



ORDINARY COUNCIL MEETING

Wednesday 15 May, 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 15 May, 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 15 May, 2024 when the following business will be considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	5
2	ACKNOWLEDGEMENT OF COUNTRY	5
3	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS.....	6
3.1	Apologies/Leave of Absence	6
3.2	Applications for Leave of Absence	6
3.3	Attendance Via Audio-Visual Link	6
4	CONFIRMATION OF PREVIOUS MINUTES	6
5	DISCLOSURES OF INTERESTS.....	6
6	MAYORAL MINUTE(S)	6
	Nil	
7	REPORTS OF COMMITTEES	6
	Nil	
8	REPORTS TO COUNCIL	7
8.1	HR Scan March 2024	7



8.2	Conflict of Interest Policy (for Council development applications)	16
8.3	Development Determinations for Month of April 2024.....	26
8.4	Leases to be signed under seal	31
8.5	Closure - Wores Hill Road.....	33
8.6	Finley Log Cabin Museum and Mary Lawson Wayside Rest.....	38
8.7	Finance - Accounts	46
8.8	January - March 2024 Financial Results	52
8.9	Council Action List Report	59
8.10	Correspondence Incoming and Outgoing, April to May 2024.....	60
8.11	Council Election Update - Reminders.....	62
8.12	Rural, Regional and Remote Healthcare - Submission	66
8.13	Federal Inquiry into Local Government Sustainability - Submission	67
8.14	Pedestrian Access and Mobility Plans	68
8.15	Vermont Street Barooga Roundabout	69
8.17	Community Strategic Plan.....	81
8.18	Delivery Program, Operational Plan and Statement of Revenue Policy 2024- 25	91
9	NOTICES OF MOTION/QUESTIONS WITH NOTICE.....	95
	Nil	
10	CONFIDENTIAL MATTERS.....	95
	Nil	
11	MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE	95
12	COUNCILLOR REPORTS	95
12.1	Mayor's Report	95
12.2	Verbal Reports from Delegates	95
13	CONCLUSION OF MEETING.....	95

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

KARINA EWER
CHIEF EXECUTIVE OFFICER



1 OPENING OF MEETING

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

Confidential matters of Council will not be audio recorded.

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

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

STATEMENT OF ETHICAL OBLIGATIONS

In accordance with section 233A of the Local Government Act 1993, the Mayor and Councillors are bound by Oath or Affirmation of Office made at the start of the Council term, to undertake their civic duties in the best interests of the people of the Berrigan Shire Council. They must faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

DISCLOSURES OF INTEREST

Pursuant to the provisions of the Local Government Act 1993, the Berrigan Shire Council Code of Meeting Practice and the Berrigan Shire Council Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.



In both cases, the nature of the interest must be disclosed.

**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 17 April, 2024 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 24 April, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil



8 REPORTS TO COUNCIL

8.1 HR Scan March 2024

Author:	HR Coordinator, Samala Armer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council receives and notes the report.

Report

The HR Scan is provided to identify trends within the workforce by analysing current data. This could be patterns related to staff turnover, attendance or performance.

At 31 March 2024, the Berrigan Shire Council workforce consists of:

Total FTEs*	March 2024
Male Employees	61
Female Employees	20
Total Actual Employees	98
Full Time Employees	81
Part Time Employees	8
Casual Employees	9

*FTE – Full Time-Equivalent

Casual includes three staff working remotely on an ad-hoc basis



Council does not currently collect other diversity indicators other than binary sex models. A broader range of Equal Opportunity Employment statistics will be included in future when we move to Pulse HR, such as ethnicity, disability etc. to ensure those measures are also being considered in recruitment in a considered and consistent way. Changes to these statistics will be included as part of the work being undertaken in the Workforce Planning Review project.

Staff Changes between January 2024 and March 2024

Resignations

Council had 6 staff resign between 1 January 2024 and 31 March 2024 (1 resigned due to retirement, 3 for personal/family reasons, 1 due to relocating to another state and 1 pursuing own business)

Appointments

There were 6 staff appointments between 1 January 2024 and 31 March 2024.

Recruitment

Positions currently being or in the process of being advertised include:

- Director Infrastructure – Applications being reviewed.
- IT Project Manager – Currently negotiating salary.
- Graduate Accountant
- Customer Experience – Governance
- Revenue Officer

Corporate Services Team are currently reviewing what positions they require moving forward after they have had three staff members recently resign from the department, one of those staff members remains in Council and has been successful in gaining a position in another team.

Human Resources and the Executive Leadership Team continue to review vacancies within Council to assess what skills are needed prior to re-advertising a position when it becomes vacant, this is to ensure Council can deliver service to the community and complete required works.

Current Staff Turnover Rate

The turnover rate is expressed as percentage. It is worked out by dividing the total number of leavers in a year by the average number of employees in a year, then multiplied by 100.

At a strategic level, employee retention rates of 90% or higher are considered good and what Council is aiming for. Currently, we are still not able to achieve this goal - turnover is sitting at 25.51% - hence a 74.49% retention rate from March 2023 to March 2024. This is a slight improvement from previous reporting periods. Given the current resignation rates it is expected, this percentage will not improve in the coming reporting periods.



Ordinary Council Meeting Agenda Wednesday 15 May, 2024



Total Leavers	6
Other Employment	0
Retirement	1
Termination	0
Redundancy	0
Relocation	1
Life Happens	1
No Longer Required	0
Performance	0
End of Contract	0
Personal	3

Information regarding the reasons for leaving Council are taken from exit interviews where they are undertaken and resignation letters where that information is provided. Some staff exiting are not willing to participate in this process.



Current Leave Balances (all Staff) – LEAVE ACCRUAL REPORT

Type	Total Hours Oct 22	Total Hours Jan 2023	Total Hours April 2023	Total Hours July 2023	Total Hours Dec 2023	Total Hours March 2024
Annual Leave	20,605	18,733	18,612	18,465	17,156.71	17,217
Long Service Leave	28,877	27,561	27,319	26,670	24,019.78	24,477

Excess Leave

39 employees currently hold excess leave with all employees having completed plans to reduce those leave balances. The majority of those excess leave holders have started to take their leave. Those holding excess leave are not shown separately for the purposes of this report.

As you can see leave accruals have a slight increase due to staff reaching milestones at Council. All staff that hold excess leave have plans in place with relevant managers, CEO & HR Coordinator, this is to ensure we continue to reduce and monitor the excesses leave liability held by staff.

Absenteeism

Staff absenteeism is calculated by assessing sick leave taken (including any leave without pay where applicable) against the hours available. The calculation indicates year to date.

A healthy absenteeism rate is 1.5%. Absence in the workplace is an occasion or period of being away from work due to physical illness, stress-related illness, mental health days or the occasional “sickie” (false sick day), or absence due to other reasons that are not planned leave related (such as career’s leave).

High absenteeism is an indicator of negative job behavior and should be monitored, certainly reasons for high absenteeism should be investigated.

Council’s absenteeism rate is currently sitting at 5.85%.

When considering the absenteeism rate, it is important to note that there has been only a slight decrease this reporting period – 91 hours. While this is not a significant improvement, the trend is positive.

I will continue to monitor absenteeism and report to Council.






Indicators

Council considered a set of Human Resource indicators shown in the table below.

Measure	Definition	January 23	April 2023	July 2023	Dec 2023	April 2024	Trend
Full Time Equivalent (FTE) employed	As written. FTE based on standard 70-hour fortnight indoor and 76-hour fortnight outdoor	87	86	91	83	81	↘
Men		71%	70%	69%	73%	75%	↗
Women		29%	29%	31%	27%	25%	↘
Average salary	Average <u>annualised</u> salary, excluding overtime and allowances						
Men		\$67,355	\$69,732	\$73,488	\$78,354	\$79,531	↗
Women		\$72,965	\$85,601	\$89,670	\$83,207	\$78,686	↘
Outstanding leave balance (\$000)	Balance of leave outstanding						
Annual		\$801,290	\$916,009	\$882,494	\$817,390	\$825,494	↗



Measure	Definition	January 23	April 2023	July 2023	Dec 2023	April 2024	Trend
Long Service Leave		\$1,114,130	\$1,188,437	\$1,091,272	\$1,056,223	\$1,062,831	
Absenteeism (hours)	Absence from work (sick, career, compassionate etc.) over past 12 months	8,283	8,560	7,979	7,104	7,013	
Overtime rate	Overtime hours worked in the previous 12 months	8,006	8,449	8,397	8,510	8,056	
Percentage of cost of the workforce	Salaries as a percentage of Operating Expense	N/A	N/A	N/A	N/A	N/A	
Turnover rate	Turnover of staff over previous 12 months	30.8%	27.5%	19.8%	23.7%	25.5%	
Average tenure	Average length of employment for current staff	7.9 years	10.1 Years	9.3 Years	8.1 years	8.3 years	
Employee satisfaction	As measured by regular staff surveys on a scale of 1 to 5, with 5 being the highest	46/87	58/86	55/91	52/98	50/98	
Time to fill vacancies	Time between creation of a vacancy and commencement of a replacement (workdays)	N/A	N/A	N/A	N/A	N/A	



Measure	Definition	January 23	April 2023	July 2023	Dec 2023	April 2024	Trend

1. The percentages of male to female employees continues to show a gendered bias in Council. The statistics however do not show the fact that most female staff tend to work in the office environment where the male employees primarily tend to work in the construction and delivery environment. The construction and delivery services of Council hold the largest staff numbers, this will continue to skew the figures for the foreseeable future. It does not mean Council are not considering staff for “non-traditional” roles, rather those applying for positions with Council tend to apply along gendered lines due to the types of work offered in each environment.
2. The increase in the pay rates for male staff is due to the recent appointment of a male Design Engineer during this period, this position has been vacant for an extended period of time. The decrease in salary for female staff is due to the resignation & retirement of two long term staff that held management/professional key roles within Council. One of the positions has not been readvertised as ELT and HR are currently reviewing the organisational structure to see what Council need to be able to deliver to the organization and the community.
3. All positions continue to be reviewed prior to going out for readvertisement, when doing so we consider the key accountabilities and skills required to complete the position, depending on the changes this may have an effect on remuneration for some positions.
4. Annual and Long Service Leave balances have increased this reporting period due to staff reaching their anniversary dates. All staff with excessive leave balances have leave management plans in place. All staff with excessive leave have provided a leave plan to their Manager, CEO and HR Coordinator to ensure we can achieve downward trend. From previous reporting periods you can see the leave plans in place do make a difference to the leave liability balances.
5. Overtime has decreased by 454 hours, this is a significant reduction in the last reporting period.



It has been identified that the overtime that is being claimed on some employees timesheets is excessive and unnecessary. Karina has addressed this with staff and has provided a Memo to ALL STAFF around Timesheet fraud. Claiming excessive and unnecessary overtime is unacceptable for the community, organization and staff. This intern could jeopardise staff's ongoing employment with Council. I will note that the above does not relate to staff that are on-call.

As of 22 April 2024 all unapproved overtime will cease, overtime shall only be paid under the following circumstances;

- there is a **written direction** from a Director, the Deputy CEO or the CEO to do so,
 - there is an **agreement in place** with your Director, the Deputy CEO or the CEO to work regular overtime for a **defined period of time only**,
 - when you are **rostered on for weekend** work **and** there is a **written agreement** with your Director, the Deputy CEO or the CEO as to how many hours that work will entail, or
 - when you are On Call.
- Directions and agreements shall be in writing. An email or text meets the criteria for "in writing". Those directions or agreements shall be submitted with your timesheets. Timesheets that do not meet the requirements of "direction" or "agreement" shall not be paid overtime.
- Karina, HR and Payroll will be monitoring timesheets closely. Any suspected fraudulent claims will be referred to the police for investigation and possible prosecution.

6. Over the past 12 months 25 staff have resigned from employment with the Council. Staff turnover in the last quarter has decreased slightly, with 6 staff leaving to pursue other career opportunities with other organisations, retirement or personal/family reasons. We will continue to work with staff being open and transparent as we continue to review Council's current wage system and Salary Policy, this includes career progression and succession planning for current employees, this is on track and scheduled for full implementation as at 1 July 2024. In the current economic climate however, it will remain difficult to attract and retain staff. The project to review our Workforce Management Plan and accompanying policies and procedures are expected to assist many of the issues being experienced.



According to the [2022 Local Government Workforce Skills and Capability Survey](#) provided by the Australian Local Government Association, all local governments were experiencing a higher proportion of 'unplanned' turnover of up to 27%. In the last quarter and our turnover remains lower than that benchmark, we will continue to monitor as we strive to fill current skills vacancies in Council.

7. In 2022 the Employee Tenure Report from the Bureau of Labor Statistics indicates Local Government median tenure is 6.9 years. <https://www.bls.gov/news.release/pdf/tenure.pdf> . Whilst Council staff remain above that figure, I do expect the average tenure to drop as we have a number of long-term employees who have recently resigned from Council and more will retire throughout 2024.
8. Measures are taken from our employee Pulse Survey which is conducted quarterly. The Pulse Survey is a cultural survey which measures employee satisfaction with their work and conditions and allows continuous improvement suggestions to be provided. It has proved a valuable feedback platform for staff and managers.

Council's current software makes calculation of this metric difficult. HR Coordinator is in the process of working with Pulse to develop and implement the new HR Core management software, this includes a number of suites – HR Core, E-Recruitment (onboarding and offboarding), Performance Management, E-Learning, once this platform is fully implemented HR will be able to provide an accurate measure and be able to capture data that our current systems are unable to do.



8.2 Conflict of Interest Policy (for Council development applications)

Author:	Manager Planning and Development, Sarah Griffiths
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:	1. conflict of interest policy.docx

Recommendation

That Council adopt the Conflict of Interest for Council Development Applications Policy attached as Appendix 1 to this report.

Purpose

The purpose of this report is to propose that Council adopt the drafted Conflict of Interest Policy for development applications lodged by or on behalf of Council.

Summary

Legislation that was introduced mid last year which requires all NSW Councils to prepare and publicise a policy that sets out how Council will manage conflict of interest for a Council led development application.

Council is required to consider the proposed document and, if satisfied, adopt the policy for public consultation to meet legislation.

Background

There were changes in legislation mid last year which requires Council to adopt and have a policy about managing conflict of interest in association with their own development applications. The change in legislation coincided with changes in management, however as part of Council practices, the 'gap' has been identified in the review and a draft policy has been created.

Officers have reviewed the legislation, requirements and considered other neighbouring Councils policies. As such, a policy has been drafted using Federation's policy as a guide.



Issues and Implications

Policy

Legislation requires all NSW Councils to have a policy that sets out how they will manage conflict of interest for a Council development application. Council processes a number of development applications each year (including for water treatment plant upgrades, and subdivisions) and without such a policy, are in breach of legislation.

Risks

There are financial, reputational and legal implications relating to Council not having an adopted Conflict of Interest policy and procedure in place.

Risks would include not having a legislated process under the relevant Act, have unlawful development proposals, being subject to prosecution, a lack of a transparent and approved application process and reputational damage.

Risks

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

1. Processing a Council application without an adopted policy in place

	Consequence				
Likelihood	1	2	3	4	5
A	Medium	High	High	Very High	Very High

2. Issuing an unlawful Council development

	Consequence				
Likelihood	1	2	3	4	5
A	Medium	High	High	Very High	Very High

Community Engagement / Communication

Once approval from Council is obtained, the policy will go on public exhibition.

Options

1. Continue as is, with no policy and expose Council to legal, financial and reputational costs.
2. Adopt the draft Conflict of Interest Policy for Council development applications and proceed to community consultation.
3. Work with officers on a modified version of Conflict of Interest Policy for Council development applications and bring back to a Council Meeting before proceeding to the next step (community consultation).



Conclusion

It is a requirement that Council have an approved and adopted Conflict of Interest Policy in place for all Council development applications.

Appendices

Conflict of Interest Policy for Council development applications.



6



Conflict of Interest Policy

For a Council development application





CONTENTS

Table of Contents

1. Purpose	3
2. Background	3
3. Scope	3
4. Policy Statement	3
5. Definitions	3
6. How to identify if a conflict of interest exists	5
Direct Interest	5
Indirect Interest	5
Family Members and Relatives	5
Indirect Financial Interest	5
7. How to assess the level of risk and determine appropriate management control.....	5
7. Process for managing a Conflict of Interest	6
8. Management Controls and Strategies	6
Assessment Stage	6
Determination Stage	6
9. Reference Documents	7



Conflict of Interest Policy

1. Purpose

- 1.1 This policy relates to 'conflict of interest' in relation to the processing and determination of a Council development application (which is defined as a development application lodged by, or on behalf of, Berrigan Shire Council).
- 1.2 This policy aims to define what a potential conflict of interest is, identify whether a conflict of interest exists, and when it does exist, how to manage and ensure a fair and transparent application process.

2. Background

- 2.1 This policy has been prepared in accordance with the relevant legislation (refer to Section 10 of this document) that requires NSW Councils to prepare and publicise a policy that sets out how they propose to manage conflict of interest for a Council development application.

3. Scope

- 3.1 This policy applies to all Council development applications. It does **not** apply to any other development application, a Councillor conflict, or a staff conflict.
- 3.2 This policy should be read in conjunction with *Council's Code of Conduct* and the requirements of the *Local Government Act 1993*.

4. Policy Statement

- 4.1 This policy will do each of the following:
 - Outline how to identify a conflict of interest.
 - Outline how to establish management control and/or a management strategy, to address a conflict of interest through all stages of the development process.
 - Outline the process to follow when a conflict of interest is identified (the risk and appropriate management controls).
 - Outline the process in which a conflict of interest is communicated publicly.

5. Definitions

- 5.1 In this policy the following terminology is used:

Application	application means an application for consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> , to carry out development and includes an application to modify a development consent
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	but it does not include an application for a complying development certificate.
Council	Council means Berrigan Shire Council.
Council development	Council development means development for which Council is: <ul style="list-style-type: none">➤ the applicant for a development application (including if it is lodged by, or on behalf of, Council); or➤ the landowner; or➤ has a commercial interest in the land (and development) that is the subject of the development application; or➤ where Council will be the regulator or the Consent Authority.
Development process	development process means the typical key stages of an application. In other words, from lodgement on the NSW Planning Portal, further information request, assessment, referral / concurrence, notification, and determination. An enforcement stage may or may not apply after the application has been determined.
Regional Significant Development	regionally significant development is defined under the <i>State Environmental Planning Policy (Planning Systems) 2021</i> . Clause 5(a) of Schedule 6 of said SEPP references private infrastructure and community facilities over \$5 million. Clause 5(a) states that: <i>Development that has a capital investment value of more than \$5 million for any of the following purposes:</i> <i>(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities;</i> <i>(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.</i> <i>The definition of a Council related development over \$5 million in the SEPP is:</i> <i>Development that has a capital investment value of more than \$5 million, if: (a) a council for the area in which the development is to be carried out is the applicant for development consent, or</i> <i>(b) the council is the owner of any land on which the development is to be carried out, or</i> <i>(c) the development is to be carried out by the council, or (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</i>
The Act	the Act means the <i>Environmental Planning and Assessment Act 1979</i> .



6. How to identify if a conflict of interest exists

- 6.1 A conflict of interest arises if an individual's personal interest or relationship potentially influences their decision-making in a way that could compromise their impartiality or duty.

Direct Interest

- 6.2 A direct interest occurs when a person's circumstances would be directly affected by a decision. This includes a direct financial benefit or loss (if the person stands to gain financially from a particular outcome), and, residential amenity (if the person's living conditions would be directly impacted).

Indirect Interest

- 6.3 There are 5 types:
- Close association: When a family member or relative has an interest in the matter.
 - Indirect financial interest: When there's a likelihood of financial gain or loss due to another person's interest.
 - Conflicting duty: When duties conflict (e.g., serving on multiple boards).
 - Receipt of a gift: Receiving a gift related to the matter.
 - Becoming an interested party: Developing a personal stake in the outcome.

Family Members and Relatives

- 6.4 There are 3 types:
- Family member: Includes spouses, domestic partners, children, parents, siblings, and others residing together.
 - Relative: Includes direct relatives and relatives of a relative (e.g., nieces, nephews, grandparents, in-laws).
 - Direct relative: Spouse, domestic partner, children, parents, or siblings.

Indirect Financial Interest

- 6.5 This conflict of interest occurs when a person receives or incurs a financial benefit or loss due to someone else's interest.

7. How to assess the level of risk and determine appropriate management control

- 7.1 Assessing the level of risk and determining how to manage it appropriately, is the responsibility of the CEO or Director Strategic Planning and Development.
- 7.2 Upon lodgement, a Council development application must be given to the CEO or Director Strategic Planning and Development (or delegate) to undertake a 'conflict-of-interest risk assessment'.
- 7.3 This includes them doing the following:
- Assess whether the application is one in which a potential conflict of interest exists.
 - If a potential conflict of interest exists, identify the stage(s) of the development process at which the conflict of interest has arisen.



- Assess the level of risk involved at each stage of the development process.
- Determine what (if any) management controls should be implemented to address the identified conflict of interest (at each stage of the development process if necessary).
- Document the proposed management approach in a Management Statement and publishing it on the NSW Planning Portal.

7.4 A Management Statement must include all the following (at a minimum):

- The nature of the conflict of interest (i.e., what is Council's relationship with the development). For example, are they the landowner, the landlord, etc).
- Council's investment or financial risk associated with the development in the development application.
- A 'management strategy' or 'mitigation measures' on how the conflict of interest will be managed.
- A contact within Council (this is generally the staff member processing the development application, managing the assessment of it, determining it, etc).

7. Process for managing a Conflict of Interest

8. Management Controls and Strategies

Assessment

- 8.1 The following Management Controls must be applied at the **assessment stage** of the application:
- All Council development applications with a construction value exceeding \$2M must be assessed by an external party. This may include a contractor / consultant with all costs borne by Council.
 - There must be no 'direct' access between the applicant and the Council staff making the assessment. Communication between the applicant and the Council staff making the assessment must be transparent and appropriately recorded and ideally made via a 'public platform'. This includes, but is not limited to, the NSW Planning Portal, electronic correspondence (email or Council-headed letter).
 - All Council development applications must be exhibited for a minimum of 28 days at the notification stage.
 - All other Council development (with a construction value of \$2M or less) may be referred for external assessment, where it is deemed appropriate by the CEO, Deputy CEO, Director Strategic Planning and Development (or delegate).

Determination

The following Management Controls must be applied to the **determination** of the application:

- All Council development that is classified as being of Regional Significance must be referred to the Western Regional Planning Panel for determination.
- Other Council development may be referred to Council for determination, where it is deemed appropriate by the CEO, Deputy CEO, Director Strategic Planning and Development (or delegate).



9. Reference Documents

- Environmental Planning and Assessment Act 1979 [Environmental Planning and Assessment Act 1979 | Planning \(nsw.gov.au\)](#)
- Environmental Planning and Assessment Regulation 2021 [Environmental Planning and Assessment Regulation 2021 - NSW Legislation](#)
- Local Government Act 1993 [Local Government Act 1993 No 30 - NSW Legislation](#)
- State Environmental Planning Policy (Planning Systems) 2021 [View - NSW legislation](#)



8.3 Development Determinations for Month of April 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

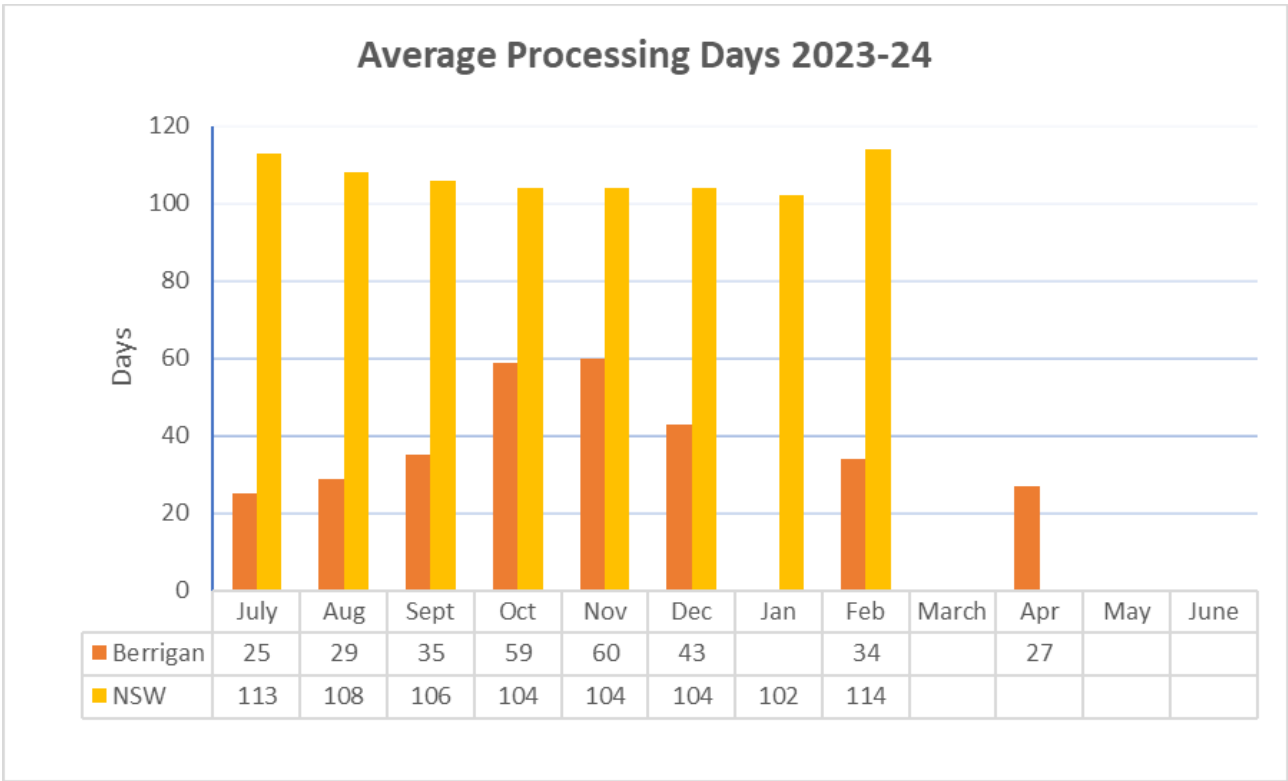
APPLICATIONS DETERMINED FOR APRIL 2024

Application	Proposal	Property	Status	Work Value
76/24/DA/D1	BV Dwelling & Attached Garage	336 Logie Brae Road, Finley NSW 2713	Approved	\$470,150
77/24/DA/D1	BV Dwelling & Attached Garage	8-14 Flynn Street, Berrigan NSW 2712	Approved	\$350,000
78/24/DA/D1	Dwelling	8-14 Flynn Street, Berrigan NSW 2712	Approved	\$216,000
75/24/DA/D2	Additions to Motel	49-55 Golf Course Road, Barooga NSW 3644	Approved	\$879,000
87/24/DA/D5	Carport	8 Orange Grove, Barooga NSW 3644	Approved	\$5,600
88/24/DA/D9	Subdivision	20-34 Snell Road, Barooga NSW 3644	Approved	\$1,560,000
90/24/DA/DM	Additions to Dwelling	1 Macfarland Street, Barooga NSW 3644	Approved	\$150,000



Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (Apr 2024)	NSW (Feb 2024)
Average time taken to determine a Development Application ¹	27	114



No data available on the Portal for March and April 2024.

Due to previous staff shortages officers are working through applications and trying to ensure that there is no backlog in assessment. Management have also reviewed the structure and processes to try and create greater efficiencies, in line with the improvement ideas from the Building and Planning Service Review.

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 30/04/2024

Application No.	Date Lodged	Description	Property Location
49/24/ACT/ZF	03-04-2024	LOW PRESSURE SEWER 2x WATER METER CONNECTIONS STORMWATER	2 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot2//DP1150036)
83/24/DA/DM	09-04-2024	MURAL	83-87 MURRAY STREET, FINLEY NSW 2713 (Lot1/3/DP758412)
84/24/DA/D6	09-04-2024	ADDITIONS TO DWELLING - 2ND STOREY	15 MCINTYRE FIELD VIEW, TOCUMWAL NSW 2714 (Lot2//DP255099)
85/24/DA/D1	09-04-2024	BV DWELLING	22 TAKARI STREET, BAROOGA NSW 3644 (Lot22//DP1099696)
61/24/CC/PC	09-04-2024	RESIDENTIAL STORAGE SHED	1-3 ADAMS STREET, TOCUMWAL NSW 2714 (Lot3//DP257591)
18/24/CD/PC	09-04-2024	INGROUND FIBREGLASS SWIMMING POOL	1 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot3//DP1274032)
62/24/CC/PC	09-04-2024	STORAGE SHED	38-40 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot1/16/DP758981)
87/24/DA/D5	09-04-2024	CARPORT	8 ORANGE GROVE, BAROOGA NSW 3644 (Lot29//DP803483)
63/24/CC/C1	09-04-2024	SHED	1 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot41//DP270154)
50/24/ACT/ZG	09-04-2024	PLUMBING TO SHED	22 BAROOGA STREET, BERRIGAN NSW 2712 (LotB//DP370974)
64/24/CC/C1	10-04-2024	BV DWELLING & ATTACHED GARAGE	15-17 HOYLE STREET, TOCUMWAL NSW 2714 (Lot5//DP6464)
19/24/CD/PC	10-04-2024	BV DWELLING & ATTACHED GARAGE	16 HUGHES STREET, BAROOGA NSW 3644 (Lot1//DP1271152)
65/24/CC/C1	10-04-2024	CARPORT	9 HOYLE STREET, TOCUMWAL NSW 2714 (Lot1//DP303675)
66/24/CC/PC	10-04-2024	FOOTINGS ONLY - FARM SHED ACCOMMODATION	4100 BAROOGA-TOCUMWAL ROAD, TOCUMWAL NSW 2714 (Lot12//DP835666)
88/24/DA/D9	11-04-2024	SUBDIVISION	20-34 SNELL ROAD, BAROOGA NSW 3644 (Lot1//DP884247)
67/24/CC/PC	11-04-2024	DEMOLITION OF EXISTING CARPORT & CONSTRUCTION OF NEW GARAGE &	21 BARKER STREET, TOCUMWAL NSW 2714 (Lot102//DP631796)



		WALKWAY	
20/24/CD/PC	11-04-2024	BV DWELLING & ATTACHED GARAGE	29 HADLEY STREET, TOCUMWAL NSW 2714 (Lot14//DP1250358)
86/24/DA/D2	11-04-2024	SELF STORAGE UNITS	4 WISE COURT, TOCUMWAL NSW 2714 (Lot4//DP1036181)
89/24/DA/D2	11-04-2024	SELF STORAGE UNITS	2 WISE COURT, TOCUMWAL NSW 2714 (Lot2//DP1036181)
68/24/CC/C1	11-04-2024	BV DWELLING	2 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot2//DP1150036)
21/24/CD/PC	12-04-2024	INGROUND SWIMMING POOL	WOOLSHED ROAD, BAROOGA NSW 3644 (Lot6//DP835666)
22/24/CD/PC	12-04-2024	STRUCTURE TO PROVIDE FLOODWAY	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot99//DP1138438)
90/24/DA/DM	12-04-2024	ADDITIONS TO DWELLING	1 MACFARLAND STREET, BAROOGA NSW 3644 (Lot31//DP700808)
91/24/DA/D5	15-04-2024	RESIDENTIAL STORAGE SHED	20 BUDD STREET, BERRIGAN NSW 2712 (Lot2//DP302652)
92/24/DA/DM	17-04-2024	SUB 5MW SOLAR FARM & BATTERY STORAGE FACILITY	118 SILO ROAD, TOCUMWAL NSW 2714 (Lot2//DP1280853)
51/24/ACT/ZF	17-04-2024	WATER METER CONNECTION	23 LEWIS CRESCENT, FINLEY NSW 2713 (Lot27//DP1281778)
52/24/ACT/ZF	17-04-2024	LOW PRESSURE SEWER & WATER METER CONNECTION	150 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot5//DP1275427)
23/24/CD/PC	18-04-2024	ALTERATIONS	90 KILNYANA ROAD, SAVERNAKE NSW 2646 (Lot38//DP1108798)
93/24/DA/DM	29-04-2024	TRANSPORTABLE TOILET	1-11 DENISON STREET, FINLEY NSW 2713 (Lot12//DP597258)

OTHER CERTIFICATES ISSUED FOR APRIL 2024

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	APR	Year Total	APR	Year Total	APR	Year Total	APR	Year Total	APR	Year Total	APR	Year Total
BAROOGA	4	57	0	1	0	0	0	0	0	0	0	1
BERRIGAN	0	36	0	8	0	8	0	6	0	0	0	2
FINLEY	6	84	0	6	0	3	0	3	0	0	0	0



TOCUMWAL	15	102	0	1	0	3	0	2	0	0	0	6
TOTAL	25	280	0	16	0	14	0	11	0	0	0	9



8.4 Leases to be signed under seal

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.2. Facilitate all age healthy lifestyles and ageing in place
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	Nil

Recommendation

That Council authorises its Seal to be affixed to the following leases in the presence of two signatories authorised to affix the Seal pursuant to Clause 400 of the Local Government (General) Regulation 2021."

1. Finley Senior Citizens Hall (78 Denison St, Finley) to Finley Arts Network Inc.
2. Shop 2, 2 Deniliquin St Tocumwal to Nicholson

Purpose

This report seeks Council's endorsement for the placement of the Common Seal of Council to the following documentation:

- Lease of Finley Senior Citizens Hall (78 Denison St, Finley) to Finley Arts Network Inc.
- Lease of Shop2, 2 Deniliquin St, Tocumwal to Nicholson

Background

Leases entered into by the Council must have Council's Common Seal affixed to the document in line with [Clause 400 of the Local Government \(General\) Regulation 2021](#) and Council's [Council Seal and Execution of Legal Documents Policy](#).

Council is asked to authorise affixing the seal on two leases.

1. Finley Senior Citizens Hall (78 Denison St, Finley) to Finley Arts Network Inc.

The land in question is freehold land and classified as community land. As such, the land may only be leased where:

- A Plan of Management is in place, permitting the lease of the land, and
- Council provides notice of its intent to lease the land



These conditions have been met.

The lease is on “community” terms with rent set at \$100 per year. Finley Arts Network already occupy the site and operate it as a venue for community art including participation and exhibition.

2. Shop 2, 2 Deniliquin St, Tocumwal to Nicholson

This is a Crown Land lease on commercial terms for the operation of a café. The existing lessee exercised their option in their existing lease for another term.

Copies of both leases are available for perusal by Councillors on request.



8.5 Closure - Wores Hill Road

Author:	Deputy Chief Executive Officer, Matthew Hansen
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:	4.1.2. Support local enterprise through local economic and industry development initiatives and projects
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Proposed boundary remarking

Recommendation

That Council:

1. note the Chief Executive Officer's decision to close the section of road identified in this report,
2. upon creation of title, delegate authority to the Chief Executive Officer to directly negotiate a sale of the former road reserve to the adjoining owner, subject to obtaining an independent valuation on an "added value" basis and
3. delegate authority to the Mayor and Chief Executive Officer to authorise its Seal to be affixed to the contract for sale of this land in the presence of two signatories authorised to affix the Seal pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

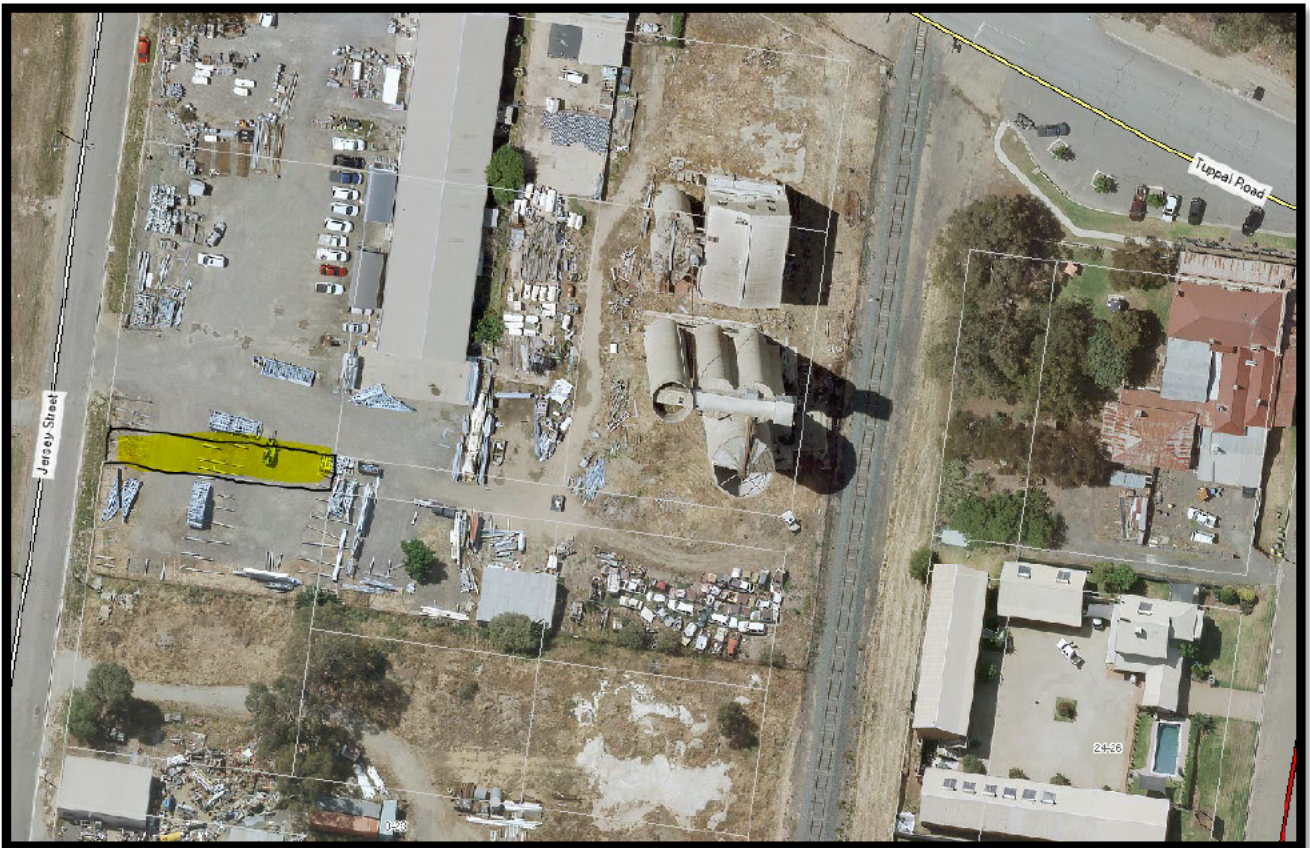
Report

This report is to endorse the decision to close an unused laneway (Wores Hill Road) in Tocumwal and delegate authority to the Chief Executive Officer to commence direct negotiations with the adjoining landowner for sale of the land.

Background

In 2016, Council was approached by a Tocumwal resident (the applicant) looking to purchase the road reserve adjoining his land. The road reserve was no longer used as a road and had no alternate purpose for Council.

The land in question is shown below.



At the time the Council resolved the following

- 241** **RESOLVED** Crs: Morris and Glanville that the Council supports the closure of Wores Hill Road and that the Council:
1. Submit an application to the NSW Department of Primary Industries –Lands to formally close the road.
 2. Upon the creation of title the land be transferred to the adjoining property owner at current market value.
 3. Advise the applicant that all costs associated with the closure of the road are to be met prior to the transfer of the land.

This process stalled before the road was closed.

In December 2023, the applicant again approached Council seeking to purchase the land. Given the existing resolution of Council, Council staff have worked with the applicant to close the road.

In 2016, the land in question was a Crown Road and Council needed to apply to Crown Lands for its closure. In February 2023, as part of a larger transfer of Crown roads to Council, the Council acquired this road reserve. This has somewhat simplified the process of closing the road.

However, there may be the *possibility* that upon lodgement of the road closure, Land Registry Services (LRS) may seek further evidence of the original dedication by the Crown. This would require locating evidence of the original dedication by the Crown.



Vesting in Council or Crown?

The closure of a council public road by council is dealt with in sections 38A-38F of the *Roads Act 1993*. Section 38E deals with the effect of the closes and states as follows:

38E Effect of notice of closure

- (1) *On publication of the notice closing the council public road concerned:*
 - (a) *the road ceases to be a public road, and*
 - (b) *the rights of passage and access that previously existed in relation to the road are extinguished.*
- (2) *The land comprising a former road:*
 - (a) *in the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place)—remains vested in the council, and*
 - (b) *in any other case—becomes (or, if previously vested in the Crown, remains) vested in the Crown as Crown land.*

Accordingly, a council road which has been constructed will be vested in a Council upon closure. However, there is an exception if *no construction has ever taken place* in respect to the road. If the road has never been constructed, the land will be vested in the Crown as Crown land on the closure of the road (pursuant to section 38E(2)(b) of the *Roads Act*).

Construction is not defined in the *Roads Act*. However, “road work” is defined in the dictionary of the *Roads Act* as follows:

road work includes any kind of work, building or structure (such as a roadway, footway, bridge, tunnel, road-ferry, rest area, transitway station or service centre or rail infrastructure) that is constructed, installed or relocated on or in the vicinity of a road for the purpose of facilitating the use of the road as a road, the regulation of traffic on the road or the carriage of utility services across the road, but does not include a traffic control facility, and ***carry out road work*** includes carry out any activity in connection with the construction, erection, installation, maintenance, repair, removal or replacement of a road work.

A search of Council records did not reveal any evidence of road maintenance. The applicant advised Council that he had never observed Council staff maintaining the road.

I referred the matter to Council’s Operations Manager who has been employed with Council since 1998. He was able to contact a former long-serving employee who was aware of the history of this road reserve. The ex-employee informed Council that in the 1960s, the land abutting the road was public tennis courts and the lane in question was maintained and used to service the Wise Bros Flour Mill.

On this basis, it is reasonable to assume the land will vest in Council once the road is closed. There is a risk however LRS may seek further evidence of works.

Notice to close the road.

To progress the road closure, Council must satisfy the notice requirements under section 38B of the *Roads Act*.

The relevant notices were made, with submissions closing 24 April 2024.



Council did not receive any submission or objections. Therefore, Council may proceed with lodging the surveyor's plans, and additional evidential information to LRS requesting the road to be closed and creation of a new title for the land.

Publishing Gazette

Once the Plan has been registered by the LRS, Council will have to arrange for a Gazette to be published, notifying that the road has been closed.

Once the Gazette has been published, the road will be vested in either Council or the Crown (subject to above).

Once vested in Council, and no further submission has been made to the Land and Environment Court (pursuant to section 387F of the Roads Act), the applicant will have to consult Council to acquire the land.

Sale of the land

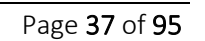
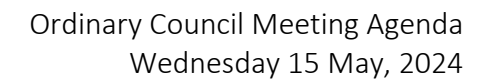
As a general principle, the sale of land by Council should be by competitive process – such as public auction, private treaty, tender or expression of interest.

One of the few exceptions permitted to this general principle is 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.

This is the case in this situation and direct negotiation is appropriate.

Where Council proposes to sell land by direct negotiation, the Council should obtain an independent valuation to establish the market value. Given this land is being sold to an adjoining owner, the valuation should 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.

If the sale price varies by more than 10% from this independent valuation, the Chief Executive Officer will provide a report to the next Council meeting giving reason why that variation was adopted.





8.6 Finley Log Cabin Museum and Mary Lawson Wayside Rest

Author:	Director Corporate Services, Tahlia Fry
Strategic Outcome:	3. Supported and engaged communities 2. Good government
Strategic Objective:	3.1. Create safe, friendly and accessible communities 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	3.1.2. Facilitate all age healthy lifestyles and ageing in place 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. Request - Finley and District Historical Museum Log Cabin

Recommendation

That Council

1. Support the request from Finley Log Cabin and Mary Lawson Wayside Rest Committee of Management to transition to an incorporated association, and
2. Work with the Committee of Management to develop and implement a plan for the transition.

Purpose

This report is to consider a request from Finley Log Cabin and Mary Lawson Wayside Rest Committee of Management to transition to an incorporated association, along with the cash and collection controlled by the Committee.

Summary

The Finley Log Cabin and Mary Lawson Wayside Rest Committee of Management have written to Council requesting permission to transition to an incorporated association.

While there are a range of issues needing to be addressed in any transition, the request has significant merit and should be supported.

Council will need to work closely with the committee to develop and implement a plan for the transition to ensure the transition goes smoothly and addresses all known issues and concerns.



Background

Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management (the Committee) is a volunteer committee of Council established under s355 of the *Local Government Act 1993*.

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised--

(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or

(b) by a committee of the council, or

(c) partly or jointly by the council and another person or persons, or

(d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or

(e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

Council delegated the following functions to the Committee.

To give care, control and management of the Mary Lawson Wayside Rest Reserve (excluding enforcement, regulatory revenue related functions) to a committee comprising citizens and or Councillors as appointed from time to time vide Section 355 of the Local Government Act as amended, subject to the exercise of such authority conforming with the direction of the Council.

I note, despite the delegation above, the current Committee do not maintain the area outside the fence around the Museum. This is maintained by Council's town maintenance team.

The Mary Lawson Memorial Wayside Rest Reserve is a Crown Reserve (R88498) dedicated for the purposes of Public Recreation and Museum. The reserve is 17,434 m² and includes a waterhole, vehicle rest area (with toilets and playground) and the Finley and District Museum.

The reserve does not have a Crown Land Plan of Management in place.



Earlier this year, the Committee engaged a consultant to prepare a grant application for a new building. The consultant advised the Committee their application would be stronger if the Committee was incorporated. The committee accepted this advice and incorporated as **Finley & District Historical Museum - Log Cabin Inc.**

In discussions with Council staff, the Committee became aware it should have approached Council before incorporating. As it stands the control of their cash and collection and their tenure on the reserve is contingent on their delegation as a volunteer committee of Council.

If Council wishes to support the transition of the Museum from a Committee of Council, there are a few matters to be considered.

1. **Cash and investments** – The cash and investments held by the Committee are legally owned by Council in trust for the community. Council will need to resolve under s356 of the Local Government Act 1993 to hand these funds to the new incorporated association.
2. **The museum collection** – Similar to the cash and assets, most items in the museum collection are legally owned by the Council. Some items are privately owned and loaned to the museum for exhibition. We will need to work with the committee on their inventory collection to see which items (if any) Council will hand over to the new incorporated association.



3. **Tenure** – At present, the Committee does not have a formal tenure agreement with Council – because the Committee is simply an arm of the Council. Before handing over control of the museum site to the new incorporated association, Council will need to prepare a formal lease or licence. Council cannot alienate the land via a lease without a Plan of Management (PoM) for the site complying with the *Crown Lands Management Act 2016*.

An alternative option is to “subdivide” the reserve and hand over management obligations for the museum portion to the incorporated association. This will require Crown Lands approval.

4. **Built assets** – the Museum buildings can’t be handed over to a third party (unless the reserve is managed by the incorporated association) and will remain Council assets. Any lease or licence will need to specify the responsibilities of both parties in relation to the maintenance and upkeep of these buildings.
5. **Insurance** – If the incorporated association occupies the reserve, Council will require it to maintain \$20m in public liability. Council may also wish the incorporated association to insure the buildings for loss or damage at its expense. The incorporated association may also wish to insure their collection and their members. At present, all this insurance is provided by Council, at Council’s expense.

Council, following advice from its Audit, Risk and Improvement Committee, has been working to minimise its risk exposure relating to the operation of its volunteer Committees of Management.

One strategy considered for minimising exposure is to ensure its volunteer committees are delivering core Council services. The operation of the Finley and District Museum is not currently identified as a core function of the Council. The Council’s role with the museum has been to provide a legal structure, insurance and a venue from which to operate.

There is precedent for Council transferring obligations (and associated assets) to an incorporated association – including Berriquin Toy Library, Finley Community Help Second Hand Shop and Finley Pioneer Rail Committee. In all cases, Council assisted the transition through staff assistance and contributions to legal expenses and insurance.

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

Issues and Implications

Policy

Council will need to consider the implications of handing over community assets to an incorporated association, including its obligations under its [Disposal Policy](#).

This may include Council examining the constitution of the incorporated association to ensure the community interest in the assets remains paramount.

Council should also consider its Risk Management Policy.

Financial

Council may be required to fund, on behalf of the Museum, costs for legal advice and insurance.



This is not likely to be excessive – under \$5,000 initially. Insurance year-on-year may be approximately \$2,000 annually.

Legal / Statutory

The transfer of community assets will need to be done in compliance with s356 of the *Local Government Act 1993*, which requires public notice.

356 Can a council financially assist others?

(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

(3) However, public notice is not required if--

(a) the financial assistance is part of a specific program, and

(b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and

(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

(4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

Council will also need to consider its probity obligations in direct negotiations. The Independent Commission against Corruption (ICAC) have released [Guidelines for managing risks in direct negotiations](#) to assist with this.

Community Engagement / Communication

Council will need to work closely with the committee through this process.

In the interests of transparency and accountability, Council may also wish to provide the community with information about the transfer of assets and obligations.

Risks

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

1. Financial

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



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

There is a risk of cash belonging to the community finding itself in private hands and not being used for the purpose for which it was raised. The amount of cash This risk is low and can be mitigated.

2. Reputational

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

There is some reputational risk if the transition process breaks down for some reason. This can be mitigated by preparing an agreed transition plan.

3. Positive consequences

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

If the transition to an incorporated association goes well, the result will see:

- Council divesting itself of a source of risk,
- The Museum given more freedom to operate outside Council's risk management framework
- An enhanced museum showcasing the heritage of Finley and district.

This makes the transition worth pursuing.

Options

1. Council can support the transition of the Museum to an incorporated association and develop an agreed transition plan with the Committee - **Recommended**
2. Council can oppose the transition and insist the collection and associated cash remains in Council hands via a volunteer committee of the Council arrangement.
3. Request more information from the Committee before making a decision.



Conclusions

The request from the Committee to transition to an incorporated association makes sense for both the Committee and the Council and should be supported.

If Council Staff will need to work with the Committee to create an agreed plan (effectively a project plan) to manage the issues identified in this work.

The transition itself may take 12 months or more to complete.



Finley & District Historical Museum And Log Cabin

300-320 Murray Street, Finley NSW 2713

EMAIL: finley.museum@gmail.com

30th April, 2024

Berrigan Shire Council
Chanter Street, Berrigan

Dear Tahlia Fry, Matt Hansen & Councillors,

PROPOSAL TO BECOME INCORPORATED

I am writing on behalf of the members of the Finley & District Historical Museum-Log Cabin.

Our museum is currently part of the BSC S355 Volunteers.

Our members were informed by a Grant Writer that we would have a chance of a better outcome regarding grant applications if we were incorporated.

Being unaware, that Berrigan Shire Council should have been advised before we made application to become incorporated. For which we apologize.

I have attached the ASIC Summary, ATO Tax File Number and ABN details from the Australian Business Register.

We look forward to working with the Berrigan Shire Council to make the appropriate changes required to separate and become Incorporated. To move forward as our own entity into the future.

Kind Regards

Maureen Bevan (Secretary)



8.7 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_April 2024.pdf (under separate cover)

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 April 2024,
- b) confirm the accounts paid as per Warrant No. 04/24 totaling \$3,813,238.64 and
- c) note the report on investments attached.

Purpose

This report is designed to inform Council of its cash and investments as at 30 April 2024 and for council to authorise expenditure for the month ending 30 April 2024.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 April 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 30 April 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 April 2024, totaling \$3,813,238.64 and will be submitted for confirmation of payment as per Warrant No. 04/24
- 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 \$2,791,559.85 since March. Funds have also decreased by \$4,523,452.85 compared to the same period last year.

Statement of Bank Balances as at 30 APRIL 2024

Bank Account Reconciliation

Cash book balance as at 01 APRIL 2024	\$ 16,394,468.23
Receipts for APRIL 2024	\$ 1,025,310.72
Term Deposits Credited Back	\$ -
	\$ 17,419,778.95
Less Payments Statement No 04/24	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) Payroll	\$ 707,315.16
Electronic Funds Transfer (EFT) Creditors	\$ 3,039,775.29
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,148.19
Total Payments for APRIL 2024	\$ 3,813,238.64
Cash Book Balance as at 30 APRIL 2024	\$ 13,606,540.31
Bank Statements as at 30 APRIL 2024	\$ 13,602,493.39
Plus Outstanding Deposits	\$ 4,046.93
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 APRIL 2024	\$ 13,606,540.32

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	GENERAL	133/17	365	5.10%	23/05/2024	\$ 1,000,000.00	BBB+
AMP	WATER	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	4.55%	31/05/2025	\$ 2,058,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	4.75%	26/09/2024	\$ 2,000,000.00	BBB+
Defence Bank Limited	WATER	138/18	365	5.25%	11/01/2025	\$ 2,090,003.47	BBB
Defence Bank Limited	SEWER	154/23	365	4.80%	1/05/2024	\$ 2,000,000.00	BBB
NAB	GENERAL	155/23	368	5.30%	30/09/2024	\$ 5,000,000.00	AA-
WESTPAC	SEWER	144/19	552	4.95%	1/10/2025	\$ 2,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	5.28%	30/09/2024	\$ 2,000,000.00	AA-
						\$ 22,148,003.47	

Total Funds Held at 30 APRIL 2024

\$35,754,543.79

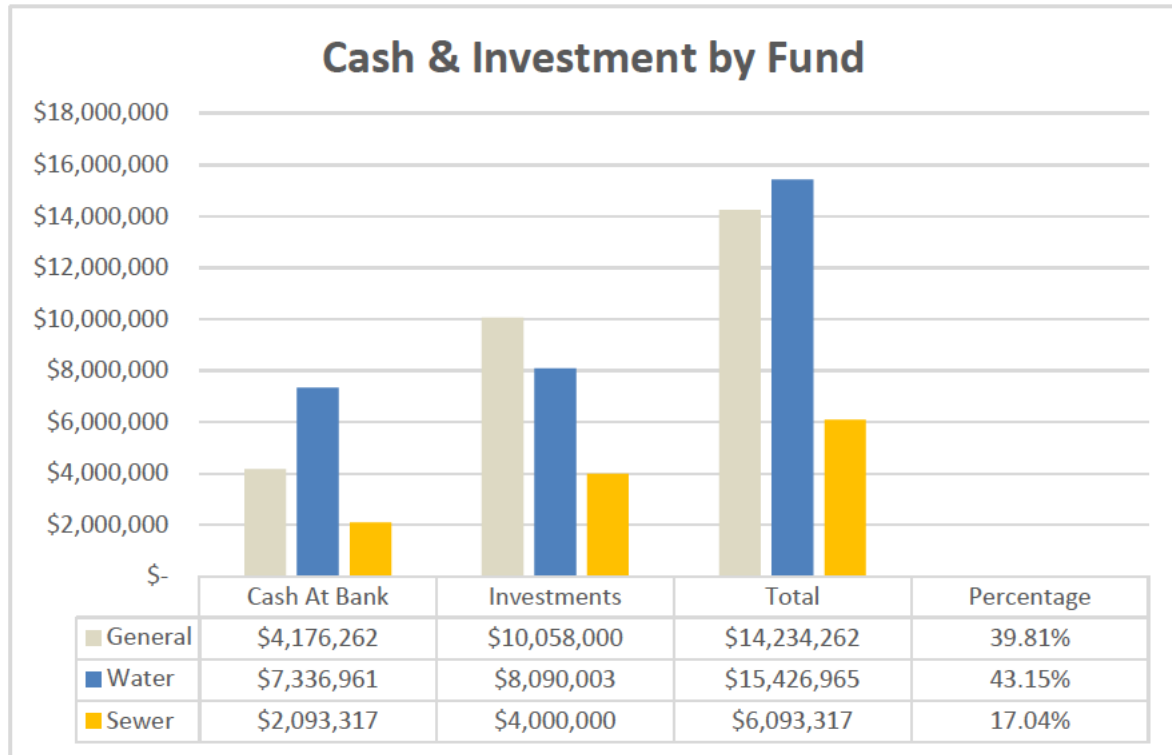
Genevieve Taylor - Finance Manager

*The Council also receives an additional 0.25% commission

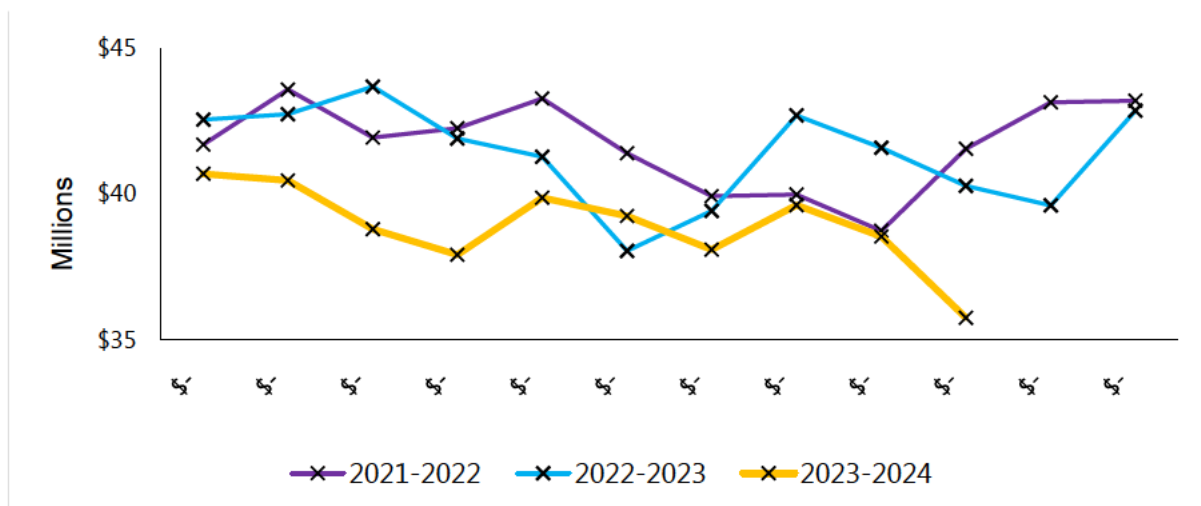
**The Council also receives an additional 0.20% commission



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

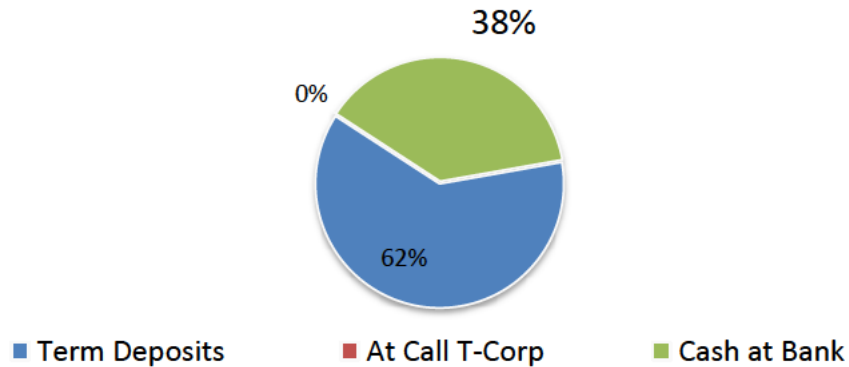


Total Cash and Investments

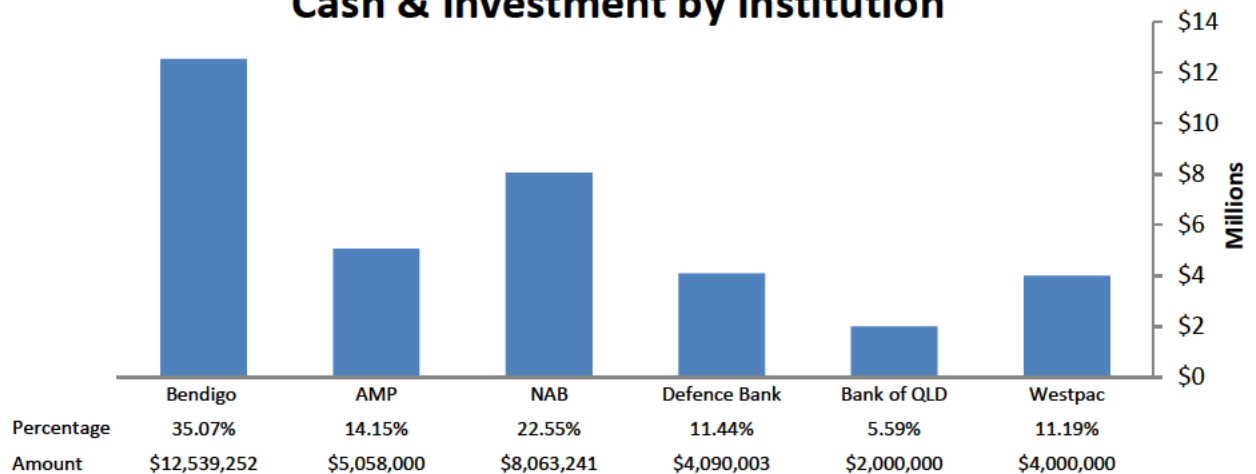




Cash & Investment by type



Cash & Investment by Institution



Term Deposits Credited Back

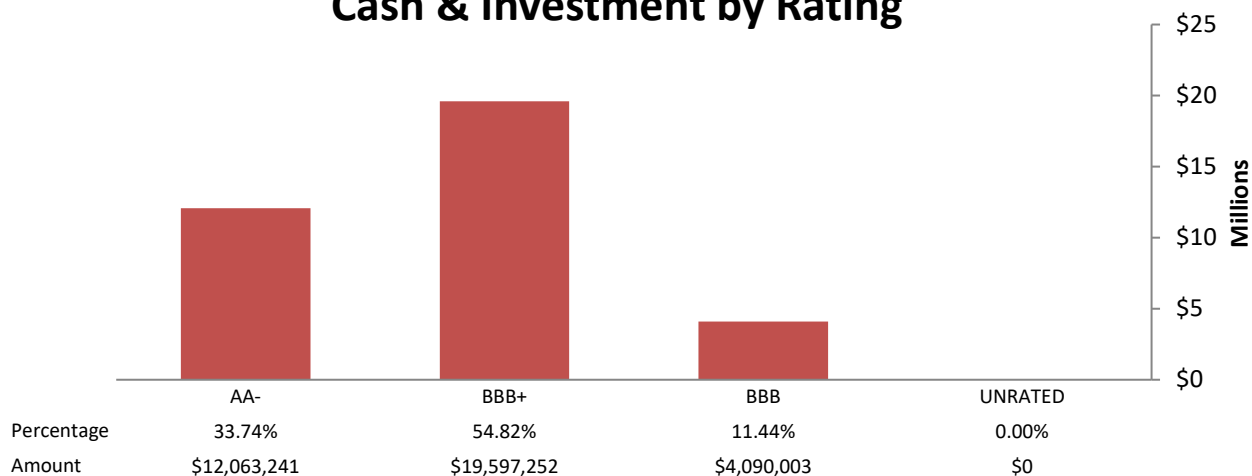
Prior Financial Institution Term (Days) Amount Interest Rate Maturity Date

Term Deposits Invested / Reinvested

Current Financial Institution Term (Days) Amount Interest Rate Maturity Date



Cash & Investment by Rating



Outstanding Borrowings:

The Council has outstanding borrowings of \$6,180,204 as of 30 April 2024. This includes both external borrowings (\$3,547,449) and internal borrowings from Council's Sewer Fund (\$2,632,755). Council has not yet drawn down on any new borrowings in the 23/24FY.

Please see below Council's current borrowings:

Institution	Fund Borrowing	Purpose	Loan Amount	Interest Rate	Opening Balance @ 30.06.2023	Principal	Interest	Closing Balance @ 31.03.2024
NAB	General	LIRS Drainage Loan	\$1,630,000	4.26%	\$306,392	\$158,674	\$8,400	\$147,718
ANZ	General	LCLI Lewis Cr/Fin Park Loan	\$1,000,000	2.32%	\$715,756	\$80,301	\$13,142	\$635,455
NAB	Water	LCLI Barooga WTP	\$4,000,000	1.48%	\$3,086,813	\$322,537	\$36,285	\$2,764,276
Sewer Fund	General	General Fund	\$1,000,000	1.48%	\$811,577	\$80,257	\$10,009	\$731,321
Sewer Fund	Water	Finley WTP	\$2,600,000	1.48%	\$2,110,101	\$208,667	\$26,025	\$1,901,434
		TOTALS	\$10,230,000		\$7,030,639	\$850,436	\$93,861	\$6,180,204





8.8 January - March 2024 Financial Results

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:	<ol style="list-style-type: none">1. March 2024 Quarterly Budget Summary.pdf (under separate cover)2. March 2024 Quarterly Budget Review Statement.pdf (under separate cover)

Recommendation

1. Note the second quarterly review of the 2023/24 budget and vote the funds contained therein as shown in **"Appendix 1"**
2. Note the December Quarterly Budget Review Statement attached also as **"Appendix 2"**

Report:

Circulated with the Agenda as **"Appendix 1"** is the Quarterly Financial Review for the period 1 January 2024 to 31 March 2024. This report considers all known factors and work variations until 31 March 2024 and later where possible, including moving some budget allocations to the 2024/25 financial year.

The revised budget surplus at 31 March 2024 is \$9,391.

The revised budget is attributable to several factors including but not limited to the deferral of capital works into the 2023/24 budget from prior years, ongoing increased costs for operational and capital expenditure, increased expenditure in Council's move towards Cloud based software, flood damage repairs and ongoing consultant costs to alleviate staff shortages.

As discussed elsewhere in this agenda Council is in the process of reviewing its road construction program to ensure all work is appropriately funded. You will note a lot of changes have already been accounted for in the below variations and while this review continues, there is likely to be further significant changes made to this budget to accurately reflect a funded and achievable works program.

Significant variations are detailed below. Variances which are unfavourable to the Council's result are shown with a (U) next to them and variances which are favourable are denoted with a (F).



FUNCTION	VARIANCE (\$)	VARIANCE (%)	FAVOURABLE / UNFAVOURABLE	COMMENT
GOVERNANCE EXPENSE	-\$ 61,700.00	2% F		Consultancy expenditure increased by \$80,000, this has been offset by a decrease in salaries due to position vacancies. There have been no other significant budget variations.
GOVERNANCE REVENUE	-\$ 20,000.00	4% F		No significant budget variations.
CORPORATE SUPPORT EXPENSE	-\$ 151,901.00	15% F		Staff training has decreased due to vacant positions. There have been no other significant budget variations.
CORPORATE SUPPORT REVENUE	\$ -	0% F		No budget variations.
INFRASTRUCTURE EXPENSE	-\$ 180,000.00	32% F		Salaries have decreased due to staff vacancies which in turn has led to increased consultancy expenditure. The Depot trade waste wash bay installation has been postponed to 24/25FY. No other significant budget variations.
INFRASTRUCTURE REVENUE	\$ -	0% F		No budget variations.
EMERGENCY SERVICES EXPENSE	\$ 3,500.00	-1% U		No significant budget variations.
EMERGENCY SERVICES REVENUE	\$ -	0% F		No budget variations.
INFORMATION TECHNOLOGY EXPENSE	-\$ 1,114,224.00	49% F		Implementation of the digital transformation project has been postponed due to staff resources. No other significant budget variations.
INFORMATION TECHNOLOGY REVENUE	\$ 2,000,000.00	-100% U		Loan drawdown for digital transformation has been postponed to 24/25FY. No other significant budget variations.
OTHER COMMUNITY SERVICES EXPENSE	-\$ 61,000.00	36% F		Salaries have decreased by \$60,000 due to staff vacancy. No other significant budget variations.
OTHER COMMUNITY SERVICES REVENUE	\$ 2,000.00	0% F		No significant budget variations.
CEMETERY EXPENSE	\$ -	0% F		No budget variations.
CEMETERY REVENUE	\$ -	0% F		No budget variations.
HOUSING EXPENSE	\$ 1,000.00	-3% U		No significant budget variations.
HOUSING REVENUE	\$ -	0% F		No budget variations.
BUILDING AND PLANNING EXPENSE	-\$ 105,000.00	7% F		Salaries have decreased due to staff vacancies. As a result, this has led to increased consultancy expenditure. No other significant changes.
BUILDING AND PLANNING REVENUE	\$ -	0% F		No budget variations.
BIOSECURITY EXPENSE	-\$ 68,000.00	12% F		\$77,000 decrease in pest control of birds. No other significant budget variations.
BIOSECURITY REVENUE	\$ 20,000.00	-15% U		Decrease in private works for noxious weeds. No other significant budget variations.
DOMESTIC WASTE MANAGEMENT EXPENSE	\$ 47,229.00	-2% U		No significant budget variations.
DOMESTIC WASTE MANAGEMENT REVENUE	\$ 47,229.00	-2% U		No significant budget variations.





FUNCTION	VARIANCE (\$)	VARIANCE (%)	FAVOURABLE / UNFAVOURABLE	COMMENT
STORMWATER DRAINAGE EXPENSE	-\$ 331,500.00	35% F		A number of projects have been postponed and included in Councils 4 Year Capital Works Program.
STORMWATER DRAINAGE REVENUE	\$ -	0% F		No budget variations.
ENVIRONMENTAL PROTECTION EXPENSE	-\$ 22,000.00	8% F		No significant budget variations.
ENVIRONMENTAL PROTECTION REVENUE	\$ -	0% F		No budget variations.
WATER SUPPLIES EXPENSE	-\$ 2,679,923.00	1% F		A number of projects have been postponed and included in Councils 4 Year Capital Works Program.
WATER SUPPLIES REVENUE	\$ 152,726.00	-1% U		No significant budget variations.
SEWERAGE SERVICES EXPENSE	-\$ 1,045,010.00	2% F		A number of projects have been postponed and included in Councils 4 Year Capital Works Program.
SEWERAGE SERVICES REVENUE	-\$ 91,000.00	2% F		No significant budget variations.
PUBLIC LIBRARIES EXPENSE	\$ 22,000.00	-3% U		No significant budget variations.
PUBLIC LIBRARIES REVENUE	\$ 1,000.00	-1% U		No significant budget variations.
COMMUNITY AMENITIES EXPENSE	-\$ 55,289.00	3% F		Decrease in cleaning of Barooga Recreation Reserve toilets and Halls vandalism and graffiti. No other significant budget variations.
COMMUNITY AMENITIES REVENUE	\$ -	0% F		No budget variations.
RECREATION EXPENSE	\$ 56,000.00	-2% U		Contribution to Barooga FNC Changerooms. No other significant budget variations
RECREATION REVENUE	\$ 2,000.00	0% U		No budget variations.
SWIMMING POOL EXPENSE	\$ 23,000.00	-5% U		Increase in pool operating expenses.
SWIMMING POOL REVENUE	\$ -	0% F		No budget variations.
QUARRIES & PITS EXPENSE	\$ -	0% F		No budget variations.
QUARRIES & PITS REVENUE	\$ -	0% F		No budget variations.
SHIRE ROADS EXPENSE	-\$ 1,111,797.00	6% F		A number of projects have been postponed and included in Councils 4 Year Capital Works Program.
SHIRE ROADS REVENUE	\$ -	0% F		No budget variations.
AERODROMES EXPENSE	-\$ 77,000.00	18% F		Heavy patching work postponed this financial year.
AERODROMES REVENUE	-\$ 7,136.00	20% F		Minor increase in sundry income.
CAR PARKING EXPENSE	-\$ 300,000.00	82% F		Tocumwal Car Park development has been postponed to future years. No other significant budget variations.
CAR PARKING REVENUE	\$ -	0% F		No budget variations.
RMS EXPENSE	-\$ 105,298.00	6% F		No major budget variations, in line with current works for RMS grant funding.
RMS REVENUE	-\$ 251,714.00	23% F		No major budget variations, in line with current works for RMS grant funding.



FUNCTION	VARIANCE (\$)	VARIANCE (%)	FAVOURABLE / UNFAVOURABLE	COMMENT
CARAVAN PARKS EXPENSE	\$ 24,000.00	-39%	U	Increase predominately due to Caravan Parks option review.
CARAVAN PARKS REVENUE	\$ -	0%	F	No budget variations.
TOURISM & AREA PROMOTION EXPENSE	-\$ 4,600.00	1%	F	No significant budget variations.
TOURISM & AREA PROMOTION REVENUE	\$ -	0%	F	No budget variations.
BUSINESS DEVELOPMENT EXPENSE	\$ -	0%	F	No budget variations.
BUSINESS DEVELOPMENT REVENUE	\$ -	0%	F	No budget variations.
SALEYARDS EXPENSE	\$ -	0%	F	No budget variations.
SALEYARDS REVENUE	\$ -	0%	F	No budget variations.
REAL ESTATE DEVELOPMENT EXPENSE	\$ 4,148,000.00	-935%	U	Grant funding moved to Capital Works reserve due to related expenditure occurring in future years.
REAL ESTATE DEVELOPMENT REVENUE	\$ -	0%	F	No budget variations.

*A detailed budget variation report is available upon request.

Quarterly Budget Review Statement

The March Quarterly Budget Review Statement is attached as “Appendix 2”.

The QBRS is designed to:

- facilitate progress reporting against the original and revised budgets at the end of the quarter,
- provide explanations for major variations and
- enable the Responsible Accounting Officer (RAO) to indicate if the Council will be in a satisfactory financial position at the end of the financial year.

This QBRS does not make any additional changes to the Council budget over and above the changes identified in the “line-item” report above. The QBRS simply shows the budget changes in another format to arrive at the same result.

The line-item budget report, while prepared on an accrual basis, delivers a “cash” report to the Council – i.e. what is the net cash position of the Council given the budget it has adopted? It gives the Council some comfort that it has sufficient cash to undertake the program of works adopted in the budget.

The line-item budget also provides the Council with a complete list of all Council job cost accounts thus ensuring transparency regarding changes to Council programs and /or cost overruns. It is possible however to lose track of the important changes in the large report.

The QBRS, on the other hand, is prepared strictly on an accrual basis and in a format that is consistent with the Annual Financial Statements. While some of the basic transparency of the line-item budget has been lost, it does allow for tracking of the Council’s operating result from quarter to quarter to the end of the financial year.



Statements

The QBRS consists of six statements:

1. **Responsible Accounting Officer's statement** – This is a statement from the RAO advising the Council of her opinion regarding the Council's financial position.

If the RAO advises the Council that its financial position is not satisfactory, the RAO must provide the reasons for her concern and advice regarding what is required to remedy the situation.

2. **Income and Expenditure Budget Review Statement** – This is the budget equivalent of the Income Statement in the Annual Financial Statements. This report shows an updated projected operating result for the year and the effect of the proposed budget changes to the operating result.

- The first column shows the Council's original budget as reflected in the Management Plan adopted by the Council in June.
- The next five columns show budget changes previously approved by the Council. In this case, this reflects Council's works brought forward from 2022/23 and other internal adjustments.
- The Revised Budget column shows the Council's budgeted result prior the changes adopted by the Council in the September quarter review.
- The highlighted Variations this Quarter column shows the effect of the changes adopted by the Council at the review; and
- The Projected Year End Result shows the Council's current position.
- Finally, the actual YTD figures show what the Council's actual result for the quarter. As the Council raises much of its rate revenue at the start of the financial year, this will be significantly more than the projected result for the year.

The March QBRS shows the Council is estimating an operating deficit before capital items for the 2023/24 year of \$13.5M. It is important to note that Council has not yet confirmed all of its funding for expenditure related to flood events. This figure also does not include revenue and expenditure for the Water, Sewer and Domestic Waste funds being funded from the reserves.

3. **Capital Budget Review Statement** – This statement presents the Council's budgeted capital works program.

The first half of the table shows how much the Council is proposing to spend on capital projects while the second half demonstrates how the Council is preparing to pay for them. The statement also splits Council's expenditure into sub-categories of New Assets, Renewal Assets and Loan Repayments.



As per the Income and Expenditure Budget Review Statement, the Capital Budget Review Statement works from left to right from the original budget through the previously adopted changes through to the proposed changes and followed by the revised budget.

4. **Cash & Investments Budget Review Statement** – This statement attempts to show the movements in the Council’s cash position and cash reserves as well as duplicating some of the investment and bank reconciliation detail provided in the monthly warrant report to the Council.

Again, the columns in this statement track the changes made as the year progress in the same manner as the previous two columns.

This report is in my opinion a very useful one for the Council as it allows the Council to track changes in its commitments and unrestricted cash.

5. **Key Performance Indicators Budget Review Statement** – This statement is designed to provide some simple financial indicators to give the Council a snapshot of how it is performing financially.

Unlike the earlier reports there is some freedom here for the Council to choose what indicators it would like to see included in the report. The finance team has chosen three that seem reasonably useful for the Council to track.

- Debt Service Ratio – an indicator of how much of the Council’s income is used to service its debt
- Rates & Annual Charges Coverage Ratio – an indicator of how reliant the Council is on its rates revenue
- Building and Infrastructure Renewal Ratio – an indicator of the Council’s effort in renewing its assets as they deteriorate.

The Debt Service Ratio is lower than previous years, reflecting the Council’s borrowings reducing.

The Rates and Annual Charges Coverage ratio is on par with last financial year, reflecting the increased grant revenue received by the Council over the past two years.

The third indicator shows that the Council’s projected asset renewal ratio is 430%. This is well above the Fit for the Future benchmark of 100% for this ratio.

6. **Contracts and Other Expenses Budget Review Statement** – This statement is an attempt to provide the Council with some detail about the Council’s new contractual arrangements and expenditure on consultancies and legal expenses.
-

8.9 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 Council Actions as of 09.05.2024 (under separate cover)2. Completed Council Actions from 24.04.2024 - 09.05.2024 (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 from your information:

- Outstanding Council Actions as of 09.05.2024
- Completed Council Actions from 24.04.2024 – 09.05.2024



8.10 Correspondence Incoming and Outgoing, April to May 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 (under separate cover)

This report is for information only.

Report

Report

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

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

Incoming

DATE	FROM	TO	TYPE	RESPONDED DATE
29 April 2024	NSW Health Infrastructure	Council	Finley Health Service Redevelopment	N/A
02 May 2024	USU	Karina Ewer	Federal Government Inquiry	N/A

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



OUTGOING

DATE	FROM	TO	REGARDS	TYPE
29 April 2024	Mayor Julia	NSW Ministry of Health GIPA Team	Refund of GIPA charge	Letter



8.11 Council Election Update - Reminders

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:	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) Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	Nil

This report is for information only.

Report

This report is to remind Council of the important dates concerning the upcoming September Local Government Elections (14 September 2024).

Key Election Dates

Monday 22 July 2024

- Advertising for enrolments

Monday 5 August 2024

- Start of regulated period for electoral material
- 8am lodgement of nominations open
- 6pm close of roll for the purposes of being a candidate, nominator and roll printing

Tuesday 6 August 2024

- Lodgement of postal vote applications

Wednesday 7 August 2024

- Council's last meeting date as per Motion OCM/026/24 made at February 2024's Ordinary meeting



Monday 12 August 2024

- Last day to lodge second half-yearly political donations disclosures

Wednesday 14 August 2024

- Close of nominations and close of register of candidates and groups

(Note: Candidate, group and third party campaigner registrations for the purpose of accepting political donations and making payments for electoral expenditure opened on the day after the last local government elections for the local government area)

- Registration of electoral materials open

Thursday 15 August 2024

- 2pm Ballot paper draw conducted
- 2pm Uncontested elections declared (this is where fewer than 8, or only 8, people nominate for this Council)

Friday 16 August 2024

- Caretaker Period begins

Monday 19 August 2024

- Postal pack distribution begins

Monday 2 September 2024

- Telephone voting registration and voting opens
- 5pm Postal voting application close
- Registration of third-party campaigners close

Friday 13 September 2024

- Pre-poll voting period closes (times will be posted closer to the date)
- Telephone voting registration closes
- Caretaker Period ends

Saturday 14 September 2024

- 8am to 6pm Election day
- 1pm Telephone voting closes
- 6pm Regulated period for electoral material ends

Sunday 22 September 2024

- Last day to lodge annual electoral expenditure disclosure

Friday 27 September 2024

- 6pm End of postal vote return (subject to legislation change)

Monday 30 September 2024

- Progressive distribution of preferences



Tuesday 1 October 2024

- Progressive distribution of preferences
- Progressive declaration of results

Wednesday 2 October 2024

- Progressive distribution of preferences
- Progressive declaration of results

Thursday 3 October 2024

- Progressive declaration of results

Monday 7 October 2024 (Public Holiday)

First Meeting of the New Council

The proposed timetable for counting and results is relevant to councils for meeting planning purposes, particularly the first meeting of the new Council following election day.

As in 2021, the close of receipt of completed postal votes is 13 days after the election day. That means postal votes can be received by the NSW Electoral Commission up to 6pm on Friday, 27 September 2024. Final councils and distributions of preferences will commence on Monday, 30 September 2024, with election results in each area progressively announced from Monday, 30 September 2024 to Wednesday, 2 October 2024.

Candidates have 24 hours after results are announced to lodge a request for a recount, should they wish to do so. Unless a recount request is under consideration, or a recount is to be conducted, results will be declared by the returning officers as soon as practical after the recount deadlines pass, from Tuesday, 1 October 2024 to Thursday 3 October 2024.

An election is only complete once results have been officially declared, meaning a meeting cannot be held until the results have been officially declared.

Official results will be published on the Electoral Commission's website immediately following each declaration and a copy will be provided to me.

I would therefore suggest the following (subject to change if there is a recount requested):

- Wednesday 9 October 2024 – Election of Mayor and Deputy Mayor (9.00am to 10.00am)
- Wednesday 9 October 2024 – Councillor Induction (shorter for returning Councillors)
 - Returning Councillors 10.30am to 12.00pm
 - New Councillors 12.30pm to 4.00pm
- First Ordinary Council meeting 16 October 2024

Induction Program

We will look to engage LGNSW to undertake the overarching local government information. Each of the Directors however will also provide the new Council with information as to where their projects are up to. I will undertake the rest of the induction to meet the requirements of the Local Government Act.



Pre-Election Information Sessions

I will be running the information sessions commencing after my return from leave in early May.
Advertising of these events will be undertaken soon.



8.12 Rural, Regional and Remote Healthcare - Submission

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

Recommendation

That Council endorse the submission as made to the Select Committee on Remote, Rural and Regional Healthcare.

Report

This report is to advise Council the attached submission was made to the Select Committee on Remote, Rural and Regional Healthcare.

Originally the submissions were due 12 April 2024 and I had not had time to develop a response. When the timeframe was extended Mayor Julia asked if this would now be possible.

Submission aligns with the new Community Strategic Plan where the community have asked for Council to advocate for better health outcomes for the Shire.



8.13 Federal Inquiry into Local Government Sustainability - Submission

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

Recommendation

That Council endorse the submission made to the Federal Inquiry into Local Government Sustainability

Report

Attached is the submission made to the federal inquiry into Local Government Sustainability. Both the NSW and Federal governments are currently investigating the funding structures in place for Local government and how financial sustainability is being affected by other levels of government.

Berrigan Shire Council relies for 54% of its budget, on grant funding, particularly from the Federal Government. With untied grants reducing, more and more Councils are forced to align their deliver programs and service delivery with the policy settings of higher levels of government.

For the reasons stated above Mayor Julia and I felt it important to respond to these inquiries. The response to the NSW State Government inquiry was provided to the April Ordinary Meeting.

I note, I am not always able to have these ready for Council meetings to endorse in advance. Mayor Julia does always check my work and provide feedback prior to their submission.



8.14 Pedestrian Access and Mobility Plans

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1.3. Enhance the visual amenity, heritage and liveability of our communities
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. Pedestrian Access and Mobility Plan- Barooga (under separate cover)2. Pedestrian Access and Mobility Plan - Berrigan (under separate cover)3. Pedestrian Access and Mobility Plan- Finley (under separate cover)4. Pedestrian Access and Mobility Plan- Tocumwal (under separate cover)

Recommendation

That Council endorse the Pedestrian Access and Mobility Plans for Barooga, Berrigan, Finley and Tocumwal and place all documents on public exhibition for 28 days as required under section 160 of the *Local Government Act 1993*.

Report

This report is to notify Council of the finalisation of the draft Pedestrian Access and Mobility Plans (PAMP) for each of the four townships in the Berrigan Shire. The update of these documents was requested by Council to allow for budget allocation over the next four years, including the implementation of the half cost scheme for each footpath in question.

The plans now need to be placed on public exhibition so they can be adopted by Council, after consideration of any public feedback at either the July or August Ordinary meeting.



8.15 Vermont Street Barooga Roundabout

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.3. Connect and protect our communities
Delivery Program:	1.3.1. Coordinate flood levee, local road, sewer and stormwater asset management and planning
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council

1. Consider both roundabout and traffic calming options and provide guidance as to a preferred approach;
2. Receive a report from Council Staff at a later meeting detailing:
 - A) Detailed design;
 - B) Engineering estimate; and
 - C) Communications plan.

Report

This report was prepared by Michael Eddie, Interim Director Infrastructure.

The purpose of the report is to confirm Council's direction on the proposal to install a new roundabout at the intersection of Vermont Street / Golf Course Road.

Background

In February 2018, Council accepted a Master Plan for Barooga, "Rest in Barooga", which included consideration of improving pedestrian safety, and traffic movements at the Vermont Street / Golf Course Road intersection (**see over**).

Based on this objective, a design consultant has developed a Concept Design for a roundabout, including improved traffic movements, and pedestrian safety around and next to the Roundabout.

Council has approved funding for this work under the Local Roads and Community Infrastructure Program Round 4 (LRCIP R4). Approved LRCI R4 funding is \$506,177.



Barooga Town Concept Plan Report

Rest in Barooga

Vermont Street and Golf Course Road

Existing Conditions

Vermont Street is a regional road. The intersection was identified by the community as a difficult place for pedestrians to cross and a difficult place for vehicles to turn from side roads into Vermont Street.

BSC recently checked traffic speed in the area and did not record high vehicle speeds during the check. Council did discuss concerns about the intersection with RMS after the bridge was installed.

The bridge is higher than the side roads which does make it harder to see bridge traffic and turn from side streets.

The road traffic includes large trucks. The road width and the location pedestrians cross is wide. There is no formal pedestrian crossing. Coloured pavement has been installed as a traffic calming measure. It can be confused by pedestrians as a crossing location however, there are no pram crossing facilities.

The shared path currently goes under the bridge and is accessed via gates. The path has several signs associated with it however, it is a counter-intuitive way to access the town centre. This path area is at times affected by flooding and there is no alternative connection.

The intersection is a barrier to accessing Vermont Street from the east side. Note the East side has a significant amount of land that will be available for development.

Impact of the Barooga Town Concept Plan on this Intersection

The Foreshore Plan recommends the development of the parks on either side of the bridge and the shared path. These new destinations may increase the number of pedestrians and cyclists between east and west sides of the foreshore as well and into Vermont Street.

The Plan has identified an opportunity for a long vehicle parking area in Golf Course Road next to Lions Park. There may be an increase in long vehicle turning movements at this intersection.

Further Work

- Consider re-opening the conversation with RMS
- Consider undertaking a traffic assessment by a qualified traffic engineer based on current conditions and possible changes based on elements in the Plan
- Consider an upgrade to the road to improve pedestrian/cyclist links and traffic movement from side streets.



LM-LA

Design Options

The Concept Design to construct a new roundabout developed includes (**see over**):

- Modified / new concrete islands to manage traffic movements;
- New lighting to provide adequate lighting for the roundabout; and
- New pedestrian crossings.

The design consultant has developed an engineering estimate for this Option at \$902,700, which includes a contingency of 20%.

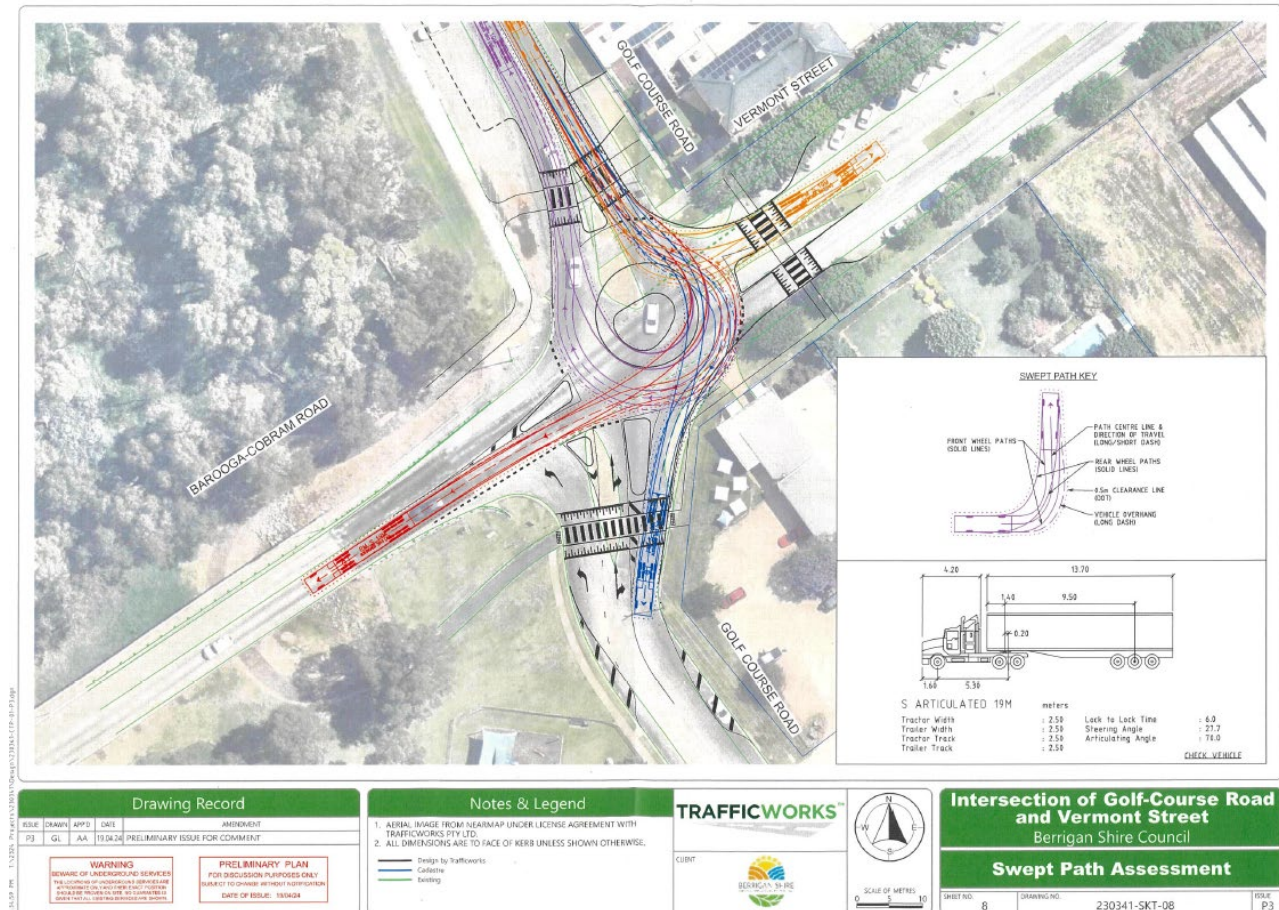
Given the cost of the roundabout option is significantly over the funded amount, and to provide a possible alternative, Council Staff have considered the cost of traffic calming measures which includes the following:

- Using the existing concrete traffic islands, and kerb and gutter;
- Constructing additional raised pedestrian islands;
- Installing new lighting;
- Constructing new pavement due to significant areas of damaged pavement; and



- Constructing new concrete footpaths to provide satisfactory connections to existing footpaths.

Whilst the scope of these works has not been fully developed, the likely cost outcome for the traffic calming measures would be in the order of \$615,000, which includes a contingency allowance of 20%.



The appropriate Traffic Design Solution

To ensure the roundabout can be accessed by appropriate vehicles, the design consultant has prepared a "swept path assessment" as part of the Concept Design.

Given the location, it is proposed that the detailed design include a traffic movement assessment to ascertain traffic characteristics such as wait time and queue lengths.

Higher level drivers from Redevelopment

As the masterplan considers development in recreation space, parking and access to the town centre, concepts for these functions should be overlain on the traffic solution so as not to rule out any particular development in future stages.

Summary

Council has approved funding for this work under the Local Roads and Community Infrastructure Program Round 4 (LRCIP R4). Approved LRCIP R4 funding is \$506,177.

The likely outturn cost for the Options are:



Option	Outturn Cost (ex GST)
Roundabout	\$902,700
Traffic Calming	\$615,000

To complete the Detailed Design, it is proposed to undertake a traffic assessment of the options considered to support the selection of the appropriate solution.

At this point, concepts for future development use would be considered such that some alignment is maintained with the traffic solution proposed.

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

These works would assist Council in creating safe, friendly, and accessible communities.

Issues and Implications

Policy

Report for information.

Financial

Given the engineering assessments undertaken to date, there is a likely funding gap on the project within the range of \$160,000 - \$450,000.

Further to these works, it is proposed as part of the Project that further traffic assessments be undertaken to ensure suitability and that future redevelopment is also considered to future proof the option selected.

Council should be aware that the cost of design and assessment against future redevelopment are NOT eligible costs under the LRCI R4 funding agreement and as such further funding would be required. It is estimated that these costs would be in the order of \$50,000.

Should Council wish to proceed with the development of the Project, further funding sources could be sort such as:

- Pavement Repairs: approx. \$100,000 under Regional Emergency Road Repair Fund (RERRF);
- Lighting: approx. \$40,000 under Stronger Country Communities Fund Round 5 (SCCF R5)

Legal / Statutory

Report for information.

Community Engagement / Communication

Following the approval to proceed, a communications plan will be developed highlighting:

Likely disruptions during construction; and

Likely improvements to traffic and pedestrian movements.

Human Resources / Industrial Relations (If applicable)

The works will be undertaken externally, and project managed by Council's internal project manager with support from the project managers from Edward River Council.



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

2. Reputation (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

Conclusions

Based on the information in the report, it is recommended that Council:

- Consider both roundabout and traffic calming options and provide guidance as to a preferred approach;
- Consider the amount of effort required to finalise the preferred option and provide guidance to proceeding towards that outcome;
- Receive a report from Council Staff at a later meeting detailing:
 - Detailed design;
 - Concept overlays for possible future redevelopment;
 - Engineering estimate;
 - Funding plan; and
 - Communications plan.

For the preferred option.

8.16 Operational Plan Review - January-March 2024

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:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Council Review 2023-2024 Q3.pdf (under separate cover)

Recommendation

That Council adopt the appended March Quarter Review of the Council's Annual Operational Plan 2023-2024.

Report

Circulated with this Agenda as Appendix 1 is the Council's March Quarter Review of the Council's *Annual Operational Plan 2023-2024*.

This report provides a traffic light review with comments by Responsible Officers of the status of:

- Council actions that support and promote *Berrigan Shire 2032* outcomes (these are outcomes which match the Office of Local Government's quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives.
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

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- *Delivery Program* Objectives.
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

Reading this report

The traffic light review format provides a visual update on the status of Council's Annual Operational Plan and Council's progress toward full implementation of its Operational Plan. It should be read in accordance with the following key:

Key

					
Completed	On Target	Not on Target	Not Due to Start	Deferred or Not Progressing	Overdue or Not Completed

Additional information in the Delivery Program and Operational Plan Performance Review and Progress Report includes:

1. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target.
2. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation and action being reported and its status.

The following tables (Table 1, Table 2 and Table 3) provide a summary by strategic outcome of Council's progress and performance as at 31 March 2024.

Table 1 lists the actions which are completed.

Table 2 lists the actions which are not due to start.

Table 3 lists the actions which are not on target, deferred or not progressing, overdue or not completed.

Table 1. The following actions are completed.

Code	Action
1.1.1.4.1	Implement Planning and Building Services service review recommendations – related to customer service and processing of Development Application
1.1.1.5	Improve customer satisfaction with Development Services
1.1.1.6	Process, assess and determine planning and building, Section 68, applications per relevant planning, building, Local Government and Environmental Assessment legislation, codes, and policies
1.1.1.9	Participate in reviews and staff training activities that support the implementation of the NSW Planning Portal
1.1.2.1	Implement the Council's Community Engagement and Community Participation Plan
1.2.1.1.2	Include roadside vegetation enhancement projects as external funds become available in Local Weeds Action Plan
1.2.1.2.1	Implement Weed Action Plan 2020- 2024
1.3.1.5.4	Construction of shared path at Barooga and Tocumwal
2.1.3.6.4	Continue the roll out of Council's rebrand project <ul style="list-style-type: none"> • Create and implement Council's new website/Consistent branding across Council's website Brand Guidelines used for all Council Communication
2.1.3.9.1	Develop the installation of Electric Vehicles charging stations across four townships and investigation into the implications for plant and equipment renewal, maintenance, and charging infrastructure
3.1.1.2.4	Investigate options for the re-establishment of Toy Library
3.1.2.2.1	Contribute to the operations of the indoor Pool and Gym owned and operated by the Barooga Sports Club Ltd in accordance with conditions identified by Council Resolution
3.1.3.1.2	Fund and employ on an ongoing basis a Youth Worker as part of the Council's contribution to the Southern Riverina Wellbeing Collaborative sponsored Live4Life project
3.1.3.2	Implement the Berrigan Shire Council's 'Reflect' Reconciliation Action Plan
3.1.4.4.1	Provide and maintain local emergency operations centres and associated plant
3.1.4.7	Control and promote responsible ownership of companion animals
3.2.1.1.2	Coordinate annual International Women's Day Literary Luncheon
3.2.1.1.4	Provide programs that strengthen residents' connection to each and place

3.2.1.1.5	Partner in the collection and preservation of local history
3.2.1.4	Develop a public arts strategy when funds for this project are identified
4.1.1.1.2	Invest in transition to work and or further education projects

Table 2. The following actions are not due to start.

Code	Action	Comment
1.1.1.3.2	As part of the development of Key Worker Housing Strategy include the following LSPS actions a) undertake a formal audit of social housing in Berrigan Shire LGA b) facilitate the redevelopment of existing serviced residential lots	No Change. No allocated budget or resources to undertake audit.
1.1.2.1.1	Review for user-friendliness information provided to community per CPP requirements	No Change. No allocated budget and do not have appropriate resources.
2.1.3.4.7	Investigate options for online delivery of Volunteer Training programs in good governance, financial systems, and controls	Waiting on development of new Volunteer Committee Guide to Operations.
3.1.1.2.1	Investigate the development of an indoor play centre as part of the CSP review	Work on this has not started. Will not start until July 2024 at the earliest.
3.1.1.2.2	Commence review of the Children and Families Strategy 2019- 2023	Not yet started. Need to consider how to resource review.

Table 3. The following actions are not on target, deferred or not progressing, overdue or not completed.

Code	Action	Comment
1.1.3.2	Continue its rolling program of works – town entrances	Council has not budgeted for any town entrance works.
1.1.3.2.1	Include in tree master plans additional tree plantings at non-priority town entries	Council has not budgeted for these works.
1.1.3.3	Finalise the implementation of the Tocumwal Foreshore Master Plan	Design of fishing stations and amphitheatre is complete. Council should consider how these works should be funded
1.2.1.2.3	Investigate non-lethal options for the control and management of corellas	Reported to Council not pursuing at present due to cost and legislation.
1.2.1.2.4	Advocate for State funding and support to assist with the development of a Regional Solution to the control and management of corellas	Officers have explored alternative measures for managing corellas and reported the matter to Council. The cost associated with other alternatives is prohibitive for a small rural Council.
1.2.1.3	Undertake tree assessments and establish a tree register for all urban trees	No funds to progress this.
1.2.1.4	Develop an urban tree strategy	No funds available to progress this.
1.3.1.1	Review and implement Asset Management Plans which maintain a balance between improving and maintaining flood levees, stormwater, Council roads, paths and trails	The Water Supply Networks Asset Management Plan is currently under review but needs to consider recent hydraulic modelling completed for water and sewer networks to complete the document. Water and Wastewater Servicing Strategy for Tocumwal has been prepared. Similar report to be prepared for Barooga. The asset management plan will proceed when Strategy finalised.
1.3.1.3.2	Implement adopted Liquid Trade Waste Policy	Using waste ID, few inspections and monitoring are in progress. However, a dedicated resource is essential to effectively implement trade waste policy and compliance monitoring.
1.3.1.4.1	Develop a private levee owner's manual	Haven't started. Other works have taken priority.

2.1.2.2.4	Continue the development and implementation competency assessment and training program for Council's plant operators	Spoke with Andrew Frazer, assessment sheets have been completed when Council receive new Plant and the staff have been inducted on how to use it. I was under the impression it was for all plant, this was my error. Andrew advised that a few years ago Dean Loats attended a training Course to assess competency with staff. To Andrew's knowledge this has not been happening. I will make a few calls around other Council's in our area to see what they are doing in this space, and I will look to roll out to outdoor staff.
2.1.3.7.1	Review of Corporate Services AMP Develop individual AMPS for each asset class	Not progressing due to staff shortages. Discussion held at ELT level on how best to progress.
2.1.3.7.2	Implement Berrigan Shire Sustainable Operations Energy Strategy	No budget has been provided for the implementation of the Energy Strategy. Awaiting the outcomes of the meeting with Dr Wright to assess what directions might be possible for Council.
3.1.2.2.2	Develop with Committee's a 10-year Strategic Plan for each Council Recreation Reserve including Mary Lawson Reserve	Council is currently reviewing the S355 Committee Guidelines, once this has been finalised, we will begin working with Recreation Reserves to make long term plans.
3.1.2.2.3	Complete the development of the Finley Showgrounds 15-year Strategic Plan	Need to determine where this is sitting.
3.1.2.2.5	Implement improvements at Mary Lawson Wayside Rest Implement improvements at Finley Lake Masterplan	Council has not identified this facility as a priority for funding in recent grant programs.
3.1.3.1.1	Investigate options for the development of a Youth Council or similar	Not yet commenced. Council to be asked if this is a priority. There was interest in developing a Youth Council identified in consultation for the new Community Strategic Plan.

3.1.4.3.1	Complete service review of Biosecurity and Compliance	Have just started a service review in accordance with the 'template' used for Building & Planning. Staff changes, new functions and template needed to be in place prior to commencement.
3.2.2.1	Coordinate and align community projects and activities with township master plans	Town masterplans referred to Council at November SPW for direction on delivery. No direction or funding provided at this stage.
3.2.2.1.1	Partner with our communities on the development of walking and cycling tracks along rail trails and riverbank reserves	Investigation yet to start. Council needs to consider how to resource this investigation.

The following table provides a summary by strategic outcome and the year-to-date status of Council's 2023-2024 Annual Operational Plan.







Performance by Outcome

	Completed	On target	Not on target	Total
Sustainable Natural and Built Landscapes	8	36	10	54
Good Government	2	42	3	47
Supported and Engaged Communities	10	32	7	49
Diverse and Resilient Business	1	30	-	31
Total Actions	21	140	20	181

Reading this report

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Performance by Outcome

	Completed	On target	Not on target	Total
Sustainable Natural and Built Landscapes	8	36	10	54
Good Government	2	42	3	47
Supported and Engaged Communities	10	32	7	49
Diverse and Resilient Business	1	30	-	31
Total Actions	21	140	20	181



8.17 Community Strategic Plan

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:	<p>Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.</p> <p>Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level</p> <p>Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area</p> <p>Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign</p> <p>Information Channel: Information about a service or activity of other bodies is channelled through, for example, brochures in Council office and other public spaces or links to third party websites</p> <p>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</p> <p>Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council</p>
Appendices:	<ol style="list-style-type: none">1. Berrigan Shire Community Strategic Plan 2040 (under separate cover)2. Engagement Report - CSP (under separate cover)3. Public Response CSP4. Public Response CSP - Dog Park

Recommendation

That Council



1. noting submissions and feedback from the community while on public exhibition, endorse *Berrigan Shire 2040* attached to this report as Berrigan Shire Council's Community Strategic Plan
 2. Direct the Chief Executive Officer to
 - (a) use *Berrigan Shire 2040* as the framework to develop the 2024-25 suite of Integrated Plans and Reports
 - (b) place versions of the Berrigan Shire 2024 "plan-on-a-page" on public display in a prominent position in each town.
-

Report

Summary

Attached as an appendix to this report is the draft Community Strategic Plan (CSP) – *Berrigan Shire 2040*.

The CSP is the **community's** plan for the future, not a Council plan. It documents the **community's** aspirations and priorities for Berrigan Shire leading into 2040 and identifies the key priorities and strategies for achieving this.

As required under the NSW government's Integrated Planning and Reporting Framework, the plan is based on the social justice principles of equity, access, participation and rights.

Council's role was to lead the preparation of the plan. Council, with the assistance of a consultant engaged with the community to develop the **community's** plan.

The community's plan is now ready to be endorsed by Council, to be used as a guide in the development of Council's suite of integrated plans.

Engagement

In late 2023, Berrigan Shire Council started the process of developing a new Community Strategic Plan.

Council engaged Projectura, a consulting firm, to assist with this task, starting with a comprehensive engagement strategy titled *Berrigan Shire 2040 – Create Your Future*.

Berrigan Shire 2040 – Create Your Future was rolled out between 15 November and 15 January 2024. Council staff were required to be creative to engage a community already busy with harvest and Christmas activities. Staff attended Christmas Carols, night markets and other community events as well as attending community meetings and handing out surveys.

Over 740 residents participated in *Berrigan Shire 2040 – Create Your Future*, engaging with four main questions.

1. Where are we now?
2. Where do we want to be?
3. How will we get there, and
4. When will we know we have arrived?



The following is a summary of the high-level findings obtained from participant feedback.

- There was a high participation rate for those aged under 18 years, and between 25 and 49 years old. Those aged 18 to 24 years and over 50 years were underrepresented.
- Women represented over 60 percent of participants, with male participation underrepresented.
- People with a disability, and from Non-English speaking backgrounds were also underrepresented in the engagement.
- When asked what makes your community a great place to live, the key strengths were the lifestyle, the culture and community, beautiful natural environment, recreation and leisure, and economic factors and tourism.
- The challenges that emerged over the past four years include COVID-19 and its impact on how we live, work and participate, availability and affordability of housing, growing class divides, natural disasters, and climate change.
- The main challenges facing the community were cost of living pressures, suitable infrastructure to enable daily life, supporting young people to stay in the shire, housing availability and affordability, access to services, and jobs and employment.
- The key priorities for the next ten years were economic growth, sports and recreation, infrastructure, more activities and events, parks and green open spaces, services, and housing for all.
- Respondents would like Council to prioritise health services, business and industry attraction event delivery, improved communications (IT, internet and mobile), housing availability and affordability, aged and disability services, and tourism and visitors.

The complete Community Engagement Report is attached as an Appendix to this report.

From this feedback, Projectura and Council prepared a draft Community Strategic Plan – *Berrigan Shire 2040*.

The draft CSP has been on public exhibition since 12 April 2024, to seek feedback from the community if the draft reflects what the community told the Council in the initial engagement period.

Council received two submissions in this period.

Respondent	Feedback	Management response
Finley Resident	I really would like to advocate for us being able to establish a dog park in Finley.	The Finley Lake Reserve Masterplan includes a specific off leash area. This could be implemented independently of the rest of the masterplan.
Tocumwal Resident	This has been hard to find and difficult to to understand what it it is about. I don't understand what embedding aboriginal culture into our shire plan and	The direction of the Council is sought.



	community means as there is no explanation, sounds very much like another aboriginal voice plan which I oppose again.	
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Council may wish to consider these submissions before endorsing the draft CSP.

Plan

Berrigan Shire 2040 sets out the following vision for our community.

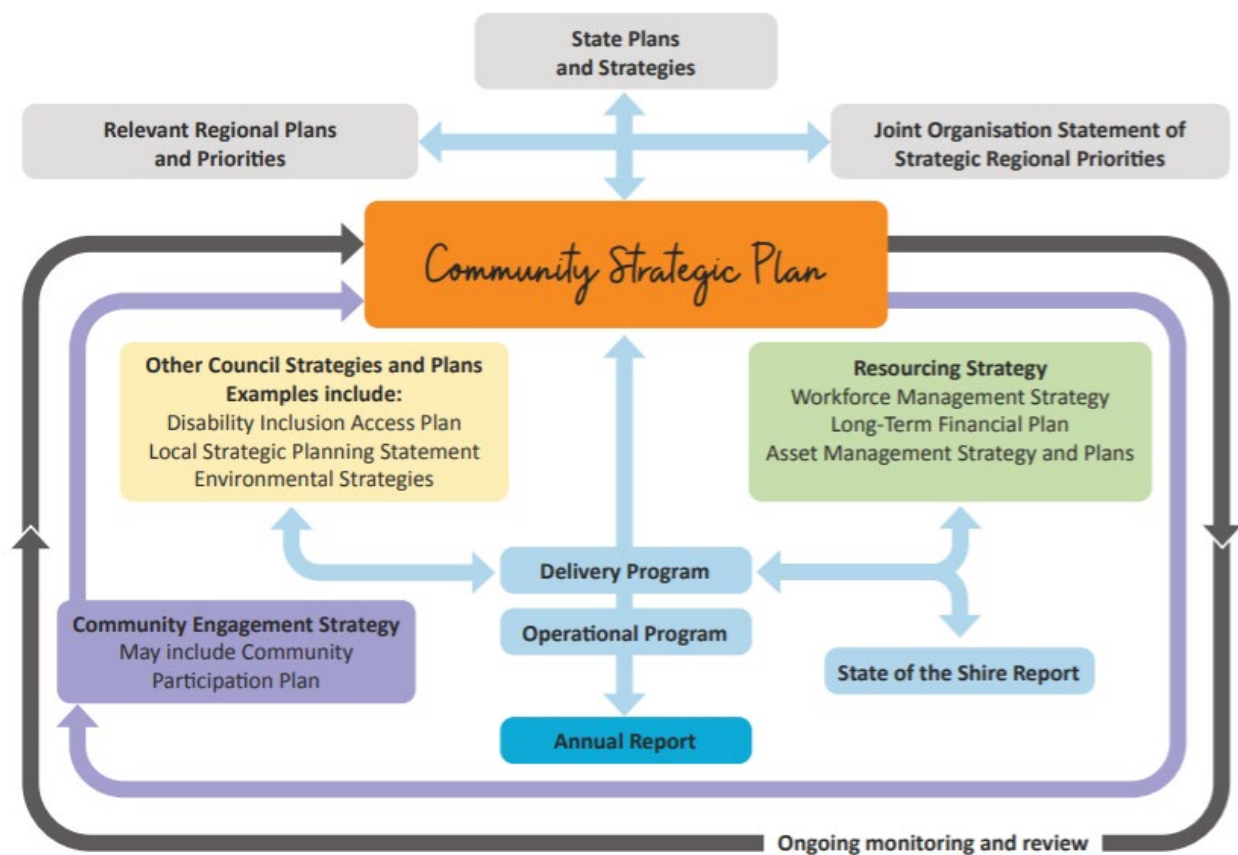
Our diverse population and productive natural landscape fuel a vibrant economy and a harmonious and thriving community.

The plan consists of five themes and strategic objectives.

Each theme outlines strategic objectives based on community feedback, envisages where we want to be, how we will get there, Council's role, essential partners and collaborators and measures to track progress.



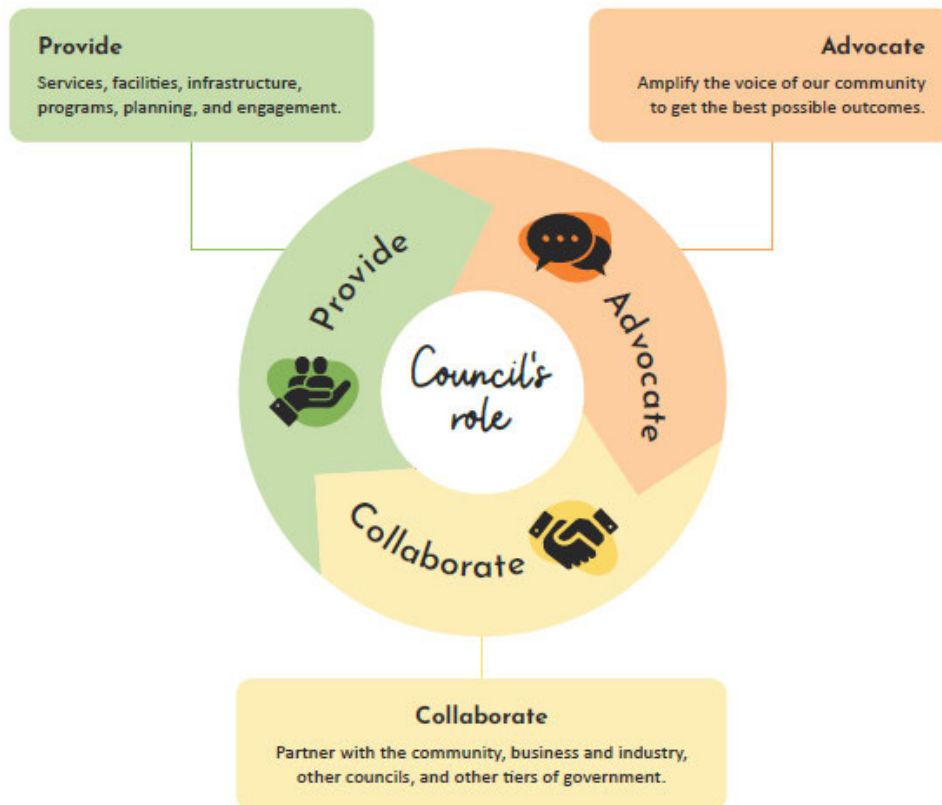
Under the Integrated Planning and Reporting framework, Council will develop its suite of plans and strategies to work with the community to meet their vision for the future based on the strategic objectives. The model below set outs this framework.



Source: Office of Local Government NSW (2021).

While Berrigan Shire Council takes the lead as the preparer and custodian of the Community Strategic Plan, all levels of government, businesses, industry groups, community groups and individuals will share the responsibility for achieving our long-term community goals.

The Plan outlines the Council's role in the delivery of each priority, described using the following terms



Outcome

Council is asked to endorse the community vision and priorities of the community and set out in Berrigan Shire 2040.

Once endorsed, Council will develop its suite of plans, strategies, and reports linked to *Berrigan Shire 2040*.

Management also recommend making copies of the plan and the summarised "plan-on-a-page" widely available – including at the Council administration office, the libraries and in other public venues.



Have a Say / Public Exhibition



Submitted on	24 April 2024, 9:58pm
Receipt number	9
Related form version	0

Make a submission

Please complete the questions below if you wish to make a submission on the documents currently on display.
Thank you for taking the time to provide feedback.

Full name

Email

Phone number

Please provide your submission details in the text box below.
You can provide any relevant attachments at the next step.

This has been hard to find and difficult to to understand what it it is about.

I don't understand what embedding aboriginal culture into our shire plan and community means as there is no explanation, sounds very much like another aboriginal voice plan which I oppose again.

If you have an image or file relevant to your submission,
please upload it here.



[REDACTED]

Many thanks for your email.

It is wonderful to hear from a former female councillor. Berrigan shire has been very good at supporting women in the councillor and mayor role over the years, which is wonderful.

Feedback on the Community Strategic Plan closes on Friday so I will send your idea on to be considered with that.

I will also ask staff if they have any advice about Anzac Park so you know if it is even a possible location.

Thanks again [REDACTED]

I'll be back in contact.

Julia



Julia Cornwell McKean
Mayor

Berrigan Shire Council | 56 Chanter Street, Berrigan NSW 2712.
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E: julia.cornwellmckean@berriganshire.nsw.gov.au
W: www.berriganshire.nsw.gov.au



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[REDACTED]

Hi Julia

Please heart me out Julia 😊, I know your busy!



My name is [REDACTED]

I frequently visit friends who live in QLD and often take their dogs to local dog parks. Since each individual has sufficient health issues that prevent them from taking their dogs on long walks, their local dog park has been the greatest blessing for them. With so many benefits to the animals and the individuals... so many lovely stories I could share about their individually visits and who they met and how this seemingly small adventure has changed their lives.

In Finley I walk my daughter's dog, but there is no where I can let her off lead to have a good run around! she is a puppy and has no sense of danger.

I also know elderly people who are unable to walk their dogs here due to bad health, and those with disabilities (I work in aged care and disability) it would be so rewarding for those esp aging people in our community to have the opportunity to either drive or walk their dog to a dog park and allow their dogs to socialise, (both dogs and owners) this would help with their mental health greatly also. It would allow dogs the freedom to run around and get the much needed exercise they deserve, and to live happier healthy lives.

These women I know in the city find that owning a dog brings people together, (amazing what owning a dog can do) each time they visit the Dog Park they meet people who brighten their day. Many friendships and puppy dates are made through this connection also. Dog Parks are many in the cities. Local councils have accomplished amazing work setting up these dog parks. (and they are literally everywhere in the suburbs) I say "so which one will we go to today?"

I really would like to advocate for us being able to establish a dog park in Finley. I have the perfect fit too that is already established as a park, that rarely gets used (I live across from it) it has running water, seating and shade, not much traffic, cars could pull straight up to curb, it's already mowed by council... it's just the most perfect place...Anzac Park Finley.

It would not have to have a fence around all the park. (but best parks are ones that have a designated sections one for small dogs and ones for larger)....

I would be more than happy to sit on a committee, and get some other fellow citizens who would love to see this move ahead in Finley. It's been long over due im afraid.

I should have submitted this prior to your strategic planning... but it's been on my to do it, but just hadn't got around to it! I have though been asking people in our community myself, of their opinion on the matter and place. And feel it's freshly a wonderful idea. I feel this could be achieved without too much effort and work. Even if council paid for the fence and the community came together to put the fence up.

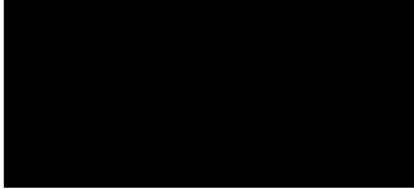
I tried to look at the strategic planning coming up, but I only have a phone and couldn't read it, was too small and couldn't find it on your website. Maybe this idea has already been mentioned? However I also wanted to put forth my idea. Maybe even funding in the area of improving mental health or general health for the vulnerable or aged.

I know those who take their dogs regularly it has helped improve their mental health, and it is also the only time they themselves get out and socialize with others within the community. That is a big plus! And it's a great meeting place also.

I'm more than happy to have a discussion if you desire too..0400309474 or email me.



Also its lovely to have a female as Mayor, when i served at one stage we actually had 4 women serving at same time, that was a big step forward. So congratulations!





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

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 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. Draft Long Term Financial Plan 2024 - 2035 (under separate cover) 2. Draft Annual Operation Plan 2024 - 2025 (under separate cover) 3. Draft Delivery Program 2024 - 2028 (under separate cover)

Recommendation

That Council

1. Adopt the following draft plans and strategies and policy for public exhibition and comment:
 - (a) Draft Long Term Financial Plan 2024-2035
 - (b) Draft Delivery Program 2024 – 2028
 - (c) Draft Annual Operational Plan 2024 – 2025 and
 - (d) Draft Statement of Revenue Policy included in the Draft Operational Plan 2024 – 2025
2. Place the suite of draft and reviewed Integrated Plans on public exhibition for at least 28 days from Thursday, 16 May 2023 until 5:00 pm on Thursday, 13 June 2024.
3. Consider, and order submissions received concerning the reviewed suite of Integrated plans and adopt with any amendments these plans at its ordinary meeting held at 9am, Wednesday, 19 June 2024



Report

This report is for Council to consider and adopt the draft suite of integrated planning and reporting documents for the 2024-25 financial year.

These include:

1. The Long-Term Financial Plan 2024-2035 (Part of the Resourcing Strategy)
2. The Delivery Program 2024-2028
3. The Operational Plan 2024-25, including
 - a. The 2024-25 annual budget
 - b. The 2024-25 statement of revenue policy
 - c. The 2024-25 fees and charges register

The remaining items in the Resourcing Strategy – the Asset Management Strategy and Workforce Development Plan – are under active review now and will be presented to Council for adoption at a later meeting.

The draft suite of documents are based on the new Community Strategic Plan (CSP) – *Berrigan Shire 2040* – which Council will consider elsewhere in this agenda.

Given the tight timeframe between the development of the new CSP and the preparation of this suite of integrated plans, these plans are simply a mapping of the Council's existing services and activities to the new CSP. A complete redevelopment of these plans based on Berrigan Shire 2040 will take place in 2024/25.

Once Council have considered and adopted these draft plans, they will be placed on public exhibition until Thursday, 13 June 2024. The Council will then consider the plans, along with any public submissions, at its ordinary meeting on 19 May 2024.

Long-Term Financial Plan

The Long-Term Financial Plan includes the financial forecasts for the Council for the next ten years and is updated annually and rolled forward by one year as part of the development of the Council's Annual Operational Plan.

The Long-Term Financial Plan is used by the Council to inform its decision-making about the actions it will undertake to contribute to the vision of Berrigan Shire 2040 and the development of the Council's Delivery Program.

Over the life of the Long-Term Financial Plan (LTFP) Council's cash holdings become extremely volatile with no unrestricted funds forecast to be available between 2027-28 and 2031-32 of the plan. While they do increase in the latter years of the LTFP extensive capital works planning has not been completed for these years.

The volatility of Council's cash balances and access to unrestricted funds again solidifies the extensive work Council needs to complete in reviewing its service levels provided to the community. It is evident within Council's General Fund income statement that the current service levels maintained are not sustainable into the future.



Delivery Program

The Council's Delivery Program 2024 – 2028 includes the activities undertaken by the Council and is integrated with Berrigan Shire 2040 strategic outcomes.

It sets out the Council's commitments for the next four years and the resources it can draw on identified in the Council's Resourcing Strategy 2023 - 2034.

Operational Plan

This Annual Operational Plan is year one of the Council's Delivery Program. It is informed by the Council's review of its 10-year Resourcing Strategy 2023 - 2033 which includes the Shire's Asset Management Plans, its Workforce Development Plan 2022– 2026 and Long-Term Financial Plan 2024 –2035.

The Annual Operational Plan describes how Council's annual operations contribute to the achievement of the Community Strategic Plan: Berrigan Shire 2040.

Budget

While Councils operational plan projects a minor budget surplus over the next 12 months Council will need to review its operational service levels to ensure it is sustainable into the future. If Council continue to provide the community with its current service levels, Council will use all available funds within the next ten years (excluding Water, Sewer and Domestic Waste)

Over the next twelve to eighteen months the Council will engage in extensive community consultation to discuss numerous options to ensure Council remains sustainable into the future including reducing service levels and/or applying for a Special Rate Variation.

Rates and charges

The Independent Pricing & Regulatory Tribunal (IPART) having developed a Local Government Cost Index (LGCI) for use in setting the maximum allowable increase in general income for local government. IPART has set the maximum allowable increase as **4.5%** for Berrigan Shire for the 2024/2025 rating year.

Council has increased Water and Sewer fees and charges by 4.5%, consistent with the LGCI.

Domestic waste and other waste collection charges have increased in line with the commencement of the new Halve Waste strategy from 2024/25. The Halve Waste strategy is a NSW government commitment which includes the roll out of a new service for food and organics, collected weekly.

The Domestic Waste Management collection charge has increased from \$352 per year to \$494. This covers the additional cost of the food and organics service and a general increase in the costs of collection. Council is bound by the Local Government Act not to use general rates revenue to offset the costs of domestic waste management and these costs must be passed on.

Fees and charges

Council undertook a significant review of its fees and charges in line with its general principle to recover the full cost of service provision to offset the impact on ratepayers.

This includes fees for health, food and pool inspections, water and sewer connections and waste disposal.



In line with the commencement of the food and organics collection service, Council proposes to charge a small fee for disposal of green waste at Council's waste disposal facilities. There are two main reasons for this proposal

1. Equity – Council expects urban residents to pay for collection of green waste. It is reasonable those without the service contribute to the cost of disposing their green waste too.
 2. Cost – Disposal and treatment of green waste comes at a cost to Council. It is reasonable this cost is borne by those generating waste, rather than ratepayers as a whole.
-



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Nil

11 MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12 COUNCILLOR REPORTS

12.1 Mayor's Report

12.2 Verbal Reports from Delegates

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on Wednesday 19 June 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](#).