proposed development. The subject site is located within a wider area of the E4: General Industrial zone, the site can be accessed from Silo Road. The road network includes the Newell Highway and Silo Road.

It is considered that the road network is able to accommodate the anticipated traffic volumes generating by the proposed development. The SEE and plans indicate that the site would be secured by a 1.8m high, metal wire security fence and property boundary is behind a 5m wide landscape buffer.

As outlined in the TIA, the proposed site access on Silo Road is subject to an 80 km/h speed limit. As a result, the corresponding minimum stopping distance (SSD) required is 111m, which is achieved, and the sight lines are satisfied. The location also provides for the accommodation storage of a 19m semi-trailer clear of the traffic lane'. Council's Operations Manager has reviewed the access arrangements and considers that the sight lines from the proposed access point are adequate and raises no concerns.

During the four to six month construction phase, it is anticipated that 15 construction staff vehicles will access the subject site per day, resulting in a total traffic generation of 30 v.p.d., with 15 vehicles arriving at the start of the shift (about 7:00am) and 15 vehicles departing at



the end of the shift (about 5:00pm). It is anticipated that the proposal will generate the peak traffic flow only for two (2) to four (4) months including up to 4 heavy vehicles accessing the subject site daily.

The intersection of Newell Highway and Silo Road has compliant sight distances and is expected to be able to accommodate the volume of traffic generated by the proposed solar farm in a safe manner.

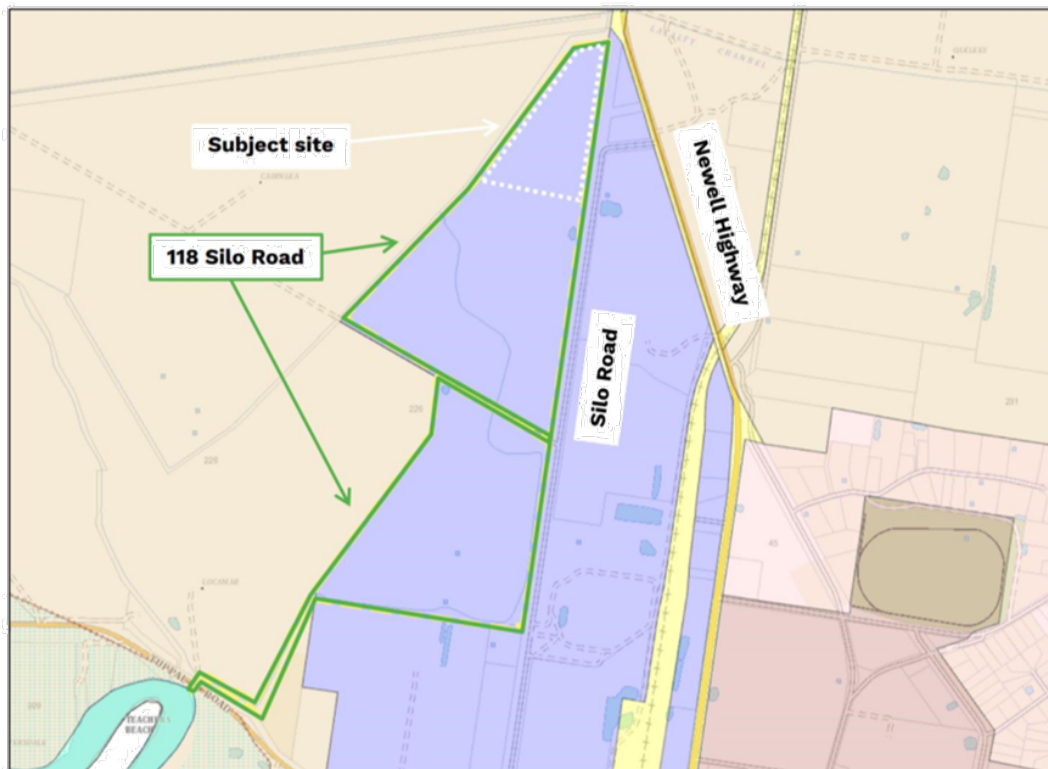


Figure 10 – proposed traffic route (sourced from submitted TIA report)

A vehicle parking area with 15 spaces will be provided to cater for construction staff. The TIA indicates that the parking area will be located adjacent to the site office and laydown/storage areas. Access, traffic and parking arrangements are considered satisfactory, and Council's Operations Manager raised no concerns subject to conditions.

Noise and Vibration

A Noise and Vibration Impact Assessment (the acoustic report) was prepared by WMG Acoustics and submitted with the application, that considered the potential noise and vibration impacts on surrounding dwelling and on a site office (Orica office) as shown **Figure 11** below.

The land within immediate proximity of the proposed use is generally vacant and would not be expected to be noise sensitive in accordance with legislative or guideline criteria.



The closest and therefore most critical sensitive uses located within proximity of the site will include:

- RO1 – Dwelling Chinamans Road (unknown number).
- RO2 – 431 Newell Highway (Orica office).

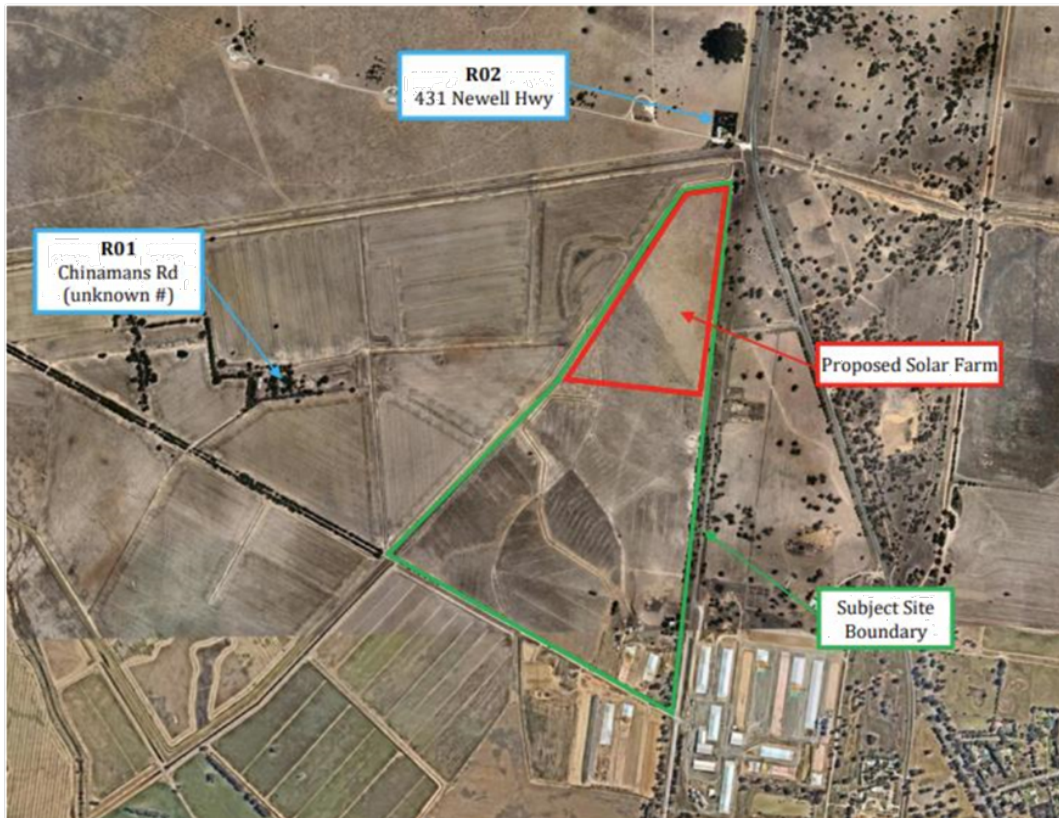


Figure 11 – location of sensitive receivers regarding noise and vibration (sourced from acoustic report)

When considering noise emissions associated with the proposed use, the relevant noise sources will include the following:

- 1no. MVPS including 2no. inverters and 1no. 5MVA transformer.
- 4no. liquid cooling battery containers.

In addition to the above, approximately 190 solar tracker motors will be installed at the site. Each tracker will a row of solar panels installed within the boundaries of the subject site. For the purposes of the assessment, WMG has considered source noise data provided by the inverter and battery unit manufacturers in combination with input from the client. A summary of the sound power/pressure levels adopted for each item of equipment is included within Table below.



Noise Source	Adopted Noise Level
MVPS inverter – per unit	92 dB(A) – sound power
MVPS Transformer – 5MVA unit	65 dB(A) – sound power
Battery cabinet liquid cooling – per unit	95 dB(A) – sound power
Tracker Unit	<60 dB(A) – sound power

Noise modelling results compared with Project Trigger Noise Levels

Assessment Location	Predicted Noise Level (15 _{min})	Project Trigger Noise Levels L _{Aeq}		
		Day	Evening	Night
R01	26 dB(A) L _{eq}	40	35	35
R02	31 dB(A) L _{eq}	40	35	35

Extracted from the Acoustics report prepared by WMG Acoustics

The findings of the assessment indicates that in the absence of noise control, residual noise levels at the R01 and R02 receptors are compliant with the project trigger levels during the day, evening, and night periods.

The construction program for the proposed solar farm facility is expected to have a duration in the order of six months, during which various activities will be undertaken at the subject site, the construction hours will be limited in accordance with the 'recommended standard hours' nominated by the EPA which include:

- Monday to Friday, 7:00AM to 6:00PM.
- Saturday, 8:00AM to 1:00PM.
- Sunday and Public Holidays, no noise generating works a

Using the adopted sound power levels and usage rates the calculated resultant noise levels at the critical receptors are summarised in the table below:

Predicted Construction Noise Levels



Construction Phase	Predicted Noise Levels L _{Aeq} (15 minute)		Predicted Noise Levels relative to Derived NMLS L _{Aeq} (15 minute)		Comments
	R01	R02	R01	R02	
Entry crossover	29	35	45	45	Noise impact at receptor dominated by tamping rammer.
Access road	36	42	45	45	Noise impact at receptor dominated by grader.
Fencing and landscaping.	36	52	45	45	Noise impact at receptor dominated by concrete truck activities when occurring along site boundaries.
Delivery of long lead materials.	27	38	45	45	Noise impact at receptor includes contributions due to all noise sources.
PV panel and LV cable installation.	49	62	45	45	Noise impact at receptor dominated by the piling rig. In the absence of piling rig, the predicted values are 35 dB(A) at R01 and 48 dB(A) at R02.
HV station installation, testing and commissioning.	28	39	45	45	Noise impact at receptor includes contributions due to all noise sources.
Site clean-up and demobilisation.	22	33	45	45	Noise impact at receptor includes contributions due to all noise sources.

Extracted from the Acoustics report prepared by WMG Acoustics

The results of the noise model indicate that residual construction activity noise is expected to be below the derived NML's at each of the nearby sensitive receptors during most construction phases.

In consideration of the above, the acoustic report has provided strategies to reduce noise emissions during these phases below:

Guidance regarding minimisation of disturbance due to construction is included within AS2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites' as well as the ICNG and includes the reference to the following:

- Implementation of universal work practices relating to minimising noise.
- Selection of low noise plant and equipment.
- Consultation and transparency with the surrounding community.

In conclusion operational noise and vibration emissions will comply with relevant criteria at sensitive receptors in the absence of any noise mitigations strategies.

Dust

Dust will occur during the construction and decommissioning phases resulting from earthworks, excavation and vehicle movements. Temporary air quality impacts can be effectively managed using a consent condition requiring identification and implementation of mitigation measures within an approved Construction Management Plan.



Waste

The project will generate most waste during the construction and decommissioning phases with waste only anticipated during operation if the replacement of infrastructure is required. Construction waste generated will likely consist of packaging and construction waste including plastics, recyclable cardboard, off-cut metals and steel as well as excess materials including cable.

To comply with NSW legislation and policies, waste will need to be removed from the site and recycled or re-used where possible and only disposed of if no alternative is available. This is addressed in the recommended conditions via a Waste Management Plan to be approved by Council.

Decommissioning

The useful life of the solar farm infrastructure is estimated at 32 years. After this time, the site is to be decommissioned to return the land to its former state, ensuring its suitability for agricultural purposes.

Decommissioning would include disconnection from the Essential Energy substation, removal of all solar panels, associated infrastructure, BESS, security fencing and any other infrastructure or structures relating to the proposed development. Decommissioning needs to also include removal of all underground infrastructure and works, including cabling and footings as well as rehabilitation of access tracks and site works to refill and laser level the site.

A condition will be imposed requiring implementation of a Decommissioning Plan to be prepared and submitted to council for approval at least 12 months prior to the end of the life of the facility. This condition will be associated with a s.88B Positive Covenant for registration on the title of Lot 1 and Lot 2 DP 1280853. The Decommissioning Plan is to include measures to maximise the recycling or reuse of waste materials and to ensure the BESS is disposed of safely without contaminating the site.

Social Impact

The proposed development is unlikely to pose any significant social impact in the locality. The proposal is to support the electricity needs of homes within the Berrigan Local Government Area.

Economic Impact

The project will introduce an additional renewable energy source, providing sustainable power to support the energy requirements of Berrigan Shire. The project will reduce dependence on electricity imports from distant power plants, thereby enhancing the energy self-sufficiency and resilience of the area.

The project brings economic benefits to the area through the creation of employment opportunities. Most jobs will be generated during the 4 to 6 month construction phase, but there will also be a few ongoing maintenance jobs during the 32 year operation phase to undertake scheduled inspections and monitoring.

Cumulative Impact



The project's design, location, relatively small scale for an energy facility, limited lifespan and eventual decommissioning reduce the potential for cumulative impacts. Measures to prevent or mitigate any potential cumulative effects have been incorporated as conditions of the consent.

5.2 Section 4.15(1)(c) - Suitability of the site

The subject site is considered suitable for the proposed development, subject to the recommended conditions, for the following reasons:

- Located within E4 – General Industrial zone, and proposal archives the zone objectives.
- The site is not bushfire prone, flood affected or contaminated.
- A landscape buffer as a mitigation measure to reduce visual impact on the surrounding area.
- The site is located a considerable distance from residential dwellings and as such minimises any off-site impacts. Any impacts during construction will also be managed through appropriate conditions.
- Given the passive nature of the proposal, as well as its limited life and eventual decommissioning, it is unlikely that there will be any significant long-term adverse impacts.

5.3 Section 4.15(1)(d) - Public Submissions

There were eight (8) submissions received, the concerns have been discussed above in the notification section.

5.4 Section 4.15(1)(e) - Public interest

It is considered that the public interest is best served by the application of the requirements of the relevant legislation, environmental planning instruments and development control plan to ensure that any adverse effects on the surrounding area and the environment are avoided.

On the basis of the assessment of the proposed development, it has been determined that the proposal is generally consistent with the relevant planning controls that apply to land use and development in the Berrigan region. Furthermore, the proposal will provide positive public benefits including:

- Providing renewable energy to the State grid, which will reduce reliance on existing fossil fuel fired power stations, consistent with the principles of ecologically sustainable development and mitigating climate change in the wider public interest; and
- Employment opportunities for the local community during the construction phase and a number of permanent local jobs during the operation phase.

In view of the above, on balance, it is considered that the proposal is consistent with the local and wider public interest.



6. CONCLUSION

The development application has been considered in accordance with the requirements of the EP&A Act and the associated Regulations as outlined in this report.

Following a thorough assessment, the proposal is considered to be generally consistent with the relevant planning objectives and controls. The proposed development is unlikely to have any unreasonable impact on the environment or the locality.

The key issues of construction noise, construction traffic, access and parking, visual impact and decommissioning have been resolved satisfactorily in the recommended draft conditions included below. The proposal is suitable for the site, compatible with the locality and is considered to be in the public interest. Given the above factors, it is considered that the application can be supported.

7. RECOMMENDATION

That the Development Application (DA No. 92-24-DA-DM) for an electricity generating works (solar farm) and battery energy storage system at 118 Silo Road, Tocumwal be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 as amended and Berrigan LEP* subject to the draft conditions of consent below.

Attachment A – Draft conditions of consent

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below, which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
Solar PV Equipment (central inverter layout)	23122	A	ACENERGY	09.01.2024
Solar PV Equipment (battery container – front, side and top view)	23122	A	ACENERGY	09.01.2024
Solar PV Equipment (security fence front view, security fence, landscape and tracking section view)	23122	A	ACENERGY	09.01.2024
Solar PV Equipment (tracking system	23122	A	ACENERGY	09.01.2024



front view, side view, typical layout and typical tracking system)				
Landscape Plan	23122	A	ACENERGY	09.01.2024
Landscape Screening Plan	23648	A	ACENERGY	25.03.2024
Site Plan (1 – 2)	23122	A	ACENERGY	18.03.2024
Statement of Environmental Effects	P000702/SEE	001B	Premise	04.04.2024
Traffic Impact Assessment	230354	-	TrafficWorks	22.03.2024
Aboriginal Cultural Heritage Desktop Assessment	-	1	Aboriginal Cultural Heritage Management	26.03.2025
Glint and Glare Assessment	23018	-	Environmental Ethos	22.03.2024
Construction Noise and Vibration Impact Assessment	17223	1	SoundIn	Aug 2023
Flora and Fauna Assessment report		-	Habitat Environmental Services	21.03.2024
Flood and Groundwater Assessment report	-	-	IGS	21.02.2024
Bushfire Assessment	-	-	BEMC	25.03.2024
Bushfire emergency management report	-	-	BEMC	25.03.2024
Acoustics Assessment report	13139	3	WMG Acoustics	19.03.2024
Submission response	-	-	ACENERGY	11.06.2024

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.



A3 Lapsing of consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Long Service Levy and Public Liability Insurance

The following payments must be made prior to the issue of the Construction Certificate.

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provide proof of this payment to the certifier.
- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate.

Reason: To ensure payments are made in accordance with legislative requirements.

B3 Other Approvals

The following approvals are required:

- (a) **Roads Act 1993 approval** - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public



property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

B5 Servicing

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and for safety and efficiency.

B6 Stormwater Management

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

B7 Vehicle Access and Car Parking

The following vehicle access and parking requirements must be met prior to the issue of a construction certificate:

- (a) Entry and exit points are to be clearly signposted prior to the commencement of construction works on the site and must be visible from both the street and the site at all times.

Reason: To ensure safe and practical vehicle access is provided to the site.

- (b) All driveways, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1-2004: *Parking Facilities – Off-street Car Parking* and AS 2890.2:2018 - *Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifying Authority



Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

C3 Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or
- (b) If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

C4 Construction Site Management Plan

Prior to the commencement of work, a Construction Management Plan is to be prepared by suitably qualified professionals and submitted to Council for approval detailing arrangements during the construction of the development. The Plan must be implemented and maintained prior to, and during, the construction works on the site



until works are completed. The Construction Site Management Plan is to include, but not be limited to, the following:

(a) Construction Traffic Management Plan (TMP)

A Construction Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval prior to the commencement of work. The TMP must comply with the requirements of Transport for New South Wales Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM).

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the construction. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.

Measures for the management of traffic during construction are to include, but not be limited to:

- (i) Deliveries will be scheduled to avoid trucks arriving and departing the construction site simultaneously, and to avoid peak traffic periods.
- (ii) The management of loading and unloading of construction materials on site.

(b) Waste Management Plan

This is to include (as a minimum):

- (i) identify all waste (including excavation, demolition and construction waste material) that will be generated by the development during construction, and
- (ii) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - reused on-site and off-site, and
 - recycled on-site and off-site, and
 - disposed of off-site, and
- (iii) if waste material is to be disposed of, reused or recycled off-site - specify the contractor who will be transporting the material and the licensed waste management facility or recycling outlet to which the material will be taken.

(c) Sedimentation and Erosion Control Plan

The control measures are to be installed prior to the commencement of site works and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.



- (d) **Material stockpiling/storage**
- (e) **Dust mitigation** measures to be implemented during dry and/or windy weather conditions.
- (f) **Construction Noise and Vibration Management Plan** that shall include at minimum, the recommendations in the Construction Noise and Vibration Impact Assessment prepared by SoundIn dated August 2023.
- (g) **complaint management** and contingency measures.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

C5 Land Management

Prior to any activity or construction taking place on the land, the applicant must prepare a baseline soil report indicating the land and soil capability class. A copy of this report is to be provided to the Council.

Reason: This is intended to inform performance measures and rehabilitation plans to assist in decommissioning.

PART D: DURING WORKS

D1 Construction Hours

All excavation, construction, upgrading and decommissioning works/activities shall be limited to the following hours:

- (a) Monday to Friday: 7:00am to 6:00pm;
- (b) Saturday: 8:00am to 1:00pm;
- (c) No work is to be undertaken on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

D2 Compliance with Construction Site Management Plan

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- (a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.



- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

D3 Waste Management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved Waste Management Plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

D4 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service



authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

D5 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Housing and Infrastructure and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Housing and Infrastructure.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

D6 Discovery of Contamination

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D7 Construction Noise

While works are being carried out, the applicant must ensure that any noise generated from the site is controlled in accordance with the Construction Noise and Vibration Management Plan required under condition C4(f).

Reason: To protect the amenity of the neighbourhood.

D8 Disposal of excavated material



While construction work is being carried out, the principal certifier must be satisfied all soil removed from the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,

Reason: To ensure any soil removed from the site is appropriately disposed of.

D9 Critical Stage Inspections

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D10 Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including water, electricity and street lighting required as a result of the development is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

E3 Completion of all Works



All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following:

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and must maintain the ground cover during the operation of the solar farm.

Reason: To ensure adequate arrangements have been made for the development.

E4 Landscaping

Prior to the issue of the Occupation Certificate all noxious weeds are to be removed and landscaping is to be planted in accordance with the approved Landscape Plan.

Landscaping should be planted as early in the construction phase as possible in order that it has a chance to establish whilst staff are regularly on site to provide maintenance and to maximise the opportunity for vegetation growth prior to the commencement of operations.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E5 Easements and Covenants

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

- (a) Any easements/covenants or restrictions required by the provision of electricity supply cables to Essential Energy's infrastructure; and
- (b) A positive covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project (i.e. 30 years from the date of the Occupation Certificate) and for this to occur at no cost to Council.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments. Berrigan Shire Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

Reason: To ensure the development provides the necessary easements and restrictions on the land title.

E6 Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and



disposed of in accordance with the approved Waste Management Plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

PART F: OPERATIONAL CONDITIONS

F1 Decommission Management Plan

A Decommission Management Plan must be provided to Council (or the relevant approval authority) for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 30 years from the date of the Occupation Certificate) or no later than 6 months prior to the proposed cessation of operations should the solar farm cease operations in less than 30 years. The Plan shall identify the rehabilitation measures that will be implemented post development to enable the continuation of productive agriculture at a level that is at least commensurate with the pre-existing land and soil capability class. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities. The Plan must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Removal from the site of all solar panels, above and below ground infrastructure, fencing, all footings, the internal access track and parking areas and any other structures or infrastructure relating the approved development. Only landscaping may remain;
- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Restoration works are to include, but not be limited to:
 - (i) Filling with clean soil all holes in the ground resulting from the removal of footings and underground infrastructure (including cabling);
 - (ii) Laser levelling the site; and
 - (iii) Suitable revegetation of any areas of exposed earth.
- (d) Post restoration, a soil report identifying the land and soil capability class is to be undertaken and results compared to the baseline soil report prepared prior to construction. The report is to be submitted to council to demonstrate that the condition, suitability and productivity of the land for agriculture has been sufficiently reinstated.
- (e) Following removal of the BESS and its footings, site restoration shall include a contamination report prepared by a suitably qualified person to identify whether the ground in and around the location of the BESS is contaminated. Should contamination be found, remediation is to occur to restore the soil to a condition suitable for agricultural production.



- (f) Details on waste management aimed at maximising the recycling or reuse of all materials arising from the development, and
- (g) Mitigation measures to reduce traffic, dust and noise impacts during the decommissioning phase.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

F2 Vehicle Management

The premises shall be operated in accordance with the following vehicle management requirements:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) The maximum size truck permitted to access the site is a 19m semi-trailer.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

F3 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation. On-going monitoring of the health and performance of the visual plant screen during the lifetime operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

F4 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

F5 Storage of Hazardous Materials



The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

F6 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

F7 Waste Materials

The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.

Advisory Notes

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant



or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Essential Energy makes the following general comments:

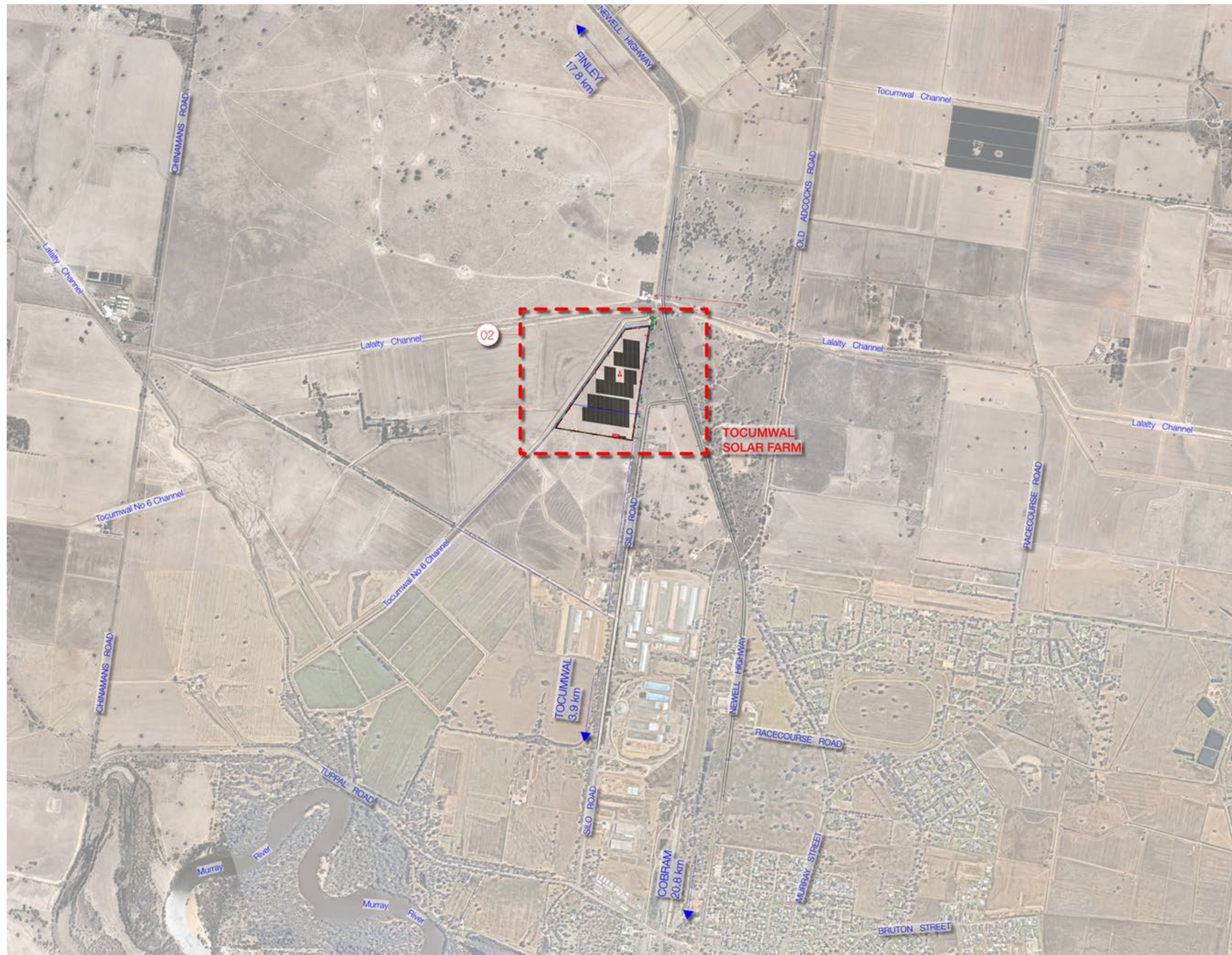
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when
- working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

External Lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting should be installed as low intensity lighting, except where required for safety or emergency purposes.



Aerial Imagery © Nearmap

UPDATED APPROVAL ISSUE - 25 March 2024

IMPORTANT NOTE RE-CLARIFICATION:
Tenderers/Contractors are advised to contact this office to confirm/clarify any aspect of the works, incl. any details the contract documents (incl. this plan) of which they are uncertain. No claim will be accepted on account of failure to do so. IF IN DOUBT - ASK.

This plan shall be read in conjunction with the AC Energy 118 Silo Road, Tocumwal Solar Farm drawings.

This plan shall be read in conjunction with the Built Assessment Report (BMR) Solar Farm & BESS prepared by Business Environmental Management Consultancy (BEMC) dated 25 March 2024.

A 25/3/2024 Design updated to revised AC Energy layout. Reference added re BEMC Bushfire Assessment Report. BEMC report compliance matrix added to Specification Notes sheet.

Rev: 01 Date: 25/3/2024

2 25/3/2024 UPDATED APPROVAL ISSUE: 03

1 11/12/2023 APPROVAL ISSUE: 03

Project: 23648 Project Name: 01

Drawings:

Sheet: 01 of 4

Structure/Height:

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Tocumwal Solar Farm
118 Silo Road, Tocumwal NSW

Overview/Context Plan

Sheet 1 of 4

Project: 23648 Project Name: 01

Scale: 1:10,000 @ A1; 1:20,000 @ A3

Drawn: CW Date: 25 Mar 2024

Project: 23648 Project Name: 01

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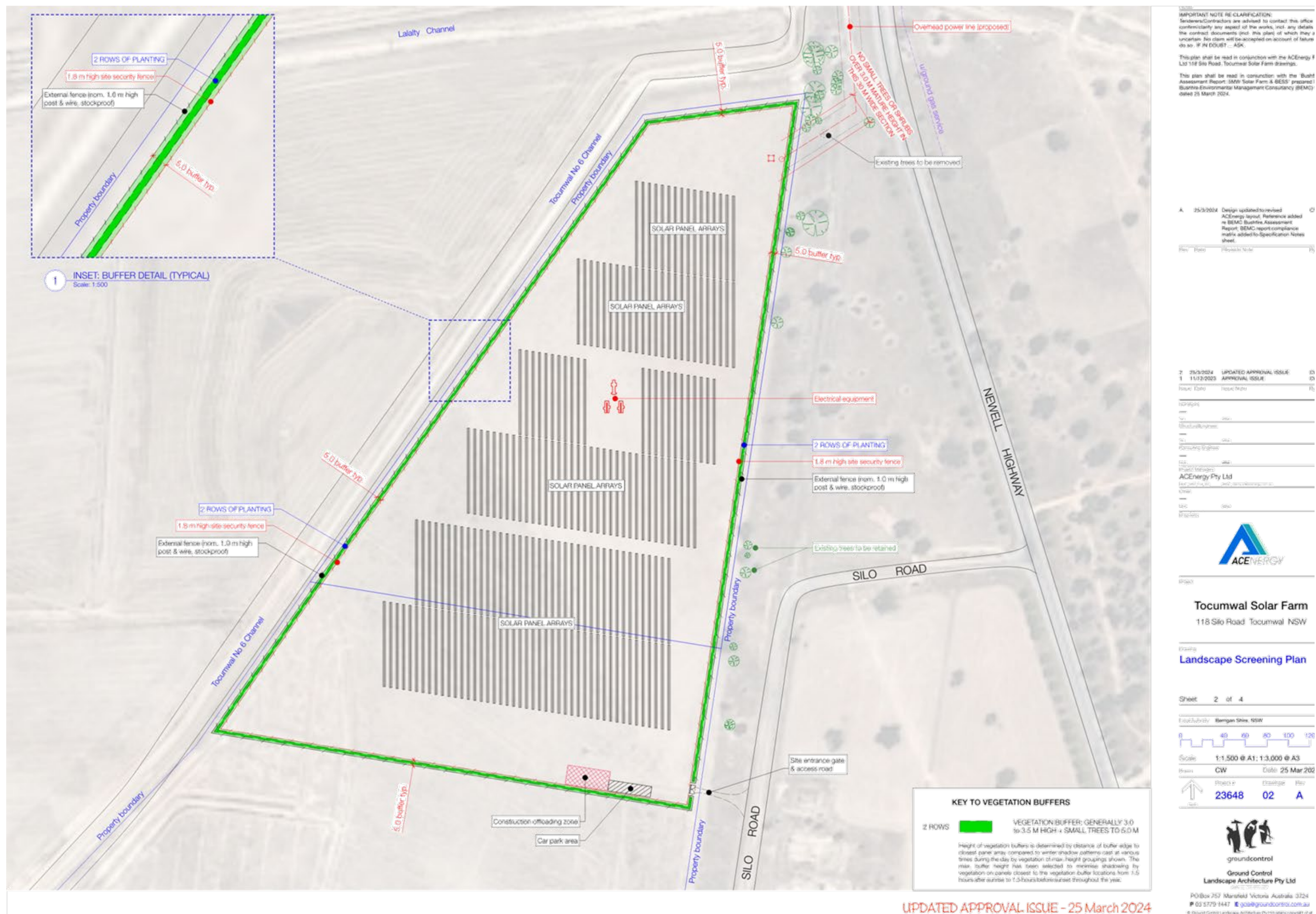


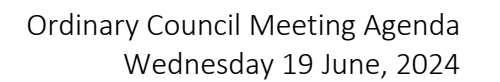
Ground Control
Landscape Architecture Pty Ltd

P.O. Box 757, Mansfield, Victoria, Australia 3724

Phone: 03 5770 1447 Email: info@groundcontrol.com.au

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BUSHFIRE ASSESSMENT COMPLIANCE:

Refer Sheet 4 for proposed screening vegetation compliance matrix in response to Bushfire Assessment Report prepared by Bushfire Environmental Management Consultancy (BEMC) dated 25 March 2024.

Unless otherwise noted, all plants to be planted with Arborgreen "Greenguard POP" or similar approved tree guards and biodegradable jute weed mats.

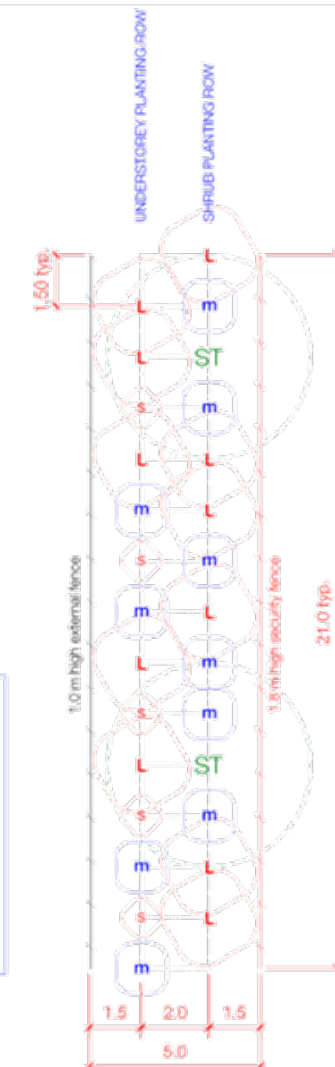
PLANT SET-OUT

Plant species shall be distributed in natural groupings to all planting areas, generally in accordance with plant life-form planting layouts as described in the Vegetation Buffer Detail Sheets as part of this drawing set.

Avoid concentrations of one species in any one area.

Avoid planting more than 5 no. of the same species in any one 20 m long typical planting row.

Maximise plant diversity at plant set-out.



IMPORTANT NOTE RE CLARIFICATION:
Senders/Contractors are advised to contact this office *confidentially* any aspect of the works, incl. any details the contract documents (incl. this plan) of which they are uncertain. No claim will be accepted on account of failure to do so. IF IN DOUBT – ASK.

This plan shall be read in conjunction with the ACEnergy # 11418 Site Road, Toocumwarr Solar Farm drawings.

This plan shall be read in conjunction with the 'Busht Assessment Report (SMV Solar Farm & BESS)' prepared by Bushfire Environmental Management Consultancy (BEMC) dated 25 March 2024.

A	25/3/2024	Design updated to revised ACenergy layout. Reference added re BEMC Bushfire Assessment Report. BEMC report compliance matrix added to Specification Notes sheet.	
Rev	Date	Revison/Note	

2	25/3/2024	UPDATED APPROVAL ISSUE	03
1	11/2/2023	APPROVAL ISSUE	03
Issue: (Date)		Issue: (Date)	03
<p>Issuing:</p> <p>name</p> <p>Mr () (Date)</p> <p>(Signature/Signature)</p> <p>name</p> <p>Mr () (Date)</p> <p>Consenting Engineer</p> <p>name</p> <p>Mr () (Date)</p> <p>(Printed Name)</p> <p>ACEnergy Pty Ltd</p> <p>(Full Print Name, Tel, Fax, Email, Website, etc.)</p> <p>(Name)</p> <p>name</p> <p>Mr () (Date)</p> <p>(Signature)</p> <p>(Signature)</p>			



Tocumwal Solar Farm
118 Silo Road Tocumwal NSW

Landscape Screening

Sheet 3 of 4

Berrigan Shire, NSW

Scale	N.T.S.		
Sheet	CW	Date	25 Mar 202
Sheet #	23648	Drawing	Rev
		03	A



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UPDATED APPROVAL ISSUE - 25 March 2024



LANDSCAPE WORKS CONSTRUCTION NOTES:

1 WORKS BY CIVIL/OTHERS

All construction & civil works incl. demolition, building works, bulk earthworks, drainage infrastructure, road pavements, site electrical & battery facilities & associated infrastructure, fencing and other related works.

The civil contractor will ensure the following minimum depths of site topsoil are provided for the landscape works:

- Planting areas -- min. 150 mm depth site topsoil.
- Finished level of topsoil to be generally 100-150 mm above surrounding existing ground surface levels to ensure topsoil/planting areas are free from waterlogging during wet periods.

2 INSURANCES

Provide certificates of currency for Public Liability Insurance (min. \$20M) and Workcover insurance (min. \$20M) to the Superintendent prior to commencing works. Each certificate of currency shall note the Proprietor as an interested party.

3 ROAD OPENING PERMIT

Apply to the responsible authority for a road opening permit (if required), incl. the payment of all fees and charges re same. An approved copy of the approved road opening permit shall also be provided to the Superintendent prior to works commencing on site.

4 LANDSCAPE PRE-COMMENCEMENT MEETING

The Contractor shall initiate, coordinate and attend a pre-commencement meeting with Council, Proprietor & Superintendent, incl. achieving compliance with all Council & specified requirements, checklists, insurances, approvals, etc.

5 TRAFFIC MANAGEMENT

If required, prepare and submit to the responsible authority a traffic management plan to their satisfaction, incl. the payment of all fees and charges re same. An approved copy of this plan shall also be provided to the Superintendent prior to works commencing on site. Implement approved traffic management plan during the duration of the Works on site.

6 LOCATE EXISTING SERVICES

Locate all existing services prior to commencing works, contacting Dial Before You Dig, the project civil engineers/contractor and/or the relevant authorities re same as required. Identify all overhead services prior to commencing works.

7 SET OUT THE WORKS

Accurately set the works out as per the documentation set.

8 SOIL TESTING

Undertake soil sampling & testing from an approved ag. soil testing laboratory, incl. seeking recommendations for fertilising planting zone to improve soil NPK balance, trace elements, etc. Any recommended adjustments must be made to improve the soil conditions for native tree & shrub planting.

9 PLANTING AREAS PREPARATION -- INITIAL

These works to be done ideally in LATE FEBRUARY/MARCH of the planting year:

- Eradicate broadleaf, woody and noxious weeds from all planting areas using selective, non-residual herbicides. Manual removal of larger woody weeds may be required -- inspect site to confirm extent.
- Rip along planting line to 2.0 m wide to min. 300 mm depth with a Yeemans/Keyline plough with tyres at max. 750 mm centres to break up/aerate natural subgrade and to relieve compaction, grade & level.
- Apply fertilisers and additives at rates recommended by soil test results.
- Cultivate planting lines to break up soil clods and provide an appropriate planting medium.
- DO NOT WORK WET SOIL. Remove any deleterious material brought to the surface, consolidate soil and grade surface to even grades, free of any depressions or undulations.

10 PLANTING AREAS PREPARATION -- SECONDARY

These works to be done ideally in APRIL/MAY of the planting year:

- Eradicate broadleaf, woody and noxious weeds from all planting areas using selective, non-residual herbicides. Manual removal of larger woody weeds may be required.
- Re-cultivate planting lines to break up soil clods and provide an appropriate planting medium.
- DO NOT WORK WET SOIL. Remove any deleterious material brought to the surface, consolidate soil and grade surface to even grades, free of any depressions or undulations.

11 PLANT SUPPLY

All plants shall be healthy, free from any pests or diseases, be attractive, well grown and well formed plant specimens and shall have a healthy, well formed root system commensurate in size with the foliage mass (root systems must not be pot bound). Plant container sizes shall be as listed in the detail planting schedule, but shall be min. hiko, ViroTube or 50 mm round/square pot size.

The planting contractor shall inspect all plants on delivery to site and shall certify in writing to the Superintendent that all plants supplied are as described above and are accepted by the planting contractor for planting in this project.

12 PLANTING

Set out plants as documented. Individual holes are to be dug (tree planter, mini-auger, etc.) in the prepared planting areas of sufficient size to easily accommodate the plant's root system and relieve any polishing. Create broad, shallow watering bowl to ALL plants to facilitate effective watering (min. 5 litre capacity). All plants shall be watered in immediately after planting and at such times during the Contract period as is required to maintain growth free of water stress. Planting medium must be moist -- do not plant into dry soil. Handle and plant all plants at all times in accordance with best horticultural practice.

13 FERTILISING

Refer maintenance section.

14 WEED MATS

Supply & install to each plant a 600 x 600 mm TreeMax or similar approved jute weed mat. Installation strictly to manufacturer's recommendations.

15 TREE/PLANT GUARDS

Supply & install to each plant Arborgreen 'Greenguard POP' 450 x 200 mm (sides) Code: 'GRGRDPOP-TRI' or similar approved 100% biodegradable tree guard, incl. 1 no. x 25 x 25 x 750 mm HWD stake per guard to all plants. Ensure stake extends min. 300 mm into ground. Installation strictly to manufacturer's recommendations.

16 GRASSING (IF REQUIRED)

Some areas of grass seeding may be required and will be directed and quantified by the Superintendent.

Do not sow seed in periods of extreme heat, cold or wet, or where wind velocities are excessive unless otherwise approved. Seed mix shall be as follows:

- TURF-TYPE REGENERATING PERENNIAL RYEGRASS 95% by count
- TURF-TYPE TALL FESCUE 3% by count
- SUB CLOVER 1% by count
- WHITE CLOVER 1% by count

Seeding rate shall be min. 30 gms per m². Apply seed evenly -- seed application shall be via direct drilling or by other approved methods. Seeding shall be programmed when there is a period of anticipated weather conditions (i.e. rain) that will provide the best chance for germination of grass seed. Any areas affected by heavy rain, wind removing seed or other cause shall be re-seeded as specified to achieve an even cover of grass.

Slash grass when growth height has reached 100 mm or otherwise as directed by Superintendent. Should all the areas not require cutting at one time, complete all further cuts as necessary until 100% of the area has achieved successful coverage and all areas have received at least first cut.

17 PRACTICAL COMPLETION COORDINATION

The Contractor shall initiate, coordinate and attend a Practical Completion meeting with Council, Proprietor & Superintendent, incl. achieving compliance with all Council & specified requirements, checklists, insurances, approvals, etc. NOTE: Min. 3 no. working days notice is required for a Practical Completion meeting.

18 LANDSCAPE ESTABLISHMENT MAINTENANCE PERIOD

Maintain the contract works from the Date of Practical Completion to the Date of Final Completion/hand-over.

Maintenance shall include care of the contract area by accepted horticultural practices, and rectification of any defects that become apparent during this period. Maintenance tasks to be carried out during the maintenance period shall include, but shall not be limited to, staking, watering as required, weed control, pest & disease control & management, tree/plant guard adjustment/replacement as required, rubbish removal.

WEED CONTROL -- PLANTED AREAS:

In planted areas, poison all broadleaf, noxious & woody weeds as they appear. Slashable grasses are to be retained generally between planting rows. Selective herbicides shall be nominated by the Contractor and approved by the Superintendent prior to use. Non-selective herbicide shall be Monsanto 'Roundup BIACTIVE' glyphosate-based herbicide -- standard 'Roundup' is NOT to be used. NO OTHER HERBICIDE SHALL BE USED WITHOUT PRIOR APPROVAL. All herbicide applications shall use Nufarm 'Spraymate' or similar approved marker dye admixture and shall be handled and applied strictly according to manufacturer's recommendations, recommended rates and directions.

GRASS MANAGEMENT -- PLANTED AREAS:

Slash all areas between plants in rows and min. 1.5 m along all outside edges of all planting zones on a regular basis to maintain grass height to max. 100 mm. Slashing shall comply with all local Council and RFS guidelines re grass heights.

JUTE MAT & TREE/PLANT GUARDS:

Maintain jute mat and tree/plant tree guards for first two summers minimum, repair and replace as required during this period.

PLANT REPLACEMENT:

Replace any failing, failed or dead plants during the maintenance period. The Superintendent and the Contractor will inspect the full planting areas at the end of each summer and will identify the number and species of plants that are failing, have failed/died. The Contractor shall replace all such plants identified.

WATERING:

The Contractor shall ensure all plants planted/maintained under this contract receive adequate (but not excessive) watering to maintain optimum growth and health. Watering shall be localised to each plant, not broad spraying across the entire planting area, to limit weed/grass growth between planting rows.

Watering shall be either manually via watercart/hose as required OR via a drip irrigation system, using Netalm 'UniRAM AS' inline dripline @ 1.6 LPH with emitter spacing of 400 mm -- one surface dripline per planting row. Drip irrigation system to be designed by an accredited irrigation designer and connect to an available clean water source, incl. filtration at source.

All plants shall be watered as required for at least the FIRST TWO SUMMERS to aid in establishment of healthy root systems and foliage growth, with further waterings if required during late spring and/or early autumn or at any other time of the year based on prevailing climatic conditions. Further waterings may be needed beyond this minimum establishment watering should prevailing climatic conditions deteriorate with potential to lead to deterioration of plant growth, health or plant deaths (e.g. severe drought, El Niño conditions, etc.).

FERTILISING:

All plants (excluding Proteacea family) shall be fertilised with Scotts 'Osmocote® Plus Trace Elements: Native Gardens' (NPK 21:8 : 0:7 : 7:2) or similar approved at the manufacturer's recommended rates. Fertiliser shall be locally spread on soil surface around plants during planting operations. If unsure which plants are in the Proteacea family -- ASK.

Allow for one fertiliser application in Year 1 and second application in Year 2.

PESTS & DISEASES:

Regularly monitor all plants grasses planted/maintained under this contract for evidence of pest and/or disease attack -- identify and treat any/all problems arising.

RABBITS, HARES, KANGAROOS, ETC.:

Identify any predation by rabbits, hares and other pests with potential to damage or destroy the landscape works under this contract. Take all necessary steps, within local authority regulations and/or guidelines, to limit or eradicate predation. Maintain all tree guards in good condition to limit rabbit/hare/kangaroo/other damage to plants with installed guards.

COMPLIANCE WITH BUSHFIRE ASSESSMENT REPORT:

Recommendation 2 - Landscaping

A Landscaping plan is required to illustrate:

- Fire trail is located internally within 10 m of the perimeter vegetation screening and no structure except for the fire trail is located within this 10 m separation.
- The following landscaping/maintenance of the perimeter vegetation screening:
 - No shrub vegetation proposed. (refer note # 1 below)
 - Grasses maintained to 100cm height.
 - All branches <2m above surface level removed. (refer note # 2 below)

Perimeter vegetation screening is proposed. This vegetation does not increase the bushfire risk if maintained to strict landscaping requirements. Due to the restricted size of the site, the ability to apply the 10 m APZ external to the perimeter fencing and screening vegetation is limited, with the following principles shall be applied to the vegetation screening features:

- Planting does not provide a continuous canopy in a line towards the facility.
- Avoid species with rough/fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown.
- Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e., leaf litter).
- Avoid climbing species.
- Low flammability vegetation/species are to be used. (refer note # 3 below)

DESIGN RESPONSE NOTES:

- The purpose of screening vegetation to this facility is to provide a vegetative screen to the SOLAR TRACKERS, BESS and MVPS units proposed for this site. The design height of the SOLAR TRACKER units is nom. 2.2 m above ground level. The design height of the BESS units is nom. 3.0 to 3.5 m above ground level. The design height of the MVPS units is 2.5 to 3.0 m above ground level. ACEnergy direction re screening vegetation was to limit the majority of selected species to 3.0 to 3.5 m estimated mature growth height, with occasional small trees to max. 5.0 m estimated mature growth height. Thus the majority of the species selected for planting in the proposed vegetative screen would be classified as 'shrub vegetation' for the purposes of the Bushfire Assessment Report. Compliance with this 'maintenance' condition would result in the entire removal of ALL effective screen planting. Based on the ACEnergy direction that a vegetative screen is required, the planting proposed in this document must be deemed non-compliant with this condition.
- Assuming shrub vegetation is allowed (refer response # 1 above), compliance with this additional 'maintenance' condition would result in the removal of all proposed small shrubs and most proposed medium shrubs. Removing branches <2.0 m above ground level from the balance of the proposed medium shrubs would render them unviable, resulting in the combined loss of over 53% of the proposed screening vegetation. Removing branches <2.0 m above ground level from the proposed large shrubs would result in a remaining estimated effective screening of between 0.5 and 1.5 m high, stating min. 2.0 m above ground level. Compliance with this 'maintenance' condition would result in the entire removal of any effective screen planting. Based on the ACEnergy direction that a vegetative screen is required, the planting proposed in this document must be deemed non-compliant with this condition.
- Species selection is focused on specifying plants indigenous to the area of the SOLAR FARM/BESS facility. Based on available research data accessed as at the date of issue of this drawing set, between 51% and 65% of the total plant numbers specified for the vegetative screen for this project are categorized by multiple sources as being low flammability plant species. As a result, the planting proposed in this document must be deemed part-compliant with this condition.

IMPORTANT NOTE RE-CLARIFICATION:
Senders/Contractors are advised to contact this office concerning any aspect of the works, incl. any details the contract documents (incl. this plan) of which they are uncertain. No claim will be accepted on account of failure to do so. IF IN DOUBT -- ASK.

This plan shall be read in conjunction with the ACEnergy # Ltd 118 Site Road, Tocumwal Solar Farm drawings.

This plan shall be read in conjunction with the Bushfire Assessment Report: (MWH Solar Farm & BESS) prepared by Business Environmental Management Consultancy (BEMC) dated 25 March 2024.

A. 25/3/2024 Design updated to revised ACEnergy layout. Reference added re BEMC Bushfire Assessment Report. BEMC report compliance matrix added to Specification Notes sheet.

Rev. Date. (Revised) Note.

2. 25/3/2024 UPDATED APPROVAL ISSUE. (D)

1. 11/12/2023 APPROVAL ISSUE. (D)

Project: Solar Farm Project Name: (D)

Designing: (D)

By: (D)

Checked/Engineered: (D)

By: (D)

Consenting Engineer: (D)

By: (D)

Project Manager: (D)

ACEnergy Pty Ltd

For and to the use of: (D)

Project: (D)

By: (D)

Project: (D)

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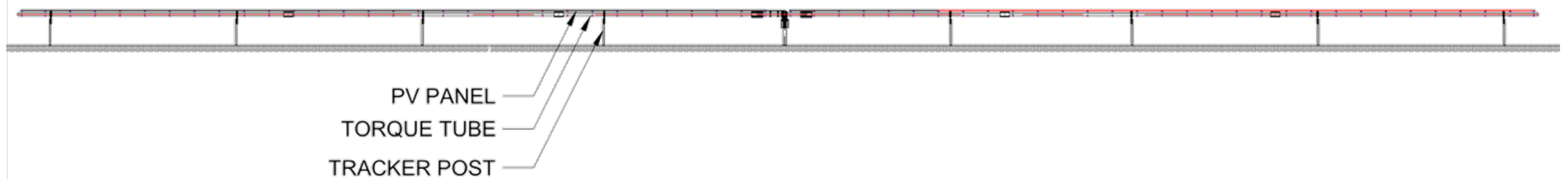
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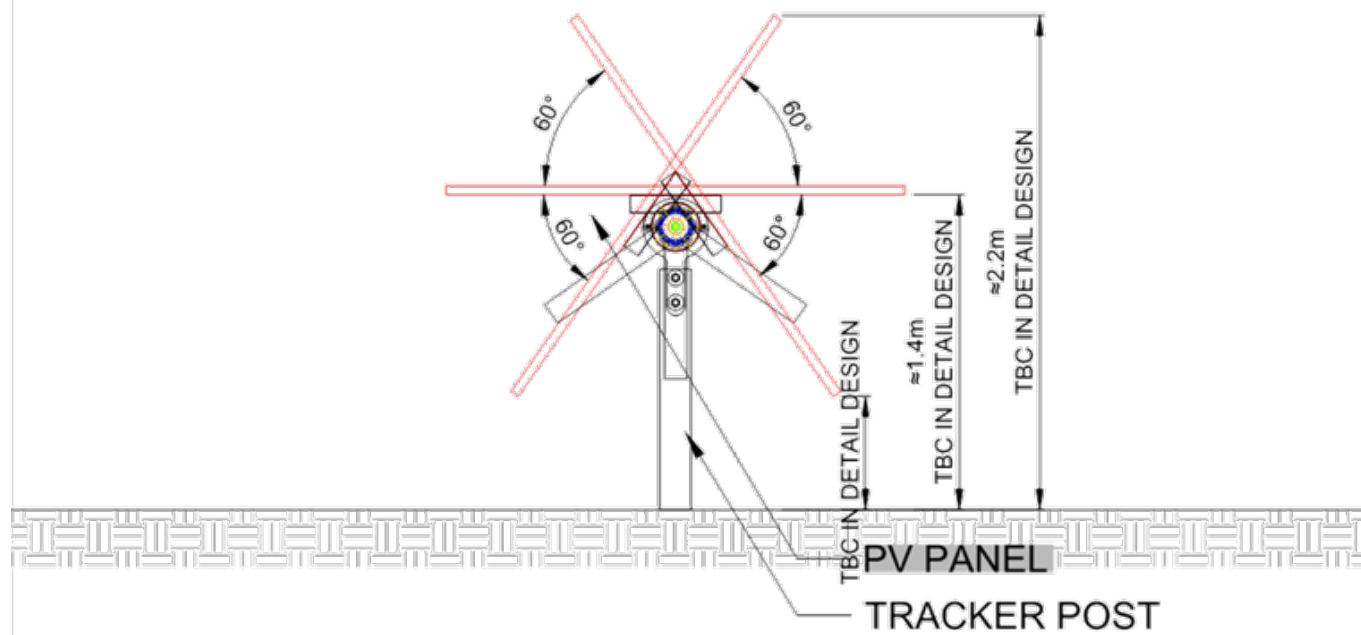
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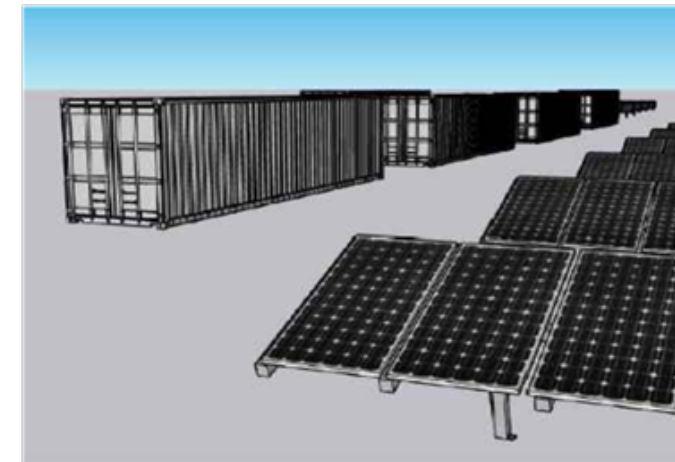
TRACKING SYSTEM FRONT VIEW SCALE 1:155



TRACKING SYSTEM SIDE VIEW SCALE 1:30



TYPICAL LAYOUT



TYPICAL TRACKING SYSTEM



REVISIONS					
REV	STATUS	DESCRIPTION	DATE	D.B.	C.B.
A	FA	INITIAL ISSUE	09/01/24	XZ	AJ

PROJECT DETAILS:	TOCUMWAL SOLAR FARM <small>1 DESERLO ROAD TOCUMWAL VIC 3700</small>
CLIENT DETAILS:	ACENERGY PTY LTD
DRAWING TITLE:	TRACKING SYSTEM DETAILS

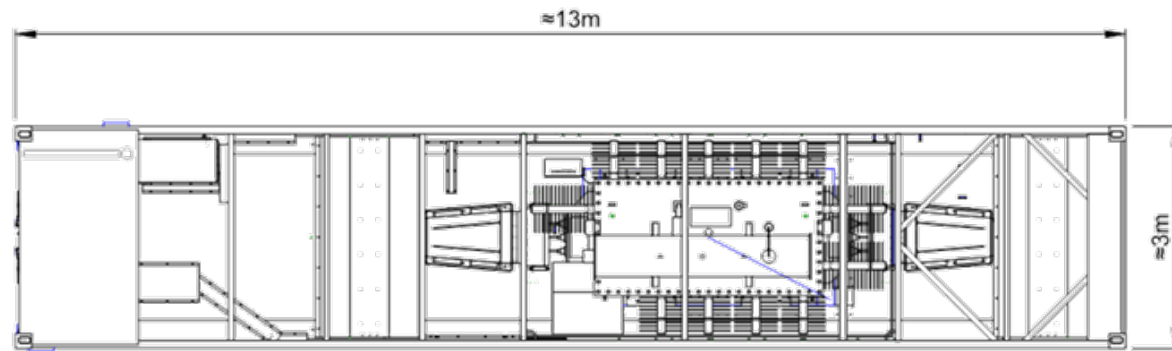
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DRAWING NO: C-5.0_023122		
DRAWN BY: XZ	APPROVED BY: AJ	PROJECT MGR: LZ
SCALE: AS INDICATED	ISSUE: FOR APPROVAL	ISSUE DATE: 09/01/2024
SHEET SIZE: A3	PROJECT NO: 23122	REV. NO: A

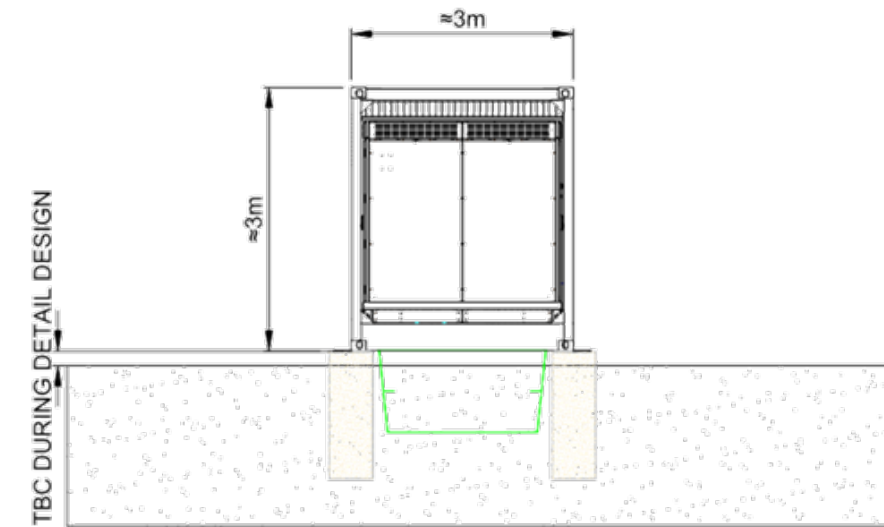




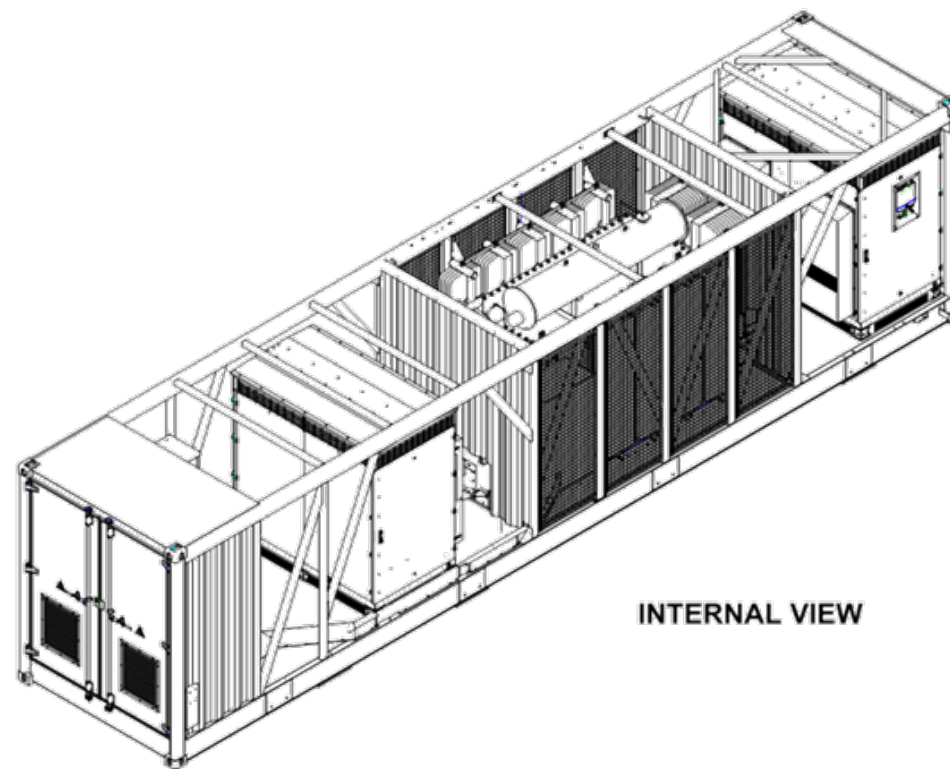
CENTRAL INVERTER LAYOUT



TOP VIEW

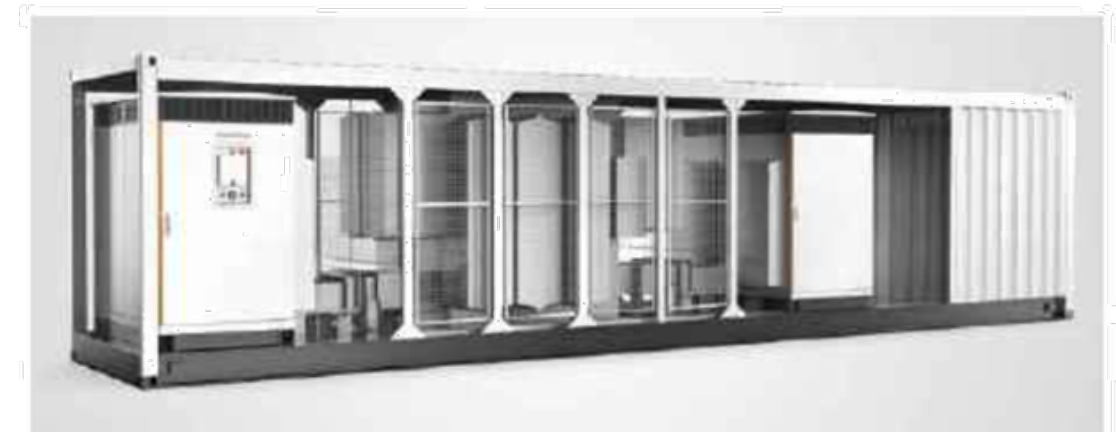


SIDE VIEW



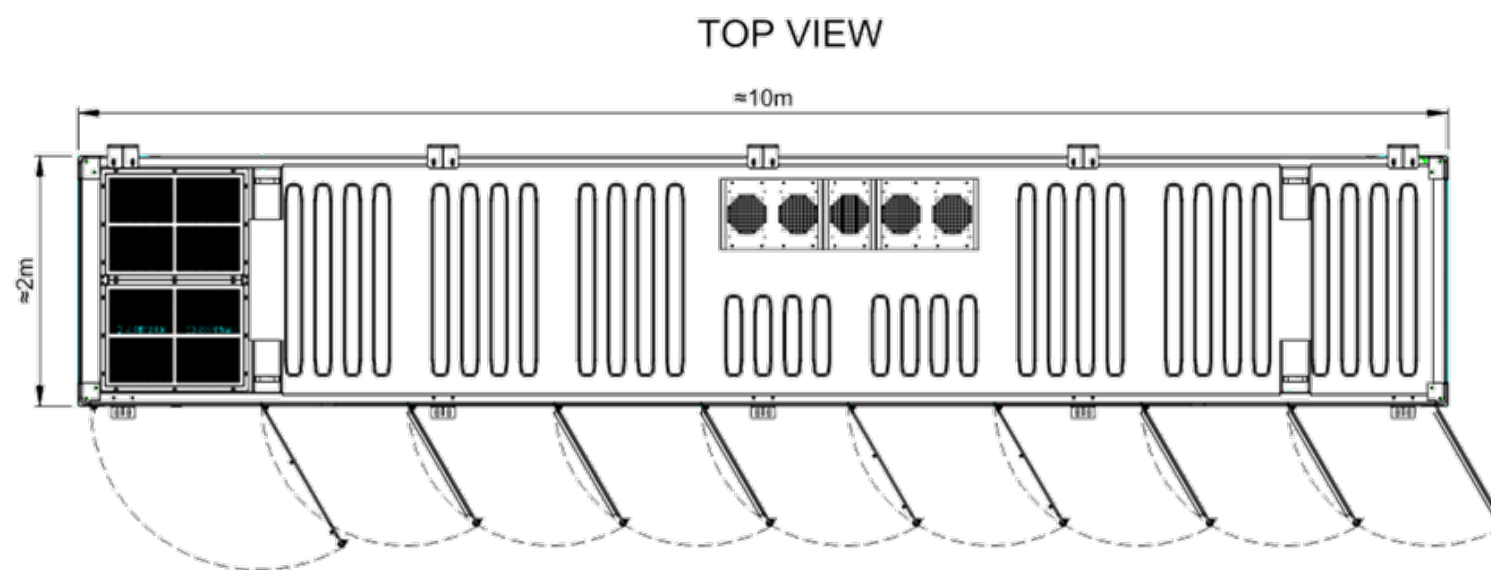
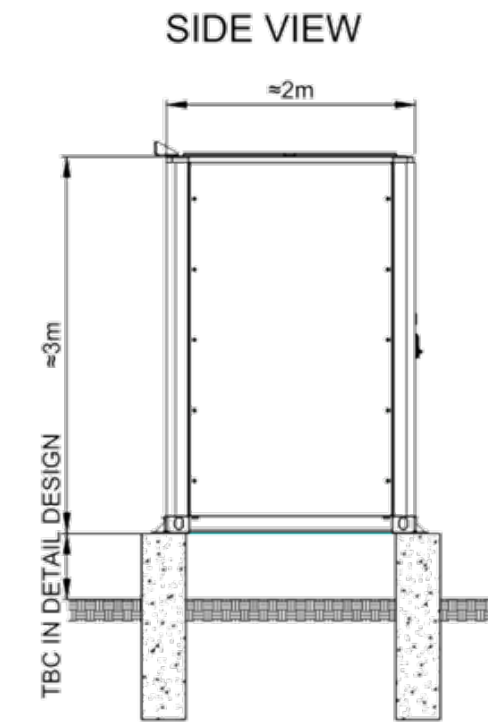
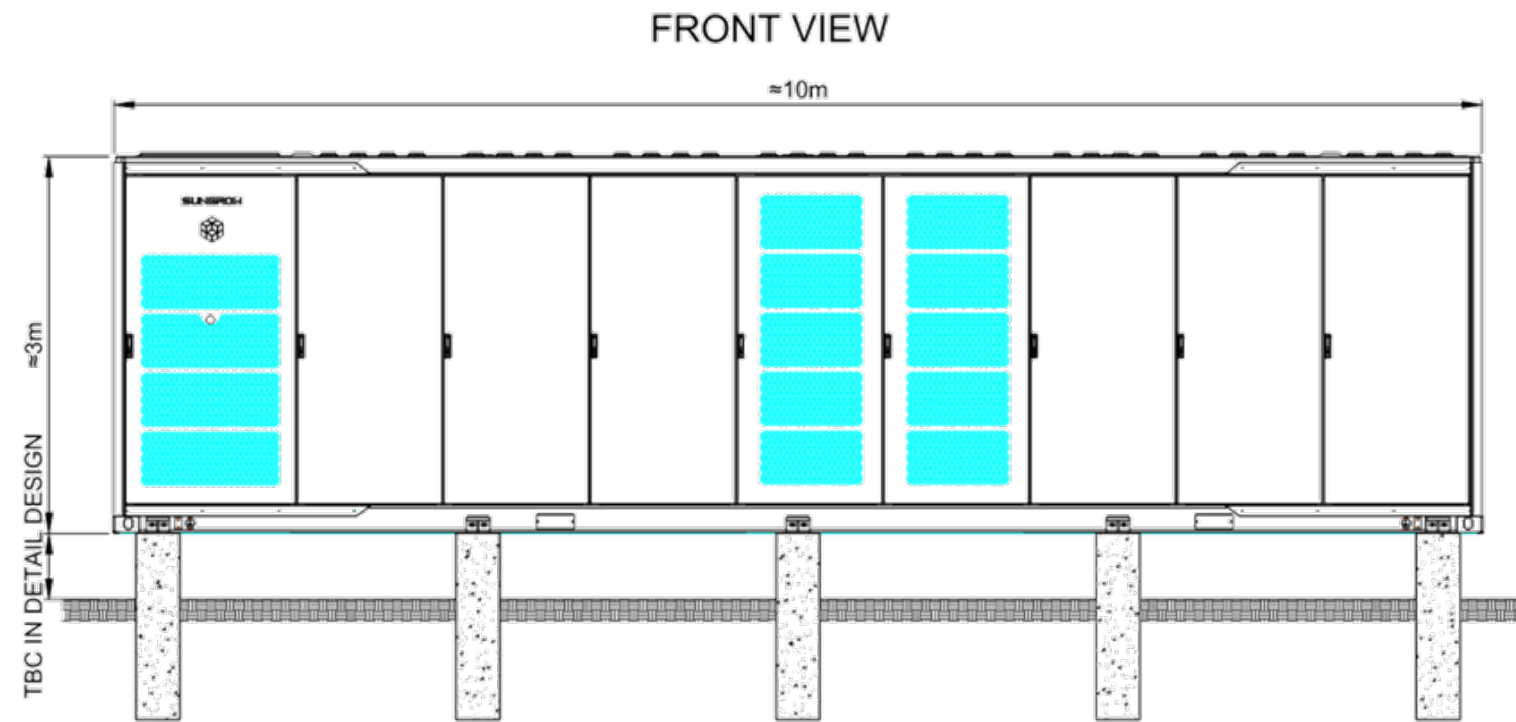
INTERNAL VIEW

TYPICAL CENTRAL INVERTER



REVISIONS						PROJECT DETAILS:		TUCUMWAL SOLAR FARM			DRAWING NO:		
REV	STATUS	DESCRIPTION	DATE	D.B.	C.B.	CLIENT DETAILS:		1 DESLO ROAD TUCUMWAL			C-3.0_023122		
A	FA	INITIAL ISSUE	09/01/24	XZ	AJ	DRAWING TITLE:		ACENERGY PTY LTD			DRAWN BY:		
								CENTRAL INVERTER ELEVATIONS			APPROVED BY:		
											PROJECT MGR:		
											XZ		
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											FOR APPROVAL		
											ISSUE DATE:		
											09/01/2024		
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											A3		
											PROJECT NO:		
											23122		
											REV. NO:		
											A		





TYPICAL BATTERY CONTAINER



REVISIONS						PROJECT DETAILS:		TOCUMWAL SOLAR FARM			DRAWING NO:		
REV	STATUS	DESCRIPTION	DATE	D.B.	C.B.			1 HESLO ROAD TOCUMWAL 40170200 - 141.550002			C-4.0_023122		
A	FA	FOR INITIAL ISSUE	09/01/2024	XZ	AJ	CLIENT DETAILS:		ACENERGY PTY LTD			DRAWN BY : XZ		
						DRAWING TITLE:		DC COUPLED ENERGY STORAGE CONTAINER ELEVATIONS			APPROVED BY : AJ		
											PROJECT MGR : LZ		
											SCALE : AS INDICATED		
											ISSUE : FOR APPROVAL		
											ISSUE DATE : 09/01/2024		
											SHEET SIZE : A3		
											PROJECT NO: 23122		
											REV. NO: A		

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8.19 Rates Resolution 2024-2025

Author:	Director Corporate Services, Tahlia Fry
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
Appendices:	Nil

Recommendation

That Council make and levy the Rates and Charges for 2024 – 2025 as set out below.

Report

The following rates and charges resolution will, if adopted, implement the Council's intended rating model to achieve an overall permissible increase to Ordinary Rate income of 4.5% in line with the Rate Peg set by the Independent Pricing and Regulatory Tribunal (IPART).

The increase in annual rates and user charges vary according to the revenue income required. The making of Rates and Charges must be made by resolution of Council, pursuant to Sections 534 and 535 of the *Local Government Act 1993*, as set out below.

Details as to how and where these rates and charges are levied are shown in the Statement of Revenue Policy included in the Berrigan Shire Council Operational Plan 2024/2025.

Ordinary Rates

That Berrigan Shire Council will make and levy the following Ad Valorem amounts as the ordinary rate for the period 1 July 2024 to 30 June 2025 as presented and in accordance with Sections 534, 535, 536, 537 and 543 of the *Local Government Act 1993*.

Category -Sub Category	Name of the Rate	Ad Valorem
Farmland		
Farmland - Barooga	Farmland - Barooga	0.0014434
Farmland - Berrigan	Farmland - Berrigan	0.0014434



Category -Sub Category	Name of the Rate	Ad Valorem
Farmland - Finley	Farmland - Finley	0.0014434
Farmland - Tocumwal	Farmland - Tocumwal	0.0014434
Farmland – Gravel Pits	Farmland – Gravel Pits	0.0014434
Residential		
Residential - Barooga	Residential - Barooga	0.006302
Residential - Berrigan	Residential - Berrigan	0.024486
Residential - Finley	Residential - Finley	0.017822
Residential - Tocumwal	Residential - Tocumwal	0.005959
Residential Riverland - Barooga	Residential Riverland - Barooga	0.0050703
Residential Riverland - Tocumwal	Residential Riverland - Tocumwal	0.0050703
Residential Rural - Barooga	Res Rural - Barooga	0.003207
Residential Rural - Berrigan	Res Rural - Berrigan	0.003207
Residential Rural - Finley	Res Rural - Finley	0.003207
Residential Rural - Tocumwal	Res Rural - Tocumwal	0.003207
Business		
Business Hospitality - Barooga	Business Hosp - Barooga	0.006302
Business Hospitality - Berrigan	Business Hosp - Berrigan	0.024486
Business Hospitality - Finley	Business Hosp - Finley	0.017822
Business Hospitality - Tocumwal	Business Hosp - Tocumwal	0.005959
Business Industrial - Barooga	Business Ind - Barooga	0.005945
Business Industrial - Berrigan	Business Ind - Berrigan	0.024486
Business Industrial - Finley	Business Ind - Finley	0.017822
Business Industrial - Tocumwal	Business Ind - Tocumwal	0.005959
Business Ordinary - Barooga	Business Ord - Barooga	0.006302
Business Ordinary - Berrigan	Business Ord - Berrigan	0.024486
Business Ordinary - Finley	Business Ord - Finley	0.017822
Business Ordinary - Tocumwal	Business Ord - Tocumwal	0.005959
Business Rural - Barooga	Business Rural - Barooga	0.006302



Category -Sub Category	Name of the Rate	Ad Valorem
Business Rural - Berrigan	Business Rural - Berrigan	0.024486
Business Rural - Finley	Business Rural - Finley	0.017822
Business Rural - Tocumwal	Business Rural - Tocumwal	0.005959
Business Alt Energy - Barooga	Business Alt Energy - Barooga	0.0105982
Business Alt Energy - Berrigan	Business Alt Energy - Berrigan	0.0105982
Business Alt Energy - Finley	Business Alt Energy - Finley	0.0105982
Business Alt Energy - Tocumwal	Business Alt Energy - Tocumwal	0.0105982
Mining		
Mining - Barooga	Mining - Barooga	0.006302
Mining – Berrigan	Mining – Berrigan	0.024486
Mining – Finley	Mining – Finley	0.017822
Mining – Tocumwal	Mining – Tocumwal	0.005959

Domestic Waste Management and Non-Residential Waste Management

That Berrigan Shire Council will make and levy the following charges for the period 1 July 2024 to 30 June 2025 to meet the costs associated with the collection, disposal and recycling of waste in accordance with Sections 496, 501, 504 and 543 of the *Local Government Act 1993*.

Waste collection service type	Name of the Charge	Charge per standard service \$
Domestic Waste Management (s496)		
Domestic Waste - Collected	Domestic Waste – Collected - Charge	\$494.00
Domestic Waste - Uncollected	Domestic Waste – Uncollected - Charge	\$72.00
Domestic Waste – Collected – Additional	Domestic Waste – Collected Charge – Add	\$231.00
Non-Residential Waste Management (s501)		



1 240l Green Bin, 1 x 240l Garbage Bin & 1 x 240l Recycling Bin	Business Garbage	\$593.00
Additional Garbage Collected Charge	Business - Garbage Collected - Add	\$214.00
Additional Recycling Collected Charge	Business - Recycling Collected - Add	\$214.00
Additional Green Waste Collected Charge	Business - Green Waste Collected - Add	\$277.00

Water and Sewage Charges

That Berrigan Shire Council will make and levy the following water charges for the period 1 July 2024 to 30 June 2025 in accordance with Sections 501, 502, 543, 552 of the *Local Government Act 1993*, as well as reflecting the requirements of the Council of Australian Governments through NSW Water, Supply Sewerage and Trade Waste Pricing Guidelines.

Water Access Charge (s501)	Name of the Charge	Annual Access Charge \$
Access Charge – Rateable	Water Access Charge	\$631.00
Access Charge – Non-rateable	Water Access Charge	\$631.00

Water Consumption Charge (s502)	Name of the Charge	Per kilolitre \$		
Barooga, Berrigan and Finley		Restriction Level 4	Other restrictions	No Restrictions
Treated	Water Consumption Barooga Berrigan Finley - Treated	1.55	1.10	1.00
Unfiltered	Water Consumption Barooga Berrigan Finley - Unfiltered	0.77	0.55	0.50
Tocumwal		Restriction Level 4	Other restrictions	No Restrictions
Treated	Water Consumption Tocumwal - Treated	1.03	0.73	0.66



Sewer Charges	Name of the Charge	Annual Charge \$
Sewer Supply Charge (s501)		
Sewer Supply Charge - Barooga	Sewer Supply Charge	\$649.00
Sewer Supply Charge - Berrigan	Sewer Supply Charge	\$649.00
Sewer Supply Charge - Finley	Sewer Supply Charge	\$649.00
Sewer Supply Charge – Tocumwal	Sewer Supply Charge	\$649.00
Sewer Pedestal Charge (s502)		
Sewer Pedestal Charge – Non-rateable	Sewer Pedestal Charge	\$138.00
Sewer Pedestal Charge –Rateable	Sewer Pedestal Charge	\$138.00
Sewer Maintenance Charge		
On-site Sewer Maintenance Charge	On-site Sewer Maintenance Charge	\$181.00

Stormwater Charges

That Berrigan Shire Council will make and levy the following stormwater management service charges for the period 1 July 2024 to July 2025 in accordance with Sections 496A and 543 of the *Local Government Act 1993* and clauses 125A and 125AA of the *Local Government (General) Regulation 2005*.

Stormwater Management Service Charge (s496A and s501)	Name of the Charge	Annual Charge \$
Stormwater Management Service Charge – Urban Property	Stormwater Management Service	25.00
Stormwater Management Service Charge – Urban Strata Property	Stormwater Management Service	12.50



Developer Concessions

That land in the table below will be exempt from annual water and sewer charges for the period 1 July 2024 to 30 June 2025 or until sold, leased, rented or otherwise occupied during this period.

Assessment No.	Address	Description
01442-00000000-000	30 Lewis Crescent Finley	L34 DP1281778
01445-00000000-000	45 Lewis Crescent Finley	L37 DP1281778



8.20 Finance - Accounts

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

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2024,
- b) confirm the accounts paid as per Warrant No. 05/24 totaling \$4,124,475.46 and
- c) note the report on investments attached.

Purpose

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

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 May 2024 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 May 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 May 2024, totaling \$4,124,475.46 and will be submitted for confirmation of payment as per Warrant No. 05/24
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),



- iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) Council's cash and investment portfolio decreased by \$1,965,582.76 since April. Funds have also decreased by \$5,825,109.67 compared to the same period last year.

Statement of Bank Balances as at 31 MAY 2024

Bank Account Reconciliation

Cash book balance as at 01 MAY 2024

Receipts for MAY 2024

Term Deposits Credited Back

\$ 13,606,540.31
\$ 1,916,852.63
\$ 5,299,298.29
\$ 20,822,691.23

Less Payments Statement No 05/24

Bank Transfers

Electronic Funds Transfer (EFT) Payroll

Electronic Funds Transfer (EFT) Creditors

Term Deposits Invested

Loan repayments, bank charges, etc

Total Payments for MAY 2024

Cash Book Balance as at 31 MAY 2024

\$ -
\$ 715,310.37
\$ 3,342,873.10
\$ -
\$ 66,291.99
\$ 4,124,475.46
\$ 16,698,215.77

Bank Statements as at 31 MAY 2024

Plus Outstanding Deposits

Less Outstanding Cheques/Payments

Reconciliation Balance as at 31 MAY 2024

\$ 16,694,910.63
\$ 5,821.51
\$ 2,516.36
\$ 16,698,215.78

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	4.75%	26/09/2024	\$ 2,000,000.00	BBB+
Defence Bank Limited	WATER	138/18	365	5.25%	11/01/2025	\$ 2,090,003.47	BBB
NAB	GENERAL	155/23	368	5.30%	30/09/2024	\$ 5,000,000.00	AA-
WESTPAC	SEWER	144/19	552	4.95%	1/10/2025	\$ 2,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	5.28%	30/09/2024	\$ 2,000,000.00	AA-
						\$ 17,090,003.47	

Total Funds Held at 31 MAY 2024

\$33,788,219.25

Genevieve Taylor

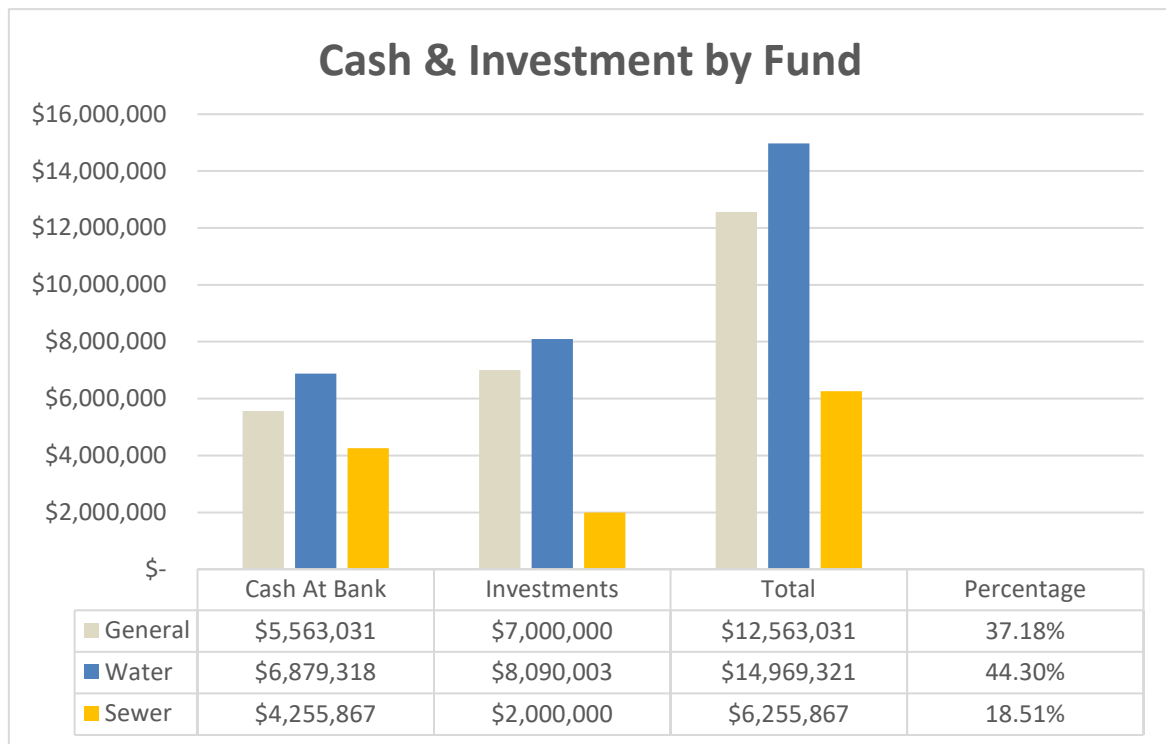
Genevieve Taylor Finance Manager

*The Council also receives an additional 0.25% commission

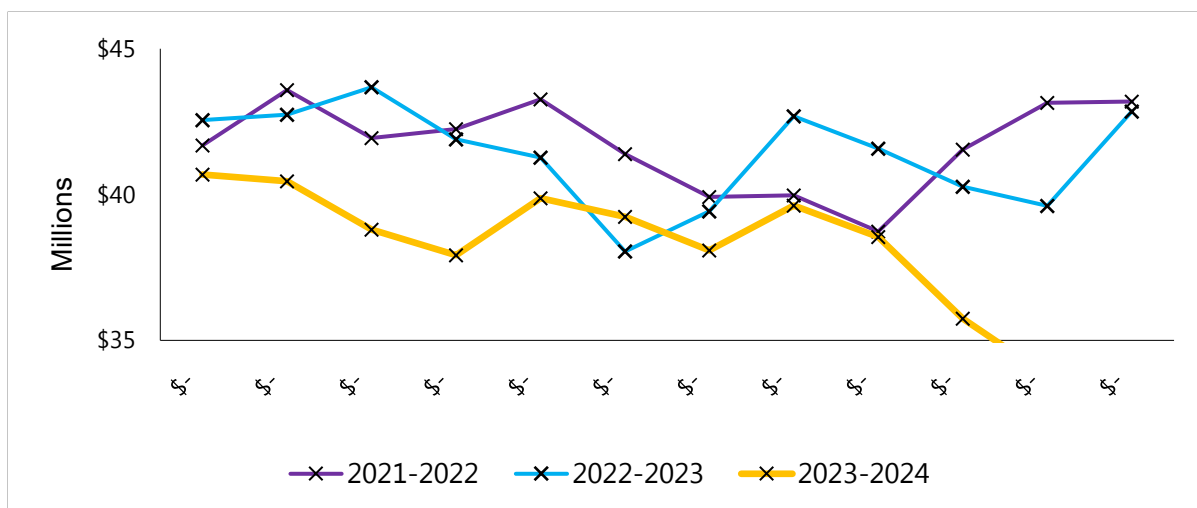
**The Council also receives an additional 0.20% commission



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

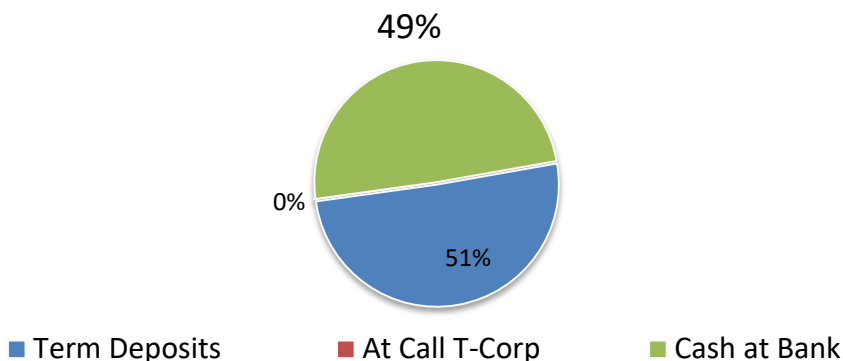


Total Cash and Investments

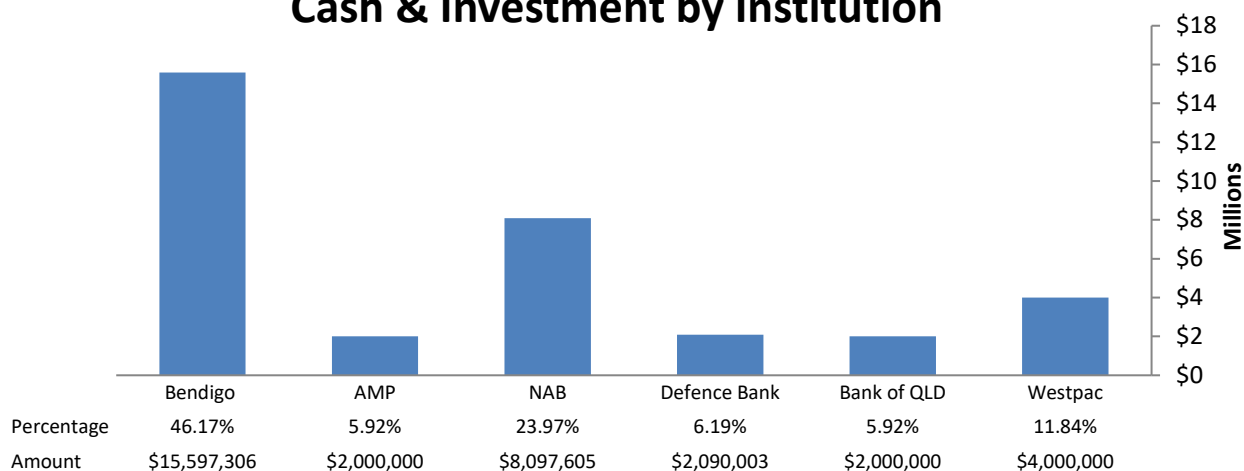




Cash & Investment by type



Cash & Investment by Institution



Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	366	\$1,000,000.00	5.10%	31/05/2024
AMP	366	\$2,058,000.00	4.55%	23/05/2024
Defence Bank	366	\$2,000,000.00	4.80%	1/05/2023

Term Deposits Invested / Reinvested

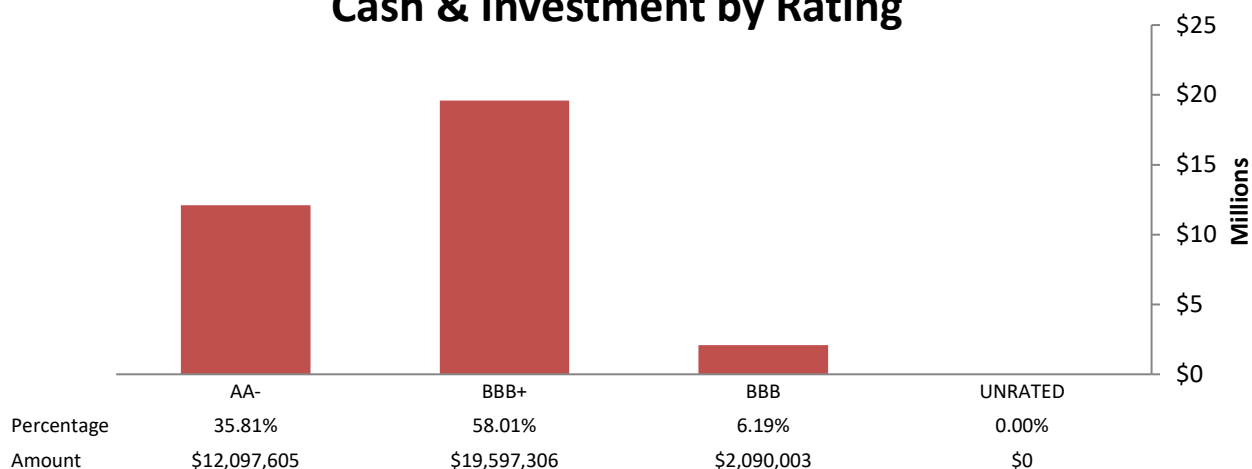
Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
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*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



Cash & Investment by Rating



Outstanding Borrowings:

The Council has outstanding borrowings of \$6,094,523 as of 31 May 2024. This includes both external borrowings (\$3,490,671) and internal borrowings from Council's Sewer Fund (\$2,603,852). Council has not yet drawn down on any new borrowings in the 23/24FY.

Please see below Council's current borrowings:

Institution	Fund Borrowing	Purpose	Loan Amount	Interest Rate	Opening Balance @ 30.06.2023	Principal	Interest	Closing Balance @ 31.05.2024
NAB	General	LIRS Drainage Loan	\$1,630,000	4.26%	\$306,392	\$174,864	\$8,917	\$131,528
ANZ	General	LCLI Lewis Cr/Fin Park Loan	\$1,000,000	2.32%	\$715,756	\$88,417	\$14,370	\$627,340
NAB	Water	LCLI Barooga WTP	\$4,000,000	1.48%	\$3,086,813	\$355,010	\$39,694	\$2,731,803
Sewer Fund	General	General Fund	\$1,000,000	1.48%	\$811,577	\$88,282	\$11,010	\$723,295
Sewer Fund	Water	Finley WTP	\$2,600,000	1.48%	\$2,110,101	\$229,534	\$28,627	\$1,880,557
		TOTALS	\$10,230,000		\$7,030,639	\$936,107	\$102,618	\$6,094,523

8.21 Council Action List Report

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Outstanding Action Items report - 13.06.2024 (under separate cover)2. Completed Action Items report - 10.05.2024 to 13.06.2024 (under separate cover)

Recommendation

That Council receive and note the Council Action List Report.

Report

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

The following reports have been generated for your information:

- Outstanding Council Actions as of 13.06.2024
- Completed Council Actions from 10.05.2024 – 13.06.2024



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Green Waste Disposal Vouchers

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

I, Councillor **Matthew Hannan**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 19 June 2024.

Motion

That Council, noting the introduction of a new charge for green waste disposal at Council's waste management facilities,

1. Direct the Chief Executive Officer to prepare a report for the ordinary Council meeting scheduled to be held on Wednesday, 18 July 2024 considering:
 - (a) The feasibility of implementing a system providing three vouchers per annum for each residential rate assessment in Berrigan Shire. Each voucher would entitle the holder to dispose of one (1) cubic metre of green waste.
 - (b) The likely cost to Council of providing this service, noting it is unlikely all vouchers would be used.

Background



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 Underpayment of Staff - Update

This matter is considered to be confidential under Section 10A(2) - (a) and (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.



11 MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12 COUNCILLOR REPORTS

12.1 Mayor's Report

12.2 Verbal Reports from Delegates

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on Wednesday 17 July 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](#).