



ORDINARY COUNCIL MEETING

Wednesday 16 November, 2022

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Agenda

Our Vision

In 2032 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.

COMMUNITY STRATEGIC PLAN

Berrigan Shire Council's Community Strategic Plan Berrigan Shire 2032 is a common framework for measuring the achievement of Berrigan Shire 2032 strategic outcomes of:

1. Sustainable natural and built landscapes
2. Good government
3. Supported and engaged communities
4. Diverse and resilient business

The Community Strategic Plan can be found here:

<https://www.berriganshire.nsw.gov.au/council-governance/management-plans-codes-reports>

RISK MANAGEMENT POLICY & FRAMEWORK

Berrigan Shire Council is committed to managing its risks strategically and systematically in order to benefit the community and manage the adverse effects to Council.

Risk Management is everyone's responsibility. It is an activity that begins at the highest level and is applied consistently through all levels of Council. All workers are required to integrate risk management procedures and practices into their daily activities and must be competent and accountable for adequately managing risk within their area of responsibility.

The Risk Management Policy & Framework can be found here:

[https://www.berriganshire.nsw.gov.au/files/australiaday/Policy_No_17 -
_Risk_Management_Policy_and_Framework_-_20072022.pdf](https://www.berriganshire.nsw.gov.au/files/australiaday/Policy_No_17_-_Risk_Management_Policy_and_Framework_-_20072022.pdf)



Ordinary Council Meeting

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BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 16 November, 2022 when the following business will be considered:-

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



KARINA EWER
CHIEF EXECUTIVE OFFICER

1 OPENING OF MEETING

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

Confidential matters of Council will not be audio recorded.

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

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 19 October, 2022 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Statewide Roads Emergency

Author: Mayor, Matthew Hannan

Appendices: Nil

Recommendation

That the Council

1. Support the campaign by Local Government NSW to address the Statewide Roads Emergency
2. Call for:
 - (a) an acceleration and significant increase in funding for the Fixing Local Roads and Fixing Country Bridges program;
 - (b) a boost to Road Block Funding to compensate for the damage to the regional road network; and
 - (c) new funding to provide Councils with plant machinery and skilled workers to expedite road repairs.

Background

The unprecedented wet weather this year has obviously caused significant damage to the Council's road network. The damage has the potential to severely impact the harvest and our tourism industry. While our staff are working hard on temporary repairs, we need support from other levels of government to repair this network as soon as possible.

Berrigan Shire Council supports the call from Local Government NSW (LGNSW) to declare a Statewide Roads Emergency.

The recent announcement from the NSW Government of the Fixing Local Roads – Pothole Repair program is a welcome first step but falls well short of what is required to restore local roads, let alone "build back better".

The situation for our regional roads is even worse. Years of funding caps applied by the NSW Government means there is not enough funds for ordinary maintenance let alone emergency repair works.

To address this unprecedented disaster, this Council calls for:

- (a) an acceleration and significant increase in funding for the Fixing Local Roads and Fixing Country Bridges program
- (b) a boost to Road Block Funding to compensate for the damage to the regional road network
- (c) new funding to provide Councils with plant machinery and skilled workers to expedite road repairs.

7 REPORTS OF COMMITTEES

7.1 Local Traffic Committee Meeting

Author:	Operations Manager, Gary George
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Local Traffic Committee Meeting Agenda - 08.11.2022.docx (under separate cover)2. Local Traffic Committee Meeting Minutes - 08.11.2022.docx (under separate cover)

Recommendation

That the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Tuesday 8 November 2022.

- LTC1.** Council to obtain traffic data to identify times and speed of vehicles in regard to Berrigan Children's Centre – Trucks
- LTC2.** Council approve the application made by BDDA to hold the Annual Christmas Night Market on Friday 2 December 2022 and temporary road closure of Chanter Street, Berrigan between the hours of 5:00pm – 11:00pm subject to: A Road Occupancy License to be obtained from Transport NSW for the event and provision of copy of current Public & Product Liability Certificate of Currency.
- LTC3.** Council approve the application made by Mild 2 Wild for the 2023 Rod Run event on Saturday 11 March 2023 and the temporary half road closure of Deniliquin Road, Deniliquin Street, Murray Street, Cowley Street, Duff Street subject to receiving current Public Liability Certificate of Currency with special provision noting Transport NSW and NSW Police as Interested Parties, and Berrigan Shire Council
- LTC4.** Council approve the application made by Cobram Barooga Cycle Club to hold their event each Sunday from 10:00am for the next twelve months, subject to receiving current Public Liability Certificate of Currency with special provision noting Transport NSW and NSW Police as Interested Parties, and Berrigan Shire Council.
- LTC5.** Council note the review of speed zone for Jerilderie Road, Berrigan and that the request is progressing with Transport NSW. (take's 3-5 months to undertake currently)

- LTC6. Council note the review of speed zone for Chanter Street, Berrigan and that the request is progressing with Transport NSW. (take's 3-5 months to undertake currently)

Background

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

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

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

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

Report

A copy of the business papers from the meeting held on Tuesday 8 November 2022 are attached as "Appendix 1 and Appendix 2".

Other items discussed in general business to note:

- Golf Course Road / Vermont Street, Barooga Speed review
Council to await feedback from Transport NSW.
- Hughes Street, Barooga speed review
Council to await feedback from Transport NSW.
- Barooga Primary School – School Zone Safety Lights
Concern raised over lights being out of synch as school operates on Victorian School holiday time zone, not NSW
- Vermont Street, Barooga – New Gym Parking Issues
Concern raised over gym users parking on nature strip causing access issues for customers to nearby Chemist. Police will monitor.
- Oversize Loads entry from Victoria
Issues with regards to permits from Vic Roads not aligning with NSW permits to allow continuation of journey. Transport NSW to investigate

- Oversize Loads entry from Victoria

Issues with regards to permits from Vic Roads not aligning with NSW permits to allow continuation of journey. Transport NSW to investigate

The next meeting for the Local Traffic Committee Meeting is scheduled to be held in February 2023 to review outstanding actions and new items.

8 REPORTS TO COUNCIL

8.1 Tourism Reference Group

Author:	Manager Economic Development & Tourism, Merran Socha
Strategic Outcome:	4. Diverse and resilient business
Strategic Objective:	4.2. Diversify and promote local tourism
Delivery Program:	4.2.1. Partner with regional Tourism Boards (Murray Regional Tourism Board or similar)
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	Nil

Recommendation

That the Council nominate Councillor Renee Pain to be aits delegated member of the Tourism reference Group with Councillor Ted Hatty as her proxy.

Report

In 2022 the Berrigan Shire Council adopted the 2022 – 2026 Strategy for the Visitor Economy. This strategy replaced the Tourism Strategy that was in place, two years ahead of time, and was in response to industry sentiment following two very difficult years of the COVID-19 pandemic. An action from the strategy was to create a Tourism Reference Group.

Note: This group will **not** be a Section 355 Committee of Council. The development of the *Terms of Reference* for this group will be the key activity of the initial half day workshop.

The purpose of the group is to:

- create a network of tourism business operators in the Berrigan Shire;
- advise the Council on issues of importance to the industry;
- advise on the development of secondary plans such as marketing; and
- monitor the implementation of the Strategy for the Visitor Economy

Membership of the Reference Group:

- Up to eight tourism industry personnel, to nominate via an expression of interest. Should nominations exceed eight people, dispersal around the LGA, Cobram and business diversity will be the prime consideration for inclusion.
- A nominated Councillor (or proxy).

- Manager of Economic Development and Tourism
- Other invited specialists as determined by the group.
- Membership of the group will be for a two-year period commencing in January 2023 to January 2025.

The terms of reference will be developed by the initial membership and will address in detail:

- The Roles and Responsibilities of the Tourism Reference Group
 - Expectations of members and the Council
 - Scope of influence
 - Meeting Chair
-

8.2 Cobram Barooga Business and Tourism 2022 - 2023 Event Sponsorship

Author:	Manager Economic Development & Tourism, Merran Socha
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:	Part Funder: The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it.
Appendices:	Nil

Recommendation

That Council supports the event funding proposal presented by Cobram Barooga Business and Tourism

Report

Cobram Barooga Business and Tourism (CBBT) made a presentation to the November Strategy and Policy Workshop to highlight the outcomes of the 2021 – 2022 event program they had undertaken and to outline their intentions for the 2022 – 2023 program. Whilst some events had been affected by Covid 19 lockdowns there had been many successes including the Beach Volleyball, TPS Murray River, the Festival of Golf, and the Victorian Ultimate University Games. The estimated total local spend created by 6 events the group hosted or supported, based on a daily spend of \$91 per person, was \$652,379.00. The Council invested \$20,000.

Sporting events make use of, and showcase, the quality sporting facilities that exist in Berrigan Shire. Two of the events held in 2021 - 2022 received national TV coverage that not only focused on the event but also ran local video footage to tell the broader tourism story. CBBT targets events that will bring people to the region for extended periods of time and during shoulder and low seasons.

CBBT has nine events in the 2022 – 2023 Event Plan, although one has been cancelled because of the floods. CBBT has requested that the Council again invests \$20,000 to support the hosting of the remaining eight events. Moira Shire Council will also support the program with \$60,000.

Funding for the whole program is the preferred option over individual sponsorship applications being made for each event. It gives CBBT an opportunity to be nimble and respond to opportunities that may come with a short lead time and they have shown that they have the capacity and willingness to do this.

8.3 September Quarter and Delivery Program Progress Report

- Author:** Director Strategic Planning & Development, Joanne Ruffin
- 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. First Quarter Delivery Program Progress Report- Nov 22 (under separate cover)

Recommendation

That Council adopt the appended September Quarter Review of the Council’s Annual Operational Plan 2022-2023 and 6 monthly Delivery Program Progress Report 2022.






Report

Circulated with this Agenda as Appendix 1 is the Council’s September Quarter Review of the Council’s *Annual Operational Plan 2022/23* and 6-monthly Delivery Program Progress Report.

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.

The traffic light format provides a visual update on the status of *Council’s Annual Operational Plan* and Council’s progress toward full implementation of its *Delivery Program*. Also included in this report is a snapshot of the monitoring measures used to report the Council’s progress against its *Delivery Program* objectives.

				
Complete	On Target	Not on Target	Past Due	No Status / Deferred

Additional information in the Delivery Program Progress Report and Operational Plan Performance Review and 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 actions are completed.

0.0	Develop and implement monthly Council Action report
1.3.1.1	Review and Implement asset management plans which maintain a balance between improving and maintain flood levees, stormwater, Council roads, paths and trails
2.1.2.3	Strengthen revenue base and increase discretionary spending
2.1.3.3	Deliver responsive customer service
3.1.4.3	Monitor, control and report upon environmental contaminants and public health hazards – water, fire, refuse, buildings and air
3.1.4.7	Control and promote responsible ownership of companion animals
3.2.1.1	Coordinate and deliver local library services in accordance with the Library Services Strategic Plan 2021-2025.

The following actions are not due to start or deferred.

1.1.3.7	Investigate the development of an active transport strategy
1.2.1.2	Participation in roadside vegetation enhancement projects
1.2.1.3	Undertake tree assessments and establish a tree register
1.2.1.4	Develop an urban tree strategy
1.3.2.1	Implement the Berrigan Shire Council Waste Plan
2.1.2.4	Develop Community Engagement Strategy and conduct review of Berrigan Shire (CSP) and associated integrated plans
3.1.2.1	Review the Active Aging and Disability Inclusion Plan
3.1.4.1	Develop an Integrated Water Cycle Management Strategy
4.1.1.2	Develop industry profiles informed by strategic analysis of local conditions and relative competitive advantages

Below are clarifying comments from the responsible start or deferred. officer for actions not on target, not due to

1.1.3.7	PAMP's are requiring community consultation and has been delayed on account of COVID19
1.2.1.3	Budget resources required to procure an Arborist
2.1.2.4	Due to be reviewed by the new Council
3.1.2.1	To be progressed in the third quarter
3.1.4.1	The process is paused due to changes in regulation
4.1.1.2	This action was prepared for release immediately prior to the first COVID lockdown in March 2020. The information that had been prepared for the profiles is now irrelevant considering the changed business environment and the project will not be pursued at this stage.

Table 1 is a summary by strategic outcome of Council's progress and performance as of 3 November 2022.

Table 1 Performance by Outcome

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	1	16	-	-	-	17
Good government	3	15	-	-	1	19
Supported and engaged communities	3	12	-	-	1	15
Diverse and resilient business	-	16	-	-	-	16
Total Actions	7	59	-	-	2	67

8.4 Town Beach

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:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council acknowledge the damage assessments and work that will be required by staff once the high waters currently being experienced recede. It is also acknowledged one of the sites expected to take some time to open will be Town Beach.

Report

River levels have been between minor and major flood levels since June 2022 and is not expected to return to normal levels prior to Christmas this year. Current estimates from the Murray Darling Basin Authority is that they will need to continue releases into the system until at least mid-January particularly if the current rain patters hold through summer as expected.

If, however the river levels do drop prior to Christmas there are a number of considerations for Council that will mean the Town Beach site will not be able to open regardless of water levels. These are listed below:

1. The erosion to the beach site itself is currently unknown. This will need full investigation prior to allowing people to access the area as even though the sand may appear to be there, the probability of sink holes, or significant eroded areas is high. The movement of the river has at times been quite swift and this will have caused considerable damage to the underlying land and beach area.
2. The road access to Town Beach may have been undermined due to the amount of water that has been flowing for so many weeks. It is not expected the damage to the road will be significant, but this will also need assessment prior to allowing vehicular access.

3. The toilets and dump point will need significant cleaning and inspection as they have also been underwater. Their condition is unknown at the moment, and it is possible anything from replacing sheeting and roofing will be required through to full replacement if enough damage has been sustained. Should that be the case, insurance claims will need to be made and it is unknown how long those will take to settle. Work cannot commence on an insurance claim until there is agreement from both parties.
4. Most significantly all the trees in the area will require an arborist's inspection. These trees are not meant to sit in high waters for long periods of time and we are seeing a number along the causeways etc already starting to die. Every tree leading down to the Town Beach area and within the Town Beach area will need to be assessed and removed if it is not safe for it to remain. Accessing an arborist may be difficult as we will not be the only Shire needing one and getting the work done to remove the trees will obviously take time, depending on how many require removal (or at least dead and dying branches removed). If this work needs to be contracted, then we will also be required to wait until someone can attend the site and do the works.

This report is provided to Council to provide some understanding of the damage assessments and work that will be required once the water levels recede. It is understood there is significant community expectation that Town Beach will open and possibly some expectation from the Tocumwal Foreshore Committee. The issue for Council as outlined above, is the significant risks of damage to the site that remains underwater for the foreseeable future.

It is intended Council will be provided the assessment reports once they are prepared and a plan for repairs and maintenance will be more fully understood across the Shire.

8.5 Local Government Remuneration Tribunal - 2023 Annual Determination

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. 2023 Annual Review - Invitation Letter to Councils seeking submissions (under separate cover)2. 2022 Annual Determination - LGRT.pdf (under separate cover)

Recommendation

The Council decision is sought.

Report

Each year the Local Government Remuneration Tribunal reviews and determines the payments made to Councillors and Mayor for undertaking their roles. Council have again been asked if they would like to make a submission in this regard (Appendix 1.)

The 2023 year is an opportunity to also review the categories under which remuneration is considered as per section 239 of the *Local Government Act 1993* (the Act)

As can be seen from the 2022 Annual Determination, a number of Councils did seek to have different categories introduced, including "growth areas".

If Council would like to make a submission either regarding the payments made to Councillors and Mayors, or with regards to the categories under which those payments take place, responses must be received no later than 16 December 2022.

This report is presented to Council to ask if they would like to make a submission on one or either of the matters. If so, a draft report will be provided to the December SPW with a final draft to be presented to the December Council meeting (now scheduled for 14 December 2022).

8.6 Senior Staff Employment Submission

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

Recommendation

That Council adopt the Senior Staff Employment Submission, noting the CEO has already submitted the submission as required by 15 November 2022 and as discussed with Council at the November Strategic and Policy Workshop

Report

In response to the findings and recommendations of the Independent Commission Against Corruption arising from its investigation of the former Canterbury City Council (Operation Dasha), the parties to the *Local Government (State) Award* (the Award), have requested the Government to amend the *Local Government Act 1993* (the Act) to remove the ability for Councils to determine positions in their organisational structure to be “senior staff positions”.

The Office of Local Government (OLG) has issued a discussion paper to seek the views of the broader local government sector on the changes requested by the parties to the Award. This feedback will be used to inform the Government’s position on the issue.

Key Considerations

- Under the current provisions of the Act, the holders of positions determined by Council to be “senior staff positions” must be employed using the standard contracts of between 1-5 years duration.
- A council may only determine apposition to be a “senior staff position” if the responsibilities, and accountability of the position are generally equivalent to those applicable to the Executive Band of the Award and the total remuneration package is equal to or greater than the minimum remuneration package payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*
- Under the model proposed by the parties to the Award, only the General Manager / CEO would be employed under a standard contract and all other council staff, including senior executives, would be employed under the Award.

Submissions were due Close of Business 15 November 2022. I made Council's submission directly after the Strategic Policy Workshop on 2 November 2022.

History

Council made a decision not long after my employment, that they did not believe Council needed to have "senior staff positions" for the purposes of the Act. At that time it was felt Council employed me as the CEO to manage staff, including Directors, and if they were not performing and I did not manage that, then Council would manage me.

Having "senior staff positions" determined by Council would require Council to manage these positions as per Chapter 11, Part 1 s32:

Part 1 Organisation structure

332 Determination of structure

- (1) A council must, after consulting the general manager, determine the following—
 - (a) the senior staff positions within the organisation structure of the council,
 - (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
 - (c) the resources to be allocated towards the employment of staff.
- (1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.
- (1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.

Section 337 of the Act restricts the GM/CEO from appointing or dismissing senior staff without consulting the Elected Body.

There are a number of restrictions then imposed for Senior Staff positions including the requirement for ministerial approval for some terminations payments etc.

Section 338 of the Act set out further information regarding what management Council would need to undertake should they have “senior staff positions”.

338 Nature of contracts for senior staff

- (1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.
- (2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.
- (3) Contracts may be renewed from time to time.
- (4) The Departmental Chief Executive may, by order in writing, approve one or more standard forms of contract for the employment of the general manager or other senior staff of a council.
- (5) A standard form of contract approved by the Departmental Chief Executive is not to include provisions relating to the level of remuneration or salary (including employment benefits) of the general manager or other senior staff of a council, performance-based requirements or the duration of the contract.
- (6) A council is not to employ a person to a position to which one or more standard forms of contract approved for the time being under this section applies or apply except under such a standard form of contract.
- (7) The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following—
 - (a) the level of remuneration or salary (including employment benefits) of the person employed under the contract,
 - (b) subject to subsections (1) and (2), performance-based requirements or the duration of the contract.
- (8) Despite subsection (6), the approval, amendment or substitution of a standard form of contract under this section does not affect any employment contract between a council and the general manager of the council or another member of the senior staff of the council if the employment contract was entered into before the approval, amendment or substitution of the standard form of contract.
- (9) However, subsection (6) does apply to the renewal of any such employment contract occurring after the standard form of contract is approved, amended or substituted and to all new contracts entered into after the standard form of contract is approved, amended or substituted.

Whilst in essence, I agree with Council’s determination that senior staff positions for the purposes of the Act do not exist at Berrigan Shire, it should still be possible for the GM/CEO to decide if a Director should be employed under contract or under the Award. As it currently sits, if Council do not declare “senior staff positions” then I cannot offer contracts other than for short term projects under the Award.

The ability to offer contracts would allow me more flexibility to negotiate with certain prospective employees. Contracts may offer higher pay but shorter terms and less stability or be focused on specific outcomes, whereas employment under Award generally offers fixed pay including increases and more stability. The ability to negotiate between the two and to select candidates based on Council’s needs at the time, I personally think would have better outcomes for Council as a whole. I have tried to reflect this in my submission

Senior Staff Employment

Berrigan Shire Council Response



Do you agree that all council staff other than the general managers should be employed under an award such as the *Local Government (State) Award*?

I do not think this is a simple yes or no answer. I do not agree that Council (as in the Elected Body) need to decide whether I as the CEO, contract senior staff to Council or not. Currently the legislation stipulates that Councillors need to decide if they have senior staff according to the criteria. If they do then those staff have to have contracts and Council has to decide on their performance agreements, accountabilities etc.

What this does not account for is that often, Councillors do not want that role but they do want to be able to attract staff at the right pay rates to attract the right skill sets. Generally though they are more happy to allow the CEO/GM to manage that themselves, with Council input being to set the salary budgets as a whole and to agree to the structure of the organisation. Beyond that their primary role is to manage their CEO/GM, not to manage other staff. I understand this may not be the experience of larger metropolitan Councils who pay far higher rates for their Directors (senior staff) than do regional, rural and remote Councils.

CEOs/GMs should have the flexibility to attract the staff they want according to the size of the business and the skill sets they need at any given period during their growth and cycles. The flexibility of choosing to have senior staff on contract or under the Award allows for more negotiating power on the behalf of the CEO/GM. If a person has a specific skill set that is needed to build our businesses but we know we will only need them for a short time, then we have the ability to pay them more on contract. If however we are recruiting for a role that wants some tenure about it, we may be able to negotiate with the preferred candidate depending on whether secure tenure or higher pay (contract) is more important to them. In this way the CEO is responsible for managing the salary budget and organisational structure within the agreed parameters set by Council.

Would you support amendments being made to the *Local Government Act 1993* to remove the option for councils to determine “senior staff positions” and to employ the holders of those positions under statutory contracts?

I agree that reference to senior staff positions could be removed from the legislation to a large extent as long as the removal does not remove the wanted flexibility outlined above. CEO's / GMs should be the ones who determine whether Senior Staff are appointed under contract or under the Award. That gives the CEO/GM the ability to recruit according to their location (regional / rural / metro) and according to the skill sets they need.

Do you have any comments on the amendments to give effect to this outcome that are set out in this paper?

Personally I would prefer to see a draft of the amendments (if there are to be any) to give a more useful answer.

If the Act were to be amended as has been suggested, what transitional arrangements should apply to current holders of senior staff positions?

If the Act is amended then there would need to be a grandfather clause for those currently on contract to choose what they want. Moving from contract to Award should not be forced on anyone so allowing those it may affect the opportunity to decide, and finalise the contracts they are currently on if that is their decision, should be offered at minimum.

Karina Ewer MBA, MCDR, MAHRI, MAICD

Chief Executive Officer
Berrigan Shire Council

Email: karinae@berriganshire.nsw.gov.au

Phone: 0456 802 006

8.7 Finance - Accounts

Author:	Finance Manager, Tahlia Fry
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Berrigan_Monthly Investment Review_October 2022.pdf (under separate cover)

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 October 2022,
- b) Confirm the accounts paid as per Warrant No. 10/22 totaling \$10,527,179.50 and
- c) Note the report on investments attached

Purpose

This report is designed to inform Council of its cash and investments as at 31 October 2022 and for Council to authorise expenditure for the month ending 31 October 2022.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 October 2022 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 October 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 October 2022, totaling \$9,918,884.91 and will be submitted for confirmation of payment as per Warrant No. 10/22
- 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) October has seen a decrease in total funds compared to last month of \$850K due to large payments for capital projects such as the Water Treatment Plant. Funds are expected to continue to decrease over the remainder of the financial year with the completion of large-scale capital projects. Overall Funds have decreased slight (\$40K) compared to the same period last year.

Statement of Bank Balances as at 31 OCTOBER 2022

Bank Account Reconciliation

Cash book balance as at 31 OCTOBER 2022	\$15,615,306.42
Receipts for OCTOBER 2022	\$ 1,133,687.07
Term Deposits Credited Back	<u>\$ 2,000,000.00</u>
	<u>\$18,748,993.49</u>
<i>Less Payments Statement No 10/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 700,109.23
Electronic Funds Transfer (EFT) Creditors E040840-E041075	\$ 2,153,363.40
Term Deposits Invested	\$ 7,000,000.00
Loan repayments, bank charges, etc	\$ 65,412.28
Total Payments for OCTOBER 2022	<u>\$ 9,918,884.91</u>
Cash Book Balance as at 31 OCTOBER 2022	<u>\$ 8,830,108.58</u>
<i>Bank Statements as at 31 OCTOBER 2022</i>	\$ 8,830,108.58
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 OCTOBER 2022	<u>\$ 8,830,108.58</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	SEWER	144/19	365	**1.25%	23/03/2023	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	**2.90%	23/05/2023	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**2.90%	31/05/2023	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	365	**4.35%	19/06/2023	\$ 2,000,000.00	BBB+
AMP	GENERAL	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
Bank Of Queensland	GENERAL	147/22	365	3.15%	29/05/2023	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*2.50%	26/09/2023	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*2.50%	28/09/2023	\$ 5,054,653.00	BBB+
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,011,000.00	AA-
NAB	WATER	152/23	92	3.52%	19/01/2023	\$ 5,000,000.00	AA-
NAB	SEWER	151/23	214	4.20%	1/05/2023	\$ 2,000,000.00	AA-
NAB	WATER	148/23	365	4.50%	28/09/2023	\$ 2,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	4.55%	29/09/2023	\$ 2,000,000.00	AA-
						<u>\$ 33,065,653.00</u>	

Total Funds Held at 31 OCTOBER 2022

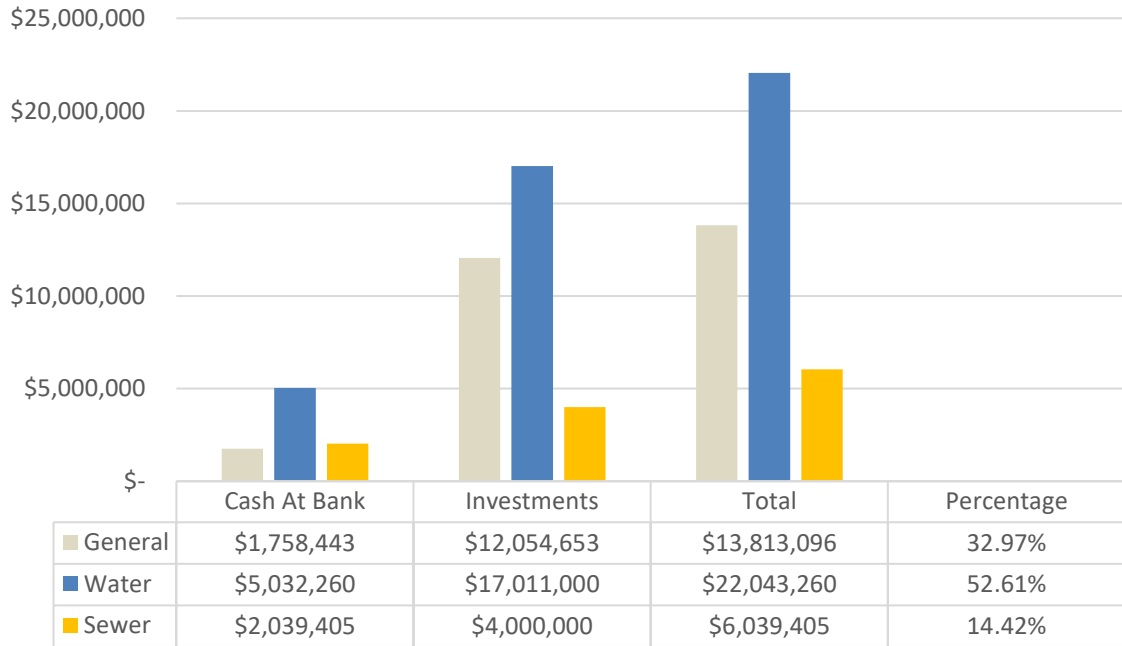
\$41,895,761.58

Tahlia Fry - Finance Manager

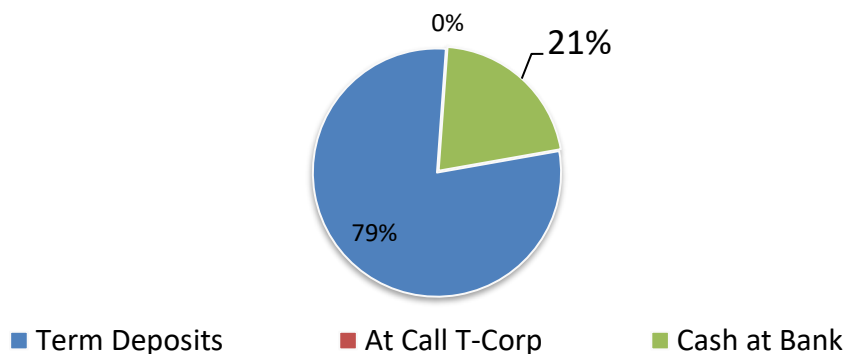
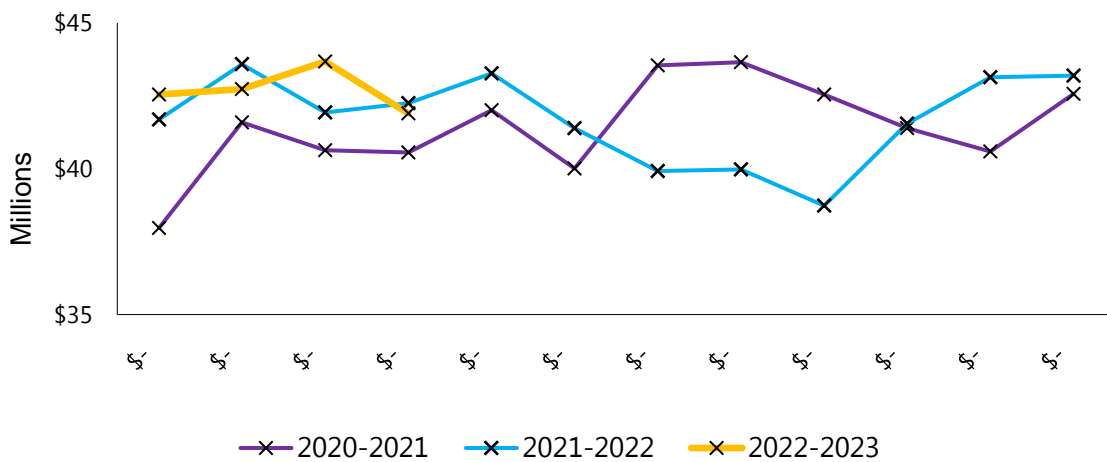
*The Council also receives an additional 0.25% commission
**The Council also receives an additional 0.20% commission

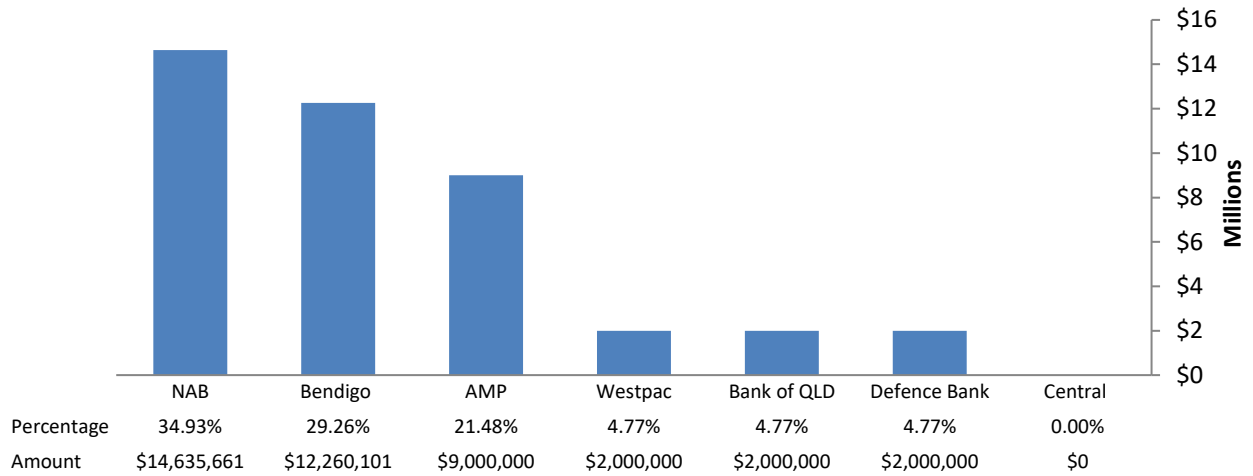
Total Funds held between General, Water and Sewer are as follows:

Cash & Investment by Fund



Total Cash and Investments





Term Deposits Credited Back

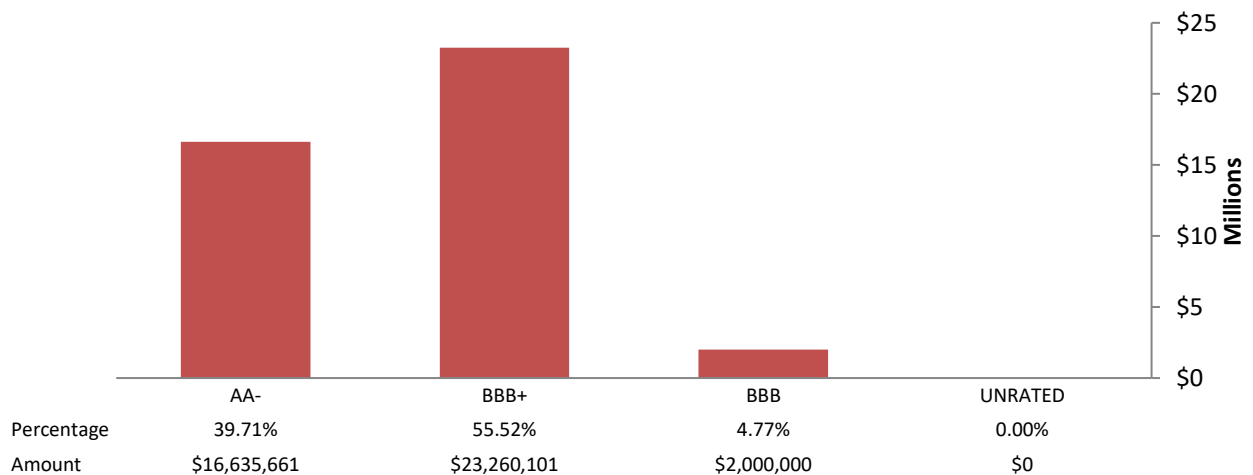
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 2,000,000.00	**0.80%	19/10/2022

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	243	\$ 2,000,000.00	**4.35%	19/06/2023
NAB	92	\$ 5,000,000.00	3.52%	19/01/2023

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



8.8 Tocumwal Railway Preservation - Electricity Costs

Author:	Recreation Officer, Emma McQueen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.3. Strengthen the inclusiveness and accessibility of our community
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Origin Electricity Invoice.pdf ↓2. Email - Electricity costs.PNG ↓

Recommendation

That Council make an annual financial contribution to the Tocumwal Railway Preservation Committee of Management to offset their electricity bill to a maximum of \$1,000 per year.

Purpose

The purpose of this report is to address the payment of the electricity costs as requested by the Tocumwal Rail Preservation Group Committee of Management.

Summary

In summary, the Tocumwal Railway Preservation Committee of Management hosted a meeting on 29.09.2022 and invited the Recreation Officer. The Committee have since written to Council to explain that they require help to pay for the electricity costs of the Tocumwal Railway Station.

Background

The Tocumwal Railway Station was built in 1908 and is owned by VicTrack, despite being in NSW. The station is listed on the NSW State Heritage Register in 1999.

Tocumwal Lions Club operate a museum from the Railway Station and use it as a meeting room - <https://mgnsw.org.au/organisations/tocumwal-railway-heritage-museum/>. The station has in the past accommodated historic tourist trains (diesel and steam).

In 1996, the Council obtained a 30 year lease on the building. The lease places a significant maintenance burden on the Council not just for the building, but also the platform.

Rather than require Tocumwal Lions Club to sub-lease the building and obtain their own insurance, the Council created the Tocumwal Rail Preservation Group Committee of Management as a

committee of Council under s355 of *the Local Government Act 1993*. The members are in effect the Tocumwal Lions Club. There are separate financial records kept for the s355 committee and there is supposed to be separate meetings, but we do not receive regular minutes for these if they are being held.

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

The Tocumwal Railway Preservation is relevant to the Strategic Plan and history of the town of Tocumwal. The Tocumwal Railway Preservation addresses Council's Delivery Program Objective: 3.2.1 Provide opportunities for life-long learning, cultural expression and recreation. In particular, the action number 3.2.1.1.5 Partner in the collection and preservation of local history.

The Tocumwal Railway Preservation also relates to the Berrigan Shire Council Strategy for the Visitor Economy aim to preserve and further develop the cultural heritage and local history of Berrigan Shire. The building requires power for the sustainability of the tourism infrastructure in Tocumwal. This will help the local group preserve history and ensure visitors are able to visit the museum.

Issues and Implications

Policy

The Community Assistance Policy includes specific requests for financial assistance to Council volunteer committees.

The Council recognises its volunteer committees are responsible for the operation and maintenance of Council controlled facilities and need assistance with funding significant capital improvements. Funding assistance to these committees will be provided on the following basis:

The funds are used for capital improvement of a Council facility.

The policy does not include provision for operational grants to committees, however the Council does make operational grants to some committees.

Financial

The cost of the quarterly electricity bills are substantial for a Committee that don't have a steady income. The Tocumwal Railway Preservation Committee of Management don't receive an Annual Operating Grant. A potential funding source and budget may need to be created.

If the power bill is paid in full or partially by Council a precedent should also be put in place due to other Committees having to pay their power bills.

COVID 19 has impacted the income and funds of the Tocumwal Railway Preservation Committee.

Legal / Statutory

While the Committee occupies the building, the Council leases the land.

Risks

1. Financial

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

The Origin Electricity Bill is received quarterly on an annual basis with the last bill received coming to a total of \$419.99. This will specify management responsibility.

This may create a precedent where other Council committees seek reimbursement for power bills.

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

This decision could possibly impact the Tocumwal Community causing heighten action if the electricity bills cannot be paid for.

Options

1. Pay all power bills
2. Partially pay power bills
3. Don't pay the power bills
4. Find another way to financially help the Tocumwal Railway Preservation

Conclusions

Overall, the Tocumwal Railway Preservation Committee of Management requires financial assistance for their electricity bills.



0042
TOCUMWAL RAIL PRESERVAT COMM
C/- TOCUMWAL LIONS
PO BOX 110
TOCUMWAL NSW 2714



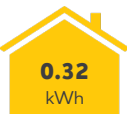
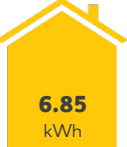
Your electricity bill

DENILIQUIN RD TOCUMWAL NSW 2714

27 May 22 - 26 Aug 22

Amounts include GST unless otherwise specified

YOUR ACCOUNT DETAILS	DUE DATE	AMOUNT DUE
<p>Account number 200 020 043 218</p> <p>Tax invoice 126 002 327 475</p> <p>Issue date 29 Aug 22</p> <p>Total amount due See the Account Summary on page 2</p>	<p>16 Sep 22</p> <p>\$12.00 (non-taxable, no GST) fee may apply if paid after due date.</p>	<p>\$431.99</p>

YOUR USAGE SUMMARY	YOUR AGREEMENT
<p>Average cost per day \$4.57</p> <p>Average daily usage 6.85 kWh</p> <p>Same time last year 0.32 kWh</p> <p>over 150% increase in usage since last year</p> <p>Your indicative greenhouse gas emissions</p> <p>Total for this bill 0.5 tonnes</p> <p>Same time last year 0.0 tonnes</p> <p>Saved with GreenPower N/A</p> <p>For more information on greenhouse gas emissions visit originenergy.com.au.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>0.32 kWh</p> <p>LAST YEAR</p> </div> <div style="text-align: center;">  <p>6.85 kWh</p> <p>THIS YEAR</p> </div> </div>	<p>Origin Basic</p>

<p>NEED TO GET IN TOUCH?</p> <p>Enquiries & moving address: 1300 661 544</p> <p>8am - 6pm local time Mon - Fri</p>	<p>Faults & emergencies</p> <p>13 20 80</p> <p>Call Essential Energy 24 hrs</p>	<p>Help & support online</p> <p>Got a question about your bill? We've got answers: originenergy.com.au/help-support</p>
--	--	--

HOW TO PAY		
<p>DIRECT DEBIT</p> <p>Register online at originenergy.com.au/busmyaccount or call 1300 661 544 to arrange automatic payment of future accounts*</p>	<p>MAIL</p> <p>Send this slip with your cheque made payable to: Origin Energy Holdings Limited, GPO Box 2951 SYDNEY NSW 2001</p>	<p>TELEPHONE & INTERNET BANKING - BPAY®</p> <p>Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card* or transaction account. More info: www.bpay.com.au</p>
<p>VISA OR MASTERCARD®**</p> <p>Call 1300 658 783 or visit originenergy.com.au/buspaynow</p>	<p>IN PERSON</p> <p>Pay at any Post Office**</p>	
<p>Billers Code: 41</p> <p>Ref: 200 020 043 218</p>	<p>Billpay Code: 2958</p> <p>Ref: 1200 0200 4321 8</p>	<p>Billers Code: 130112</p> <p>Ref: 200 020 043 218</p>

*Card payment fee may apply to the total payment amount (incl GST): debit card (Visa 0.24%, Mastercard 0.28%); credit card (Visa 0.56%, Mastercard 0.64%); for NSW customers 0.49% if payment made at Australia Post. Fees on next bill. Conditions apply. **Payment processing fee of the higher of \$2.70 or 0.49% may apply (excl NSW). Origin Energy Electricity Ltd ABN 33 071 052 287

ACCOUNT SUMMARY

Previous activity	
Opening balance	\$389.81
Payments received	\$389.81 CR A
Balance carried forward	\$0.00
Your new charges	
Other charges and adjustments (incl GST of \$0.00)	\$12.00 B
Total electricity charges - incl discounts and rebates (incl GST of \$38.18)	\$419.99 C
Total amount due	\$431.99
<i>(incl net GST charges of \$38.18)</i>	

PAYMENTS RECEIVED **A**

5 Aug 22	BPAY Bank Account	\$389.81 CR
Total		\$389.81 CR

OTHER CHARGES AND ADJUSTMENTS **B**

21 Jun 22	Late Payment Fee (non-taxable, no GST)	\$12.00
Total (incl GST of \$0.00)		\$12.00

TOTAL ELECTRICITY CHARGES **C**

Your site details

Supply address DENILQUIN RD TOCUMWAL NSW 2714	National Meter Identifier (NMI) 42041534260
Meter read Actual	Last meter read date 26 Aug 22
	Next scheduled read date 21 Nov 22 (+/- 2 business days)

Period: 27 May 22 - 26 Aug 22 (92 days)

Your rate: General Supply LV

Meter no	Usage type	Previous read	Current read	Usage (kWh)
30000558	Peak	29890 (A)	30520 (A)	630
(A = Actual, E = Estimated)			Total kWh	630

	Usage (kWh)	Charge (incl GST)	Amount (incl GST)
27 May 22 - 30 Jun 22 (35 days)			
Charges			
Peak Usage	239	35.64 c/kWh	\$85.18
Supply Charge		181.621 c/Day	\$63.57

Continued on the next page...

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Contact us

We're happy to help - any questions or complaints:

- My Account login originenergy.com.au/busmyaccount
- Call us **1300 661 544** (8am - 6pm local time Mon - Fri)
- Go online originenergy.com.au/buscontact
- Write to us (no payments) **Origin Energy Business Centre, GPO Box 186, Melbourne VIC 3001**

Solar, storage and maintenance

For solar and battery sales, installation, service and billing enquiries call **1300 791 468**.

National Relay Service

If you have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit www.relayservice.gov.au

Need an interpreter?

Call **1300 137 427**

خدمة الترجمة الماتفية للغات غير الإنكليزية.

Servicio Telefónico de Intérpretes para otros idiomas.

Per lingue oltre all'inglese contattate il Servizio d'Interpretariato Telefonico

Dịch vụ thông dịch qua điện thoại cho những ngôn ngữ khác không phải tiếng Anh.

Τηλεφωνική Υπηρεσία Διαμερμένων για άλλες γλώσσες εκτός της αγγλικής.

非英語語言電話傳譯服務。



PAYMENT SLIP



*2958 1 200020043218

User code

009241

Customer reference number

00200020043218

Due date
(for new charges only)

16 / Sep / 22

Amount due

\$ 431.99

+00200020043218>

+009241+

<0000000000>

<0000043199>

+444+

...Continued from the previous page

	Usage (kWh)	Charge (incl GST)	Amount (incl GST)
1 Jul 22 - 26 Aug 22 (57 days): price change			
Charges			
Peak Usage	391	42.196 c/kWh	\$164.99
Supply Charge		186.406 c/Day	\$106.25
Total for period 27 May 22 - 26 Aug 22			\$419.99
Your total electricity charges (incl GST \$38.18)			\$419.99

Account number
200 020 043 218

Tax invoice
126 002 327 475

Issue date
29 Aug 22



YOUR SITE DETAILS

Supply address
DENILQUIN RD TOCUMWAL NSW 2714

National Meter Identifier (NMI)
42041534260

Meter read
Actual

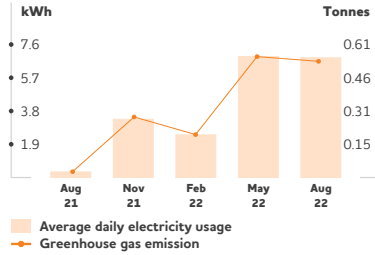
Last meter read date
26 Aug 22

Next scheduled read date
21 Nov 22 (+/- 2 business days)

YOUR USAGE BREAKDOWN

Average cost per day **\$4.57**
 Average daily usage **6.85 kWh**
 Same time last year **0.32 kWh**
Your indicative greenhouse gas emissions
 Total for this bill **0.5 tonnes**
 Same time last year **0.0 tonnes**
 Saved with GreenPower **N/A**

For more information on greenhouse gas emissions visit originenergy.com.au.



Important Information


Card payment fee changes

On 1 July 2022, our card payment fees changed for most residential and small business customers. If you pay by card, the charges from 1 July are: Mastercard credit 0.64% (incl GST); Mastercard debit 0.28% (incl GST); Visa credit 0.56% (incl GST); and Visa debit 0.24% (incl GST). Fees are applied to the total payment amount (incl GST). Some exclusions apply. Find more at originenergy.com.au/feesandcharges.

FW: Your Origin electricity bill




Alida Soule <asoule@aapt.net.>

To  Emma McQueen

30/09/2022



 You replied to this message on 30/09/2022 11:31 AM.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



From: Alida Soule <asoule@aapt.net.au>

Sent: Friday, 30 September 2022 9:25 AM

To: 'mmam@berriganshire.nsw.gov.au'

<mmam@berriganshire.nsw.gov.au>

Cc: 'tocumwal.nsw@lions.org.au' <tocumwal.nsw@lions.org.au>

Subject: FW: Your Origin electricity bill

Dear Emma,

Thank you for coming yesterday, I hope it was informative.

Attached is the latest account from origin. Hopefully you will be able to help us. Just in case you can, the Account No is Railway Museum BSB 082836 Acc No. 975570804. Thank you in anticipation.

Lidy Soule

Treasurer

Lions Club of Tocumwal

8.9 Corella Management Solution

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.2. Retain the diversity and preserve the health of our natural landscapes and wildlife
Delivery Program:	1.2.1. Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council 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 Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	1. Draft Letter of Intent (Confidential) (under separate cover) 2. RCMB Media Release Little Corella Sanctuary Pilot 2022 ↓

Recommendation

That Council endorse the Chief Executive Officer to sign the Letter of Intent to commence investigations and negotiations into the Cherrp Solution to manage Corellas in the Tocumwal Foreshore area.

Purpose

The purpose of this report is to seek Council approval to commence further investigations with BirdSol Pty Ltd to negotiate the implementation of the Cherrp Corella Management System.

Summary

At the September Strategic and Policy Workshop Council were presented with a Corella Management option called Cherrp. Council asked that more information, particularly possible costs were brought back to Council for consideration.

BirSol Pty Ltd has provided a Letter of Intent to Council for the purpose of commencing further investigations and negotiations. The Letter of Intent is attached as Appendix 1 and contains pricing relevant to the proposed contract at clause 3.

Background

The Letter of Intent provides the foundation and road map for undertaking the significant amount of work that will need to be done by the solution providers. It should be noted the Letter of Intent does not form a binding contract. That part of the process is not valid until Step 5 of the Schedule.

In addition to the scope of work outlined in the Schedule of the Letter of Intent, should Council choose to endorse the CEO to proceed with these discussions and negotiations, the solution providers will embark on conversations with the following parties with a view to on-boarding their participation in the project:

- Grain Corp
- Kelly's Grains
- Duxton Orchards
- Federation Council
- Moira Shire Council
- Indigo Shire Council
- Other neighbouring Councils
- Other grain storage operators within those Councils

Council will suggest to BirdSol that they also contact the following groups to assess their interest in engaging with the product:

- NSW Farmers' Association
- Murray Local Land Services
- NSW National Parks
- Vic Parks

Berrigan Shire has the potential to be the first adopter of the Cherrp Solution in the region which would trigger BirdSol's Reward Early Adopter Program. For Council this would mean we would receive rebates from the adoption of the Solution by any of the above mentioned parties. Essentially Council may therefore implement the system on a cost neutral basis. Currently I am not sure how long this "reward" would be offered for and that would form part of any negotiation.

I have a meeting with the Murray 4 CEOs (excl. Trevor Ierino who will be on leave) on 6 December 2022. I have arranged for the proponents of the Cherrp Solution to present to this group.

I have already had a meeting with the Bird Advocacy Group (9 November 2022) to commence discussions regarding the accreditation of Berrigan Shire Council as an Ethical Treater of Birds and to explore a range of marketing and promotional initiatives for us to implement prior to going live with the project.

The following Councils in South Australia are currently engaging BirdSol to roll out the Cherrp Solution in December this year:

- Alexandrian Council
- Berri Barmera District Council
- Coorong District Council

- Gawler City Council
- Light Regional Council
- District Council of Loxton Walkerie
- The Rural City of Murray Bridge (lead Council)
- Mount Barker District Council
- Renmark Paringa Council
- Mid Murray Council
- District Council of Yankalilla

A media release regarding the pilot project is also included for Council's information.

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

Given the huge number of birds killed during this year's grain season the opportunity to treat the bird humanely and still manage their impacts is a considerable opportunity for Council. The outcomes will fit well with current social expectations regarding animal management, including pest and over-abundant native species.

Issues and Implications

The implications should not everyone want to adopt the system may mean that Council will have a considerable cost outlay. I think it prudent to assume we will need to undertake the cost of the solution alone. Anything after that may then be seen as a bonus.

Council may however feel the cost of undertaking this project alone is prohibitive so the risks of further bird kills and other unwanted outcomes need to also be considered.

Policy

N/A

Financial

The financial implications are outlined in the Letter of Intent and do have significant impact on Council's financial outcomes were Council forced to implement the solution in isolation.

Legal / Statutory

We do have obligations under the *Biodiversity Conservation Act 2016* which protects all native animals including birds, reptiles, amphibians and mammals (except dingoes) from harm.

Community Engagement / Communication

We will work with the solution provider to educate and engage the community regarding the solution, how it works and how it will not harm the birds.

Human Resources / Industrial Relations (If applicable)

Will require the direct input of the Co-ordinator Biosecurity and Compliance.

Risks

1. Financial

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

The implementation fee is the largest of the fees and a one off cost. The ongoing fees are quite small annually (subscription fee) and will not pose a large impost to Council’s financial position. The risk assessment has been undertaken against the first year costs only. Subsequent years would be Low Risk.

2. Natural Environment

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

When assessing the risk in this area two risks were assessed with the same outcome. 1) The risk of not doing anything and the impact of the birds going unchecked was first assessed. Their impacts on the natural environment when in abundance is well documented, add in grain holding areas and the species is more destructive.

2) The risk of Council not doing anything regards Corella management and other land holders and business owners taking matters into their own hands has already seen the devastating effects on the birds with literally thousands floating down the Murray River last year. The risks to other wildlife who may eat the poisoned birds can also not be underestimated.

3. Social and 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
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The social media outcry during last year's event was significant but did not reach broad media attention. Were the same to occur this year (particularly at the kill rates experienced last year) I am concerned the potential for broader media coverage will be increased and Council will be asked what they are doing about controlling the birds.

Options

1. Allow the CEO to continue to investigate the implementation of the Cherrp system as per the recommendation made
2. Consider whether it is worth risking allowing industry to continue to manage the Corellas as they see fit
3. Do nothing

Conclusions

Council does have responsibility to manage native species, particularly abundant native species in an humane way. The incident of significant bird kill last year was investigated by the Environmental Protection Agency though they were not able to bring charges against any one operator for the harm caused to the animals under the *Biodiversity Conservation Act 2016*.



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MEDIA RELEASE – Embargoed Until 15 June 2022

Subject: Little Corella Sanctuary Pilot Program

**Contact: Michael Sedgman
Chief Executive Officer**

Date: Wednesday 15 June 2022

INNOVATION and cutting edge technology will be used to create a Little Corella Sanctuary at Swanport Wetlands in Murray Bridge, in a State first pilot program that could hold the key to communities living in harmony with the birds.

The trailblazing initiative being undertaken by The Rural City of Murray Bridge is addressing concerns caused by expanding Little Corella populations and could be adopted by other Council's experiencing similar issues if successful.

The growing influx of Little Corellas visiting Murray Bridge seasonally has caused extensive damage to trees, property and infrastructure and the noise of the birds has negatively impacted the mental health of residents.

Chief Executive Officer, Michael Sedgman said the Council is committed to a solution where people and wildlife can live together harmoniously while preventing the destructive impact of the birds in highly populated and vulnerable areas.

“Council is working with scientific experts in the field, including world-renowned bird ecology and biodiversity scientists, to prepare a sanctuary site and limit the impact of the birds on local biodiversity and infrastructure,” he said.

“We are investing in new technology to deter Little Corellas from vulnerable sites such as Sturt Reserve, and encourage them to roost at a safe and suitable site away from residents, visitors, valuable trees and infrastructure.

“Swanport Wetlands is identified as the ideal location for a number of reasons and we will make it attractive to them using nutritious feed and water stations.”

Mr Sedgman said the ground-breaking project addresses issues raised in the 2019 State Government draft report [Little Corellas: Social and Ecological Research for Management in South Australia](#), which identifies the need for a solution, which this project could provide.

“Humane culling and other measures used to deter the birds initially are not the most effective measures long term, and need to be supported by other measures to provide the most effective outcome.”

More details about the program, including detailed factsheets, can be found on Council's [website](#) and will be updated as the project progresses.

8.10 Tocumwal Glider

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	4. Diverse and resilient business
Strategic Objective:	4.1. Strengthen and diversify the local economy and invest in local job creation and innovation
Delivery Program:	4.1.2. Support local enterprise through local economic and industry development initiatives and projects
Council's Role:	Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	1. Council Report - 7.15 Tocumwal Glider - 19.05.2021 ↓

Recommendation

That Council gift the Tocumwal Glider to Sportavia for them to restore, mount and maintain at the Sportavia site. The CEO is to ascertain if a Deed of Agreement regarding this community asset is required to facilitate the transfer of the Glider from Council ownership to Sportavia.

Purpose

The purpose of this report is to seek Council approval to find the Tocumwal Glider a permanent home before it is so deteriorated that it cannot be restored.

Summary

The Tocumwal Glider has been an issue for Council since the Glider was removed from its originally setting. In January 2021, Council made the following resolution requesting Council staff work out where the Glider might be best situated:

*Crs Bodey and Morris that the Council make a decision on the location of the Tocumwal Glider after consultation with the Tocumwal Aviation Museum operators and then consultation with the wider Tocumwal community. **CARRIED***

Following that motion community engagement occurred to find where the community most wanted the Glider to be placed, however (as per the report provided to Council in May 2021 – **Appendix 1**) Transport for NSW would not approve the preferred site.

The Glider was then moved to where it now sits at Sportavia and is on the ground and deteriorating.

On 7 November 2022, Mark (Lumpy) Paterson called to speak with me and suggested that rather than this historically important asset continue to deteriorate on the ground, in the wet, that he would like to reinstall it on a pole outside Sportavia. Lumpy suggested the placement of the Glider would assist in promoting gliding in Tocumwal again.

Whilst I understand the Glider is a community asset, it is not something Council can find a home for and probably not something we can restore and maintain. Giving it a home at Sportavia does make

sense in that it will highlight where gliding takes place in Tocumwal. The gliding group does appear to be getting more organised again, with a number of projects currently underway.

I have spoken with the Tocumwal Aviation Museum and they neither have space for the Glider, nor do they feel it fits with the theme of their museum and agree the Glider would best placed at Sportavia.

Background

Council has been unable to find a suitable alternative for the Glider and being offered an alternative may assist both parties now and into the future.

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

Council's current Strategy for the Visitor Economy includes an increased focus on supporting and growing aviation tourism in the Shire.

Issues and Implications

The Tocumwal Glider is an historic community asset and does have significance for the community. Placing it on private land may cause some issues in the community, however no alternative sites have been able to be found for the Glider.

Policy

Nil

Financial

Nil

Legal / Statutory

Lumpy has requested the Glider be gifted to him as he will need to restore it and have it mounted on a pole as cost to him. Legal advice may be required to ensure recognition of the Glider's importance for the community is not lost by allowing it to be installed on private land.

Community Engagement / Communication

The community is aware Council have been unable to source a suitable site for the Glider though no discussion has been engaged regarding its placement at Sportavia.

Human Resources / Industrial Relations (If applicable)

Nil

Risks

1. Cultural Risks and Social (Reputational) Risks

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

Two areas of risk have been considered in this area:

Cultural Risk is considered Very High due to the fact the Glider is currently stored in the open and on the ground and is deteriorating as a result. Given the historical importance of the Glider, continuing to store it in this way will see it lost to the community in the medium term.

Social (Reputational) Risks are considered low as whilst there may be some negative comment in the media (primarily social media) it is not believed it would be significant in nature.

Options

1. Leave the Glider where it is and continue to look for a different place to install it
2. Allow Mark (Lumpy) Paterson to install the Glider at Sportavia as requested

Conclusions

Whilst Council continue to not find a place for the Tocumwal Glider it will continue to deteriorate until it is not recoverable. At this time Lumpy Paterson is willing to restore it and place it on a pole outside of the Sportavia building. Given the historical significance of the Glider to gliding in Tocumwal, it would seem sensible to allow it to be retained and maintained by the gliding club.



Item Requiring Council Resolution

Council Meeting**19 May 2021**

7.15 Tocumwal Glider

Report by: Communications Officer, Keelan McDonald

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council:

1. Note the Engagement Report relating to the future location of the Tocumwal Glider attached as **"Appendix 7.15-A"**
2. undertake further investigation on alternate sites to display the glider and reconsider the matter at a future meeting

Report:

At its ordinary meeting on 20 January 2021, the Council made the following resolution

*Crs Bodey and Morris that the Council make a decision on the location of the Tocumwal Glider after consultation with the Tocumwal Aviation Museum operators and then consultation with the wider Tocumwal community. **CARRIED***

Subsequent to that resolution, please attached as **"Appendix 7.15-A"** is an Engagement Strategy and Report regarding the community consultation held for the future location of the Tocumwal Glider.

All participants commented that the Glider has historical importance to the town of Tocumwal and needs to be relocated back in the community.

Possible relocation sites were discussed, as well as the pros and cons of each. During these conversations, it became evident that the majority of participants were in support of Ingo Renner Park as a suitable location for the Glider's permanent residency.

However, during conversations with Transport for NSW (TfNSW), it became clear that Ingo Renner Park is not a suitable location as it considers Ingo Renner Park to be too close to "decision-making points" for drivers negotiating the Newell Highway/Deniliquin Road roundabout.

This leaves the Council at a point of stalemate where the Council will almost certainly be refused permission to install the glider at the community's preferred location. The Council will need to undertake further investigation of potential, and suitable, sites for the display of the glider - noting that TfNSW are unlikely to approve anywhere where it will be visible from the Newell Highway.



Item Requiring Council Resolution

Resolution:

117 **Resolved** Crs Taylor and Glanville that the Council:

1. Note the Engagement Report relating to the future location of the Tocumwal Glider attached as "**Appendix 7.15-A**"
2. undertake further investigation on alternate sites to display the glider and reconsider the matter at a future meeting

8.11 Financial Review - July -September 2022

Author:	Finance Manager, Tahlia Fry
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. September 2022 Budget Summary and Detail.pdf (under separate cover) 2. September 2022 QBRs.pdf (under separate cover)

Recommendation

1. Note the second quarterly review of the 2022/23 budget and vote the funds contained therein as shown in **"Appendix 1"**
2. Note the September 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 July 2022 to 30 September 2022. This report takes into account all known factors and work variations until 30 September 2022 and later where possible, including budget allocations for the 2022/23 financial year.

The report shows distribution of funds allocated to capital works in the original 2022/23 budget allocated to the specific jobs identified in the capital works program.

It also shows any brought-forward amounts as approved in the final review of the 2022/23 budget. The variations showed in the far-right column of the report shows changes to line budgets after the effect of any brought-forward amount has been considered.

The revised budget deficit is \$31,000.

The revised budget is attributable to a number of factors including but not limited to the deferral of capital works into the 2022/23 budget.

Delays are due to an increase in grant funding projects with completion deadlines putting Council capital works planned behind schedule.

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).

ACCOUNT & DESCRIPTION	AMOUNT	F/U	BUDGET CHANGE REASONING
TECH SERVICES OFFICE EXPENSES	\$10,000	U	PURCHASED A NUMBER OF AUSTRALIAN STANDARDS
CONTRIBUTION TO RURAL FIRE FUND	\$55,360	U	ANNUAL INCREASE LARGER THAN EXPECTED
LOCAL ENVIRONMENTAL PLAN REVIEW	\$115,909	U	DUE TO OUTSOURCING WORK TO A CONSULTANT
BERRIGAN – NEW LANDFILL HOLE	\$35,000	U	INCREASE TO REFLECT ACTUAL COST OF WORKS
BERRIGAN TIP – FENCE	\$35,000	F	REDUCED TO FUND BERRIGAN NEW LANDFILL HOLE
STORMWATER DRAINAGE MAINTENANCE	\$40,000	U	INCREASED DUE TO INCREASED MAINTENANCE FROM FLOOD EVENTS
STORMWATER CATCHMENT PLAN	\$20,000	U	REDUCED TO FUND DRAINAGE MAINTENANCE
SEPPELTS LEVEE	\$20,000	F	REDUCED TO FUND PRESCHOOL CARPARK
LEVEE 1 10850-11412	\$20,000	F	REDUCED TO FUND PRESCHOOL CARPARK
FLOODPLAIN MANAGEMENT PROGRAM	\$20,000	F	REDUCED TO FUND PRESCHOOL CARPARK
COMPULSORY ACQUISITION – BGA WTP	\$1,100,000	U	NOT ORIGINALLY BUDGETTED FOR
CONSTRUCT LABORATORY ROOM	\$40,000	F	UNDER BUDGET
BGN WTP STEP REPLACEMENT	\$29,506	U	
METER CYBAL REPLACEMENT	\$347,000	U	BUDGET WAS NOT ALLOCATED AS A CARRIED FORWARD ORIGINALLY FROM PREV YEAR WHEN IT SHOULD HAVE BEEN
TOC – FENCE REPLACEMENT	\$20,000	F	
TRADE WASTE MANAGEMENT	\$59,768	U	
TOC MENS SHED IMPROVEMENTS	\$20,000	U	AS PER JULY 2021 COUNCIL MEETING, ITEM 7.3

ACCOUNT & DESCRIPTION	AMOUNT	F/U	BUDGET CHANGE REASONING
RESEAL CORCORAN ST BGN	\$164,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
RESEAL MURRAY ST – WELLS/SCHOU	\$25,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
RESEAL PINEY RD 2386 TO WOOLSHED	\$184,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
RESHEET WOMBOIN RD	\$91,422	F	UNDER BUDGET
RESHEET THE COACH ROAD	\$62,390	U	NOT IN ORIGINAL BUDGET
RESHEET BROOCKMANN'S ROAD	\$11,575	U	NOT IN ORIGINAL BUDGET
BAROOGA ST - HORSFALL TO NANGUNIA	\$145,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
HORSEFALL ST - JERILDERIE/DENISON	\$85,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
MELROSE RD 9637/10653	\$417,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
SOUTH COREE RD 8320 TO 8777	\$32,267	U	OVER BUDGET
BAROOGA STREET - HORSFALL TO NANGUNIA	\$97,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
HORSEFALL ST - JERILDERIE/DENISON	\$65,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
HILL ST TOCUMWAL REALIGN	\$40,000	F	WORK WON'T BE COMPLETED THIS FINANCIAL YEAR
TOC PRE SCHOOL CARPARK	\$60,000	U	FUNDED FROM LEVEE MAINTENANCE – COUNCIL ADOPTED CONTRIBUTION
VISITOR SERVICES OFFICER	\$60,000	U	JOB NUMBER CREATED AND FUNDS TRANSFERRED FROM BELOW
TOC TOURISM INFO CENTRE	\$60,000	F	REALLOCATED VISITOR SERVICES SALARY TO ITS OWN LINE ITEM
SALEYARDS FACILITY UPGRADE	\$784,000	U	BUDGET WAS NOT ALLOCATED AS A CARRIED FORWARD ORIGINALLY FROM PREV YEAR WHEN IT SHOULD HAVE BEEN
INTEREST ON INVESTMENTS	\$130,000	F	INCREASED DUE TO AN INCREASE IN RETURN ON INVESTMENTS

ACCOUNT & DESCRIPTION	AMOUNT	F/U	BUDGET CHANGE REASONING
TOC MENS SHED CONTRIBUTION	\$20,000	F	AS PER JULY 2021 COUNCIL MEETING, ITEM 7.3
RURAL LOCAL ROADS GRANT (RLR) (FAG)	\$80,000	F	ADJUSTED TO ACCOUNT FOR CPI INCREASE
R2R ROADS TO RECOVERY GRANT	\$987,000	F	INCREASED TO ALLOCATE 2022FY FUNDING THAT WAS NOT RECEIVED
FINANCIAL ASSISTANCE GRANT (FAG)	\$260,000	F	ADJUSTED TO ACCOUNT FOR CPI INCREASE
INTEREST - TERM DEPOSITS	\$300,000	F	INCREASED DUE TO AN INCREASE IN RETURN ON INVESTMENTS

Quarterly Budget Review Statement

The September 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 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 on 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 2021/22 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 September QBRS shows the Council is estimating to return an operating **surplus** before capital items for the 2022/23 year of \$4,886,000; an increase from the Original estimate of a \$1,757,000 operating surplus.

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 remains unchanged from last financial year due to no further borrowings this financial year.

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 359%. 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 arrangement and expenditure on consultancies and legal expenses
-

8.12 Investment Policy

Author:	Finance Manager, Tahlia Fry
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	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:	<ol style="list-style-type: none">1. Draft Policy No. 14 - Investment Policy.pdf ↓2. 17.11.2022 Investment Guidelines - Nov 2022.pdf (under separate cover)

Recommendation

That the Council:

1. revoke its Investment Policy adopted on 17 November 2021;
2. adopt the Investment Policy attached; and
3. note the Investment Guidelines attached.

Purpose

The Council is required to review its Investment Policy annually.

Summary

Council staff have reviewed the Investment Policy in line with the Council's revised Financial Strategy 2022 and Risk Appetite Statement 2022.

While still within statutory and prudential boundaries, the revised policy provides more scope for the Council to improve its returns on investment.

Background

The Council, in its role as trustee of public monies, has a responsibility to prudently invest its surplus funds. To provide guidance to Council staff when investing Council funds, the Council has an Investment Policy. The policy complies with the Ministerial Investment Order issued in February 2011.

Council's Investment Policy is required to be reviewed annually. It was last reviewed in November 2021.

As well as its Investment Policy, the Council's powers to invest in specific financial instruments are restricted by the Ministerial Investment Order.

The policy sets out the principles the Council will use when investing surplus funds, lists any restrictions placed on specific types of investments and sets some requirements for reporting on investments to the Council. The policy addresses the risks to the Council as a result of its investments and in line with the Council's Risk Management Policy and Framework.

The revised Investment Policy is the largest change to Council's investment policy since the Global Financial Crisis saw significant investment losses for some Councils (not Berrigan) in 2011.

The revised policy notes the Council's Risk Appetite Statement is primarily **Resistant** to Financial Risk but will **Accept** some secondary risk where appropriate. The revised policy also allows for longer term investments to avoid reinvestment risk.

Also included with this report is the draft Investment Guidelines associated with this policy. The Guidelines do not require Council adoption – the Council adopt the policy at the strategic level while the staff implement the policy through the guidelines at operational level.

The Guidelines are provided to the Council for information and context.

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

Council's 2022 Risk Appetite Statement states:

*Council prefers safer options and is **Resistant** to taking, retaining or accepting risk. Council maintains a desire to only take on small amounts of adverse exposure, when necessary. Council is, however, cognisant of the fact that in certain circumstances it will be prudent to **Accept** risk exposures so long as there is a reasonable degree of protection.*

Action 3.1 from Council's 2022 Financial Strategy states

Look to improve investment returns while managing investment risk through a diverse and secure investment portfolio

Issues and Implications

Financial

The advantage of long-term investing is the relationship between volatility and time. Investments held for longer periods tend to exhibit lower volatility (less fluctuation) than those held for shorter periods. The longer you invest, the more likely you will be able to weather low market periods. As seen recently Council did not invest over a long period of time and therefore our annual interest reduced substantially as Council had no long-term investments producing high interest yields.

Budget managers must ensure the Finance Manager is kept up to date on future cashflows to ensure Council does not invest funds it will need in the short-medium term.

Legal / Statutory

The Finance Manager is required to certify that all Investments have been placed in accordance with:

- i. This 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

Policy

The proposed policy retains a Local Economic Benefit clause as this has been the position of the previous Council.

In the opinion of Council staff, this clause generates absolutely no benefit for the Council at all. No financial institution has committed to Berrigan Shire and inclusion in the policy has had no influence in retaining those institutions.

Should the Council wish, this clause could be removed entirely.

Risks

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

While the risks are high, the safeguards in the Policy mitigate this risk considerably, especially diversification and counterparty risk control measures.

Loss of investment capital would substantially hamper Council’s ability to renew its infrastructure assets over time.

2. Reputational

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

A significant loss of investment capital will certainly have a negative impact on the Council’s reputation. It may lead to greater oversight from NSW Treasury and the Council

3. Legal

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

Compliance with this policy will effectively eliminate legal risk to the Council.

Options

1. That the Council adopt the Investment Policy as attached as Appendix
2. That the Council adopt the Investment Policy, with amendments – potentially the removal of the local benefit clause.
3. That the Council not adopt the proposed Investment Policy and refer back to Council staff for further revision.



Policy

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INVESTMENT POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	16 November 2022	Minute Number:
Date for Review:	15 November 2023	
Responsible Officer:	Finance Manager	
Document Control:	Replaces and revokes the Investment Policy adopted 17 November 2021	
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>	

1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act 1993* (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011 and Office of Local Government Circular 17-29.

2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council's Financial Strategy 2022 commits the Council to the following action:



Policy

Look to improve investment returns while managing investment risk through a diverse and secure investment portfolio.

Council's 2022 Risk Appetite Statement states:

*Council prefers safer options and is **Resistant** to taking, retaining or accepting risk. Council maintains a desire to only take on small amounts of adverse exposure, when necessary. Council is, however, cognisant of the fact that in certain circumstances it will be prudent to **Accept** risk exposures so long as there is a reasonable degree of protection*

While preservation of capital is the principal objective of the investment portfolio, Council will look to improve its returns inside its statutory and prudential obligations

Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit, interest rate and reinvestment risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment. Council will also identify funds that are not required for an extended period and invest these for longer terms if advantageous.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds in financial instruments.

4. DEFINITIONS

Credit risk	the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment
Market risk	the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices
Liquidity risk	the risk the Council is unable to redeem the investment at a fair price within a timely period



Policy

Maturity risk	the risk relating to the length of term to maturity of the investment – the longer the term, the greater the length of exposure and risk to market volatilities
Reinvestment risk	the risk that future cash flows—either interest or the final return of principal—will need to be reinvested in lower-yielding investments
Preservation of Capital	the requirement for preventing losses in an investment portfolio’s total value (considering the time value of money)
Diversification	setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk
Liquidity	ensuring that funds are available in a timely manner to meet the Council’s cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products
Financial instrument	any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity

5. POLICY IMPLEMENTATION

5.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1993*.

The Chief Executive Officer may in turn delegate the day-to-day management of Council’s investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Officers’ delegated authority to manage Council’s investments shall be recorded in line with the Council’s standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

5.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council’s investment portfolios



Policy

to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

5.3 Ethics and conflicts of interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

5.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

5.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

5.6 Local economic benefit

The Council will consider investment products from institutions that provide a direct economic benefit to the Berrigan Shire community. This may include:



Policy

- Institutions that operate a retail branch in the Shire
- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

This is conditional upon the Council complying with its other obligations under this policy and the achievement of comparable investment security and rates of return. Any such consideration will be in line with the Council's obligations under legislation and its purchasing policies and procedures

5.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the Chief Executive Officer, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk
- Reinvestment risk

When addressing these risks, the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures



Policy

- Reference to the Internal Reporting Policy.
- Monthly reporting to the Council
- External Auditing

5.8 Investment advice

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

5.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting.

5.10 Benchmarking

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.



Policy

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

5.11 Reporting and reviewing investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Compliance

- [Local Government Act 1993](#)
- Local Government (General) Regulation 2021
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

6.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2021
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework



Policy

- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

7. RECORDS MANAGEMENT

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

8. REVIEW AND EVALUATION

This Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.

The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution

9. DOCUMENT AVAILABILITY

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

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

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

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56 Chanter Street
Berrigan NSW 2712*

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Email: mail@berriganshire.nsw.gov.au

10. VERSION CONTROL



Policy

Version Number	Date	Summary	Responsible Officer
10.0	17-11-2021	Annual review, inclusion of CEO	Finance Manager
11.0	16-11-2022	Annual Review	Finance Manager

DRAFT

8.13 Work Health and Safety Policy

Author:	Enterprise Risk Manager, Michelle Koopman
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Draft - Work Health and Safety Policy ↓

Recommendation

That the Council:

1. revoke the Work Health and Safety Policy adopted 15 March 2017; and
2. adopt the Work Health and Safety Policy included as Appendix 1.

Purpose

This report puts forward a revised Work Health and Safety Policy for Council to consider and adopt.

Summary

The Work Health and Safety policy has been reviewed to bring it into line with current practices and legislation.

The policy has undergone review through Council's Executive Leadership Team, and through the Work Health and Safety Committee.

The policy itself is consistent with the previous policy with only minor changes.

Background

The policy was last reviewed by the Council in March 2017.

Proposed changes in this policy include:

- Updating the list of responsible officers to reflect the organisational restructure
- A new section – "Processes" – setting out how the Council will implement the commitments made in this policy, including:
 - regularly inspect workplaces to identify hazards, and address as soon as reasonably practicable

- develop procedures to support safe work methods
- identify training needs and provide access to training
- provide regular health surveillance commensurate with activities undertaken
- regularly report to officers on health and safety results
- appoint Health and Safety Representatives for work groups
- establish a Work Health and Safety Committee, and regularly meet
- regularly disseminate information and keep abreast of changes in legislation
- investigate and respond to incidents
- co-ordinate return to work programs

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

The Work Health and Safety Policy is a key document that impacts on the Council's Workforce Development Plan and Risk Management Plan.

Issues and Implications

Policy

The Work Health and Safety Policy is one of the Council's key policy documents. It guides and/or interacts with the:

- Pre-Employment Medical Policy
- Employee Assistance Program Policy
- Risk Management Policy
- Employee Leave Policy
- Training and Development Policy
- Supervision and Hiring Arrangements for Community Swimming Pools Policy
- Heat Stress Policy
- Drug and Alcohol-Free Workplace Policy
- Workplace Rehabilitation Policy
- Private Employment Policy
- Clothing and Protective Equipment Policy
- Social Media Policy
- Claims Management Policy
- Event Management Policy
- Asbestos Policy
- Library Service – Patron Code of Conduct Policy
- Workplace Smoking Policy

- Family and Domestic Violence Policy
- Workplace Surveillance Policy

Financial

The Council is working to reduce the number of workers compensation claims made, which directly impacts on the Council’s workers compensation insurance premium paid.

This policy is the guiding document for this effort

Legal / Statutory

This policy will assist the Council to meet its obligations under the *Work Health and Safety Act 2011* and associated regulation.

Human Resources / Industrial Relations (If applicable)

The policy has been reviewed by the Council’s Work Health and Safety Committee, which includes management and staff from all areas of Council

Risks

1. Work Health and Safety

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

The policy is designed to assist Council mitigate its Work Health and Safety Risk. Without this policy is likely the risk would be A5 Very High.

2. 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

Workplace injuries directly impact on the Council’s financial position. Reducing injuries reduces the Council’s workers compensation insurance premiums.

Reputational

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

A serious workplace injury or death will have a significant impact on the Council’s reputation among its workforce and the broader community

Options

1. That the Council adopt the revised policy as written
2. That the Council adopt the revised policy with amendments
3. That the Council not adopt the policy and request Council staff resubmit with revisions.



Policy

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WORK HEALTH AND SAFETY POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	15 September 2022	Minute Number:
Date for Review:	15 September 2026	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Replaces Work Health and Safety Policy adopted 15/03/2017	
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance	

1. POLICY STATEMENT

Berrigan Shire Council is committed to providing a safe and healthy workplace for all its employees, volunteers, contractors and the public. The Council recognises its obligations under the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2017* and associated legislation.

2. PURPOSE

The purpose of this policy is to inform all workers of Council's responsibilities and commitment to providing a safe and healthy workplace for all workers.

3. SCOPE

This policy applies to all workplaces and workers of Berrigan Shire Council including councillors, volunteers, contractors and members of the public.

4. OBJECTIVE

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

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

5. DEFINITIONS



Policy

Hierarchy of control	Is a list of control measures, in priority order, that can be used to eliminate or minimise exposure to the hazard. Elimination of the hazard must be considered before all other options.
Officers	A person who makes, or participates in making, decisions that affect the whole or a substantial part of the business or undertaking of a public authority, excluding elected members, and who have the capacity to significantly affect the financial standing of the business.
PCBU	Person Conducting a Business or Undertaking (PCBU) is the legal term under Work Health and Safety legislation for individuals, businesses or organisations that are conducting business.
Workers	As per the <i>Work Health and Safety Act 2011</i> , the term “workers” includes paid employees, volunteers, contractors, labour-hire and work experience students.

6. POLICY IMPLEMENTATION

6.1 Council commitment

Council is committed to providing a safe and healthy workplace, and so far as reasonably practicable, will:

- provide a safe and healthy work environment for all workers;
- provide safe and health methods of work;
- implement safe and healthy systems of work which includes programs and procedures which are continually reviewed and updated;
- identify and eliminate or reduce hazards and risks to health and safety;
- collate and utilise information to continually monitor and improve work health and safety;
- provide advice and information, education and training resources;
- comply with relevant legislation;
- provide for fair and effective workplace representation, consultation, co-operation and issue resolution to work health and safety matters; and



Policy

- co-ordinate effective management of injured workers and return to work programs

6.2 Responsibilities

6.2.1 Officers

Under the guidance of Work Health and Safety legislation, Officers are identified as:

- Chief Executive Officer (CEO)
- Deputy CEO/Director Corporate Services
- Director Infrastructure
- Director Strategic Planning and Development

Officers have the responsibility for exercising due diligence including taking reasonable steps to:

- acquire and keep up-to-date knowledge of work health and safety matters;
- gain an understanding of Council operations and the hazards and risks associated with those operations;
- ensure Council, within resource capability and availability, provides appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of Council's operations.
- ensure Council has appropriate processes for receiving and considering information regarding incidents, hazards and risks, and responds in a timely way to that information; and
- ensure Council has, and implements, processes for complying with duties and obligations under Work Health and Safety legislation.

6.2.2 Management

Management is defined as those with decision making responsibilities, and those who are responsible for workers (in accordance with the definition of workers). This includes department managers, overseers, and those responsible for appointing contractors and utilising the services of volunteers.

Each manager is required to ensure this policy and the processes designed to support a safe and healthy workplace are effectively implemented in their areas of control, and to support workers and hold them accountable for their specific responsibilities. Management must ensure:



Policy

- workers are supervised and trained to meet their job requirements;
- workers are consulted on issues which affect their health and safety; and
- hazardous situations are identified, and measures adopted to eliminate risk, or manage it in accordance with the hierarchy of control

6.2.3 Workers

Whilst at work, a worker must:

- take reasonable care for his/her own health and safety;
- take reasonable care his/her acts or omissions do not adversely affect the health and safety of other persons;
- comply, so far as the work is reasonably able, with any reasonable instructions; and
- abide by this policy, other Council workplace policies and procedures that relate to health and safety at the workplace.

6.2.4 Other persons

This applies to those people who visit the workplace, and also extends to councillors.

Whilst at a Council workplace, a person must:

- take reasonable care for his/her own safety;
- take reasonable care his/her acts or omissions do not adversely affect the health and safety of other persons; and
- comply so far as the person is reasonably able, with any reasonable instructions.

6.3 **Processes**

Council will implement the following processes to support our commitment to a safe and healthy workplace:

- regularly inspect workplaces to identify hazards, and address as soon as reasonably practicable
- develop procedures to support safe work methods
- identify training needs and provide access to training
- provide regular health surveillance commensurate with activities undertaken
- regularly report to officers on health and safety results
- appoint Health and Safety Representatives for work groups
- establish a Work Health and Safety Committee, and regularly meet
- regularly disseminate information and keep abreast of changes in legislation
- investigate and respond to incidents



Policy

- co-ordinate return to work programs

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Workplace Injury Management and Workers Compensation Act 1998*
- AS ISO 31000:2018 Risk management - Guidelines

7.2 Council policies and guidelines

- Code of Conduct
- Local Government (State) Award 2020
- Clothing and Protective Equipment Policy
- Workforce Development Plan
- Discrimination, Workplace Bullying and Harassment Policy
- Drug and Alcohol-Free Workplace Policy
- Employee Assistance Program Policy
- Heat Stress Policy
- Pre-employment Medical Policy
- Risk Management Policy and Framework
- Workplace Rehabilitation Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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



Policy

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

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

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

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Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15 March 2017	New Policy document	Michelle Koopman
1.1	17 August 2022	Minor review - new template	Matt Hansen

APPENDICES

8.14 Agency Information Guide

Author:	Information & Records Officer, Arpita Khare
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Information Channel: Information about a service or activity of other bodies is channelled through, for example, brochures in Council office and other public spaces or links to third party websites
Appendices:	1. Agency Information Guide - WORKING DOCUMENT.docx (under separate cover)

Recommendation

That the Council, pursuant to Section 21 of the Government Information (Public Access) Act, adopt the Berrigan Shire Council Information Guide attached as Appendix 1

Purpose

To comply with the Council's obligation under Section 20 of the Government Information (Public Access) Act 2009 (GIPA ACT), the Council must have an "Agency Information Guide" that describe the structure and functions of the agency and *Section 21* of the Act requires that the AIG be adopted at periods of no less than 12 months (i.e., at least annually).

The Agency Information Guide was last adopted by the Council in April 2022. That review has been brought forward because of the change in Organisational Structure. The next review will be in November 2023.

Summary

Council is required under legislation to adopt an Agency Information Guide.

The Guide allows the public to identify and access government information held by an agency. It connects the public and agencies by providing clear and accessible information on accessing government information.

Background

One of the obligations the Council is required to meet is to “adopt” an Agency Information Guide (AIG). The AIG must be published on the Council’s website.

Section 20 of the GIPA Act states that an agency must have its “agency information guide” that describe the structure and functions of the agency and *Section 21* of the Act requires that the AIG be adopted at periods of no less than 12 months (i.e., at least annually).

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

Implementation of the policy will help Council to achieve the Delivery Program Objective:

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

Issues and Implications

Policy

This guide interacts with Council’s previously adopted Access to Information policy.

Legal / Statutory

The Agency Information Guide is required by the GIPA Act.

Community Engagement / Communication

Council has access to information page on its website which will include a link to this guide.

Human Resources / Industrial Relations (If applicable)

Information and Records Officer will administer the guidelines under the direction of the Deputy CEO.

Risks

1. Governance

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

A failure to adopt an AIG is a failure to comply with legislative requirements.

Options

1. Council adopts the Agency Information guidelines as attached - Recommended
2. Council adopts the Agency Information guidelines as attached with amendments



3. Council does not adopt the Agency Information guideline and refer back to Council staff for review.
-

8.15 Annual Report

Author:	Director Strategic Planning & Development, Joanne Ruffin
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Draft Annual Report ex Financial Statements (under separate cover)

Recommendation

That Council adopt the draft Annual Report recognising the financial statements cannot be placed on display until they are audited and returned from the Audit Office. The financial statements will be added to the Annual Report once the required process is finalised. The deadline for the Annual Report to be published of 30 November 2022 will therefore be missed.

Purpose

The purpose of this report is to allow Council the opportunity to see the draft Annual Report prior to the audited financial statements being made available.

It should be noted a Special Meeting will be required once the financial statements are provided to endorse the Annual Report in full and place it on public display.

Summary

Given the delays in preparing our financial reports and having them audited, the Annual Report will not meet the deadline of 30 November 2022.

Council staff felt it essential to ensure Council had the final draft of the Annual Report to hand so that the meeting regarding the financial statements would not be as significant a meeting as usual.

If there is anything in the Annual Report document to date that Council feel we have missed, please let us know so that this can be added. Equally if there is anything Council feel is misrepresented, unclear or difficult to understand please also provide that feedback.

In the CEOs report I have made commentary regarding the RFS assets as we are not able to provide Council's opinion, nor reasons for their opinion, in the financial statements. Where these have been provided, financial statements are being held up by the Audit Office. We have determined to make minimal mention of the RFS Assets in our statements and that in itself will provide the Audit Officer the reason for qualification.

Background

The Annual Report is required to be adopted and published by 30 November each year. We have not been able to achieve this outcome this year primarily due to staffing shortages.

We cannot publish the Annual Report without the audited financial statements.

Council staff expect to have audited financial statements ready for adoption at its ordinary meeting on 14 December. The Council may wish to adopt the Annual Report, with these statements, at that meeting.

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

Operational Plan

Delivery Plan

Issues and Implications

Council are aware of the current issues being faced with regard to RFS assets. Council knows they will receive a qualified audit report on their financial statements.

Council have asked for and received permission for extension to finalise their financial statements. No mechanism exists for extending the due date of the Annual Report.

We do not know if there will be an escalation of the qualification matter due to the Annual Report being delayed. Normally there is little recourse available where the Annual Report is late.

Policy

Nil

Financial

Nil

Legal / Statutory

Council will be in breach of its obligation under [s428 of the Local Government Act 1993](#)

*Within 5 months after the end of each year, a council must prepare a report (its **annual report**) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

Community Engagement / Communication

The financial statements need to be placed on display for 28 days before they can be added to the Annual Report and the report finalised. The Annual Report is not required to be displayed prior to adoption.

Human Resources / Industrial Relations (If applicable)

Council has employed a dedicated Integrated Planning and Reporting Officer with responsibility for the preparation of the Annual Report and the other Integrated Plans and Reports. The Council has also employed a Financial Accountant to assist with preparation of the Annual Financial Statements.

Risks

1. Financial (Qualified Audit)

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

It is certain Council will receive a qualified audit, though there is no direct financial impacts Council is aware of as we hold no TCorp loans and have been guaranteed access to grant funding will not be affected by the qualification.

2. Reputational Risk

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

Acknowledging that the Annual Report will be late there is some risk to Council if the community responds negatively which is seen as possible depending upon whether the Office of Local Government choose to make a larger issue of the matter in the context of RFS Assets.

8.16 Submission - IPART Review of the Rate Peg

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. 16.11.2022 IPART - Review of the Methodology of the Rate Peg - October 2022.pdf (under separate cover)

Recommendation

That the Council endorse the submission to the Independent Pricing and Regulatory Tribunal's Review of the methodology of the Rate Peg attached to this report.

Purpose

This report requests Council endorsement of the submission made by Council staff on behalf of the Council to the Independent Pricing and Regulatory Tribunal (IPART) review on the methodology for setting the Rate Peg.

Summary

Attached to this report is a submission made by Council staff on behalf of the Council to IPART on their review of the methodology for setting the Rate Peg.

The submission calls for the abolition of the Rate Peg and puts forward an alternate proposal for IPART to monitor rates charged by NSW Local Government.

Background

In August 2022, the Independent Pricing and Regulatory Tribunal (IPART) was requested by the Minister for Local Government to review the methodology for setting the Rate Peg – the amount by which Councils are allowed to increase their general rate without seeking special permission.

On 29 September, IPART released an issues paper and called for submissions from local government, other stakeholders and the general public.

Attached as Appendix 1 is the submission prepared by Council staff on behalf of the Council.

The scope of the IPART review is very narrow – it is focused on how the rate peg works and is it effective. It doesn't look to address the broader question - should the rate peg continue to operate and what harm does it create?

The draft submission focuses more on this broader question. It sets out the manner in which the rate peg keeps Councils – especially smaller ones – perpetually starved of the resources needed to meet the expectations of the community and the NSW Government. It points out the fact that small Councils need to be in crisis before an SRV becomes justifiable in terms of resources committed to its preparation.

The submission puts forward an alternative model – where Councils are free to set their ordinary rates in consultation with their community with IPART playing an advisory and oversight role – acting in cases where Councils are not following a rigorous revenue-setting process or acting well outside community expectations.

The submission also attempts to answer the 20 questions put forward by IPART in the issues paper but from a position of abolishing the rate peg as the preferred outcome.

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

The Council's ordinary rate is the primary source of untied income for the Council.

This directly affects the level and types of services delivered by the Council across the board.

The Rate Peg has a clear and direct impact on the Council's Long Term Financial Plan.

Issues and Implications

Policy

Council's Statement of Revenue Policy establishes the basis by which Council sets its ordinary rates.

Financial

The Rate Peg has a direct impact on the Council's financial sustainability. Ordinary rates are Council's main source of untied revenue.

Legal / Statutory

Section 506 of the *Local Government Act 1993* provides the Minister for Local Government to specify a Rate Peg. The Minister in turn has delegated this to IPART.

If a Council exceeds the Rate Peg in a given year, section 512 requires the Council to seek approval from the Minister for Local Government before levying its rates in the following year.

8.17 Sale of 27 Davis Street Berrigan (Late Covering Report)

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

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

8.18 Development Application 17-23-DA-D7 - Inground Fiberglass Swimming Pool

Author:	Town Planner, Noureen Wajid
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1.3. Enhance the visual amenity, heritage and liveability of our communities 1.1.1. Coordinate strategic land-use planning
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Appendix 1_Wiles - DA Site Plan 19072022_PAN-249093 (3).pdf (under separate cover)2. Appendix 1_Wiles -DA Pool Engineering Designs 19072022_PAN-249093 (1).pdf (under separate cover)3. Appendix 2_ Objections _1-3 Morris Street.pdf (under separate cover)4. Appendix 3_ Response to Objections_17 Barooga Street.pdf (under separate cover)5. Appendix 2_Pool complaint_19 Barooga Street.pdf (under separate cover)

Recommendation

That the Council REFUSE Development Application 17/23/DA/D7 for the installation of Inground Fiberglass Swimming Pool as the proposal does not generally comply with the development controls of Chapter 2 of the Berrigan Development Control Plan 2014 and potentially will impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Barooga Street.

Summary

Applicant:	Karl Hindson
Owner:	Mrs Gabrielle Wiles
Proposal:	Inground Fiberglass Swimming Pool
Location:	17 Barooga Street Tocumwal

Report

The subject application is for inground fiberglass swimming pool under the application number 17/23/DA/D7 at 17 Barooga Street Tocumwal.

Proposal

As mentioned, the proponent wishes to get the development approval to install an inground fiberglass swimming pool. The proposed swimming pool will be 7m long, 3.6m wide and will have less than 40,000-liter water.

The proposed alfresco will be located at the front of the block and will be 1m setback from the side neighbouring boundary and 1m from the front boundary. "Appendix 1"

Site Location and Context

The subject site is addressed at 17 Barooga Street Tocumwal and is formally identified as Lot 14 in DP 523758, the total land size is 784msq. The site is zoned RU5 Village under the Berrigan Local Environmental Plan 2013 and located in well-established residential precinct. The subject site is located within the precinct of Tocumwal Town Centre.

The land, highlighted in Figure 1 below is 784msq in size and vehicular access to the property is available from Barooga Street.



Subject Site – 17 Barooga Street



Aerial view of Barooga Street

Neighbour Notification

As the proposed development will be located at the front of the block and 1m setback from adjacent boundary, it has the ability to impact on the amenity of neighbouring properties. Therefore, the landowners for the neighbouring properties were notified of the development on 6 September 2022 for 21 days.

Submission

Council has received a formal submission from the neighbour of 19 Barooga Street and 1-3 Morris Street, against the proposed development. An invite was sent to the neighbour to discuss the objections in person, meeting was held on 19 Barooga Street on 28 October 2022. They have raised their concerns as below:

- Outside lifestyle and quiet time will be affected
- Pool will attract mosquitos and frogs
- Noise from the pool pump to the main bedroom

The correspondence was sent to applicant and an in-person meeting was organised with the owner of 17 Barooga Street on 20 October 2022 with myself. The Owner was not present after confirming the meeting. The neighbour's concerns were raised over the phone call and advised them to provide written response of the objections against the proposed development. The response was submitted on 06/11/2022 by the owner of 17 Barooga Street.

Assessment

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Berrigan Local Environmental Plan 2013
- Berrigan Development Control Plan 2014

Berrigan Local Environmental Plan 2013

The Berrigan Local Environmental Plan 2013 (BLEP) is the principal planning instrument that applies within the Berrigan Shire and the development application been assessed against the relevant heads of consideration.

The subject land zoned RU5 Village and the objectives of RU5 zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To enhance and maintain the unique village character of Berrigan, Barooga, Finley and Tocumwal.
- To ensure there are opportunities for economic development.
- To encourage development that relates to tourists and visitors.

Comments:

The proposed swimming pool may be permissible as ancillary development; however, the development does not comply with objectives of LEP (2014) and is not suitable for the site as it will not provide a satisfactory relationship between the built form and adjoining properties.

Development Control Plan 2014

An assessment of the proposal against the relevant development controls of the Berrigan Shire DCP is provided in the table below and the potential impacts on the surrounding neighbouring environment.

Berrigan DCP Chapter 2 Residential Development	Assessment of Proposal
2.1 Neighbourhood character Objectives of the controls is to create aesthetically pleasing residential neighbourhoods and high levels of amenity. The design of residential development is to suit the existing setbacks and character of the neighbourhood.	The neighbouring environment has established residential dwellings with set setbacks along Barooga Street. Given the proposal will be located at the front of the existing dwelling, it is proposed to have the front setbacks of 1 meter from the front boundary setbacks this has been assessed as not keeping to the minimum required 4.5m front boundary setbacks requirement and character of the neighbouring environment which would have an impact on the neighboring residential amenity.
2.2 Streetscape Objectives of the controls is to ensure residential design makes a positive contribution to the streetscape and the integration of	As per the above point, the proposal is not keeping with the existing character of the neighbourhood. The proposal will have 1 metre front setback to the Barooga Street which will be located at the front of the exiting dwelling along the Barooga Street and not be a similar bulk and scale to the

<p>new development into the streetscape and neighbourhood. The bulk and scale should be kept to a compatible size with the existing development in the residential precinct.</p>	<p>existing residential precinct. Therefore, the proposal has been assessed as not integrating into the streetscape or the neighbourhood and will not be meeting with the objective of the Clause 2.2 of DCP.</p>
<p>2.5 Building Setbacks Objectives of the controls is to ensure attractive streetscapes through consistency in front building setbacks. A dwelling must have a minimum 4.5 metre building line setback from the front property boundary.</p>	<p>The proposal does not meet the development objective being 1 metres front setback for RU5 Village zone where the required front setbacks are minimum 4.5m form the front boundary line. Given the consideration of the location and the setbacks it is evident that the proposal will not be consistent with the surrounding neighbourhood along the street and therefore will not contribute to an attractive streetscape.</p>
<p>2.11 Outbuildings Objectives of the controls is to ensure outbuildings are not detrimental to residential amenity.</p>	<p>NA</p>

Discussion

The proposal has been assessed as generally not complying with specific objectives and development controls of the Berrigan DCP Chapter 2 for Neighbourhood Character, Streetscape and Building Setbacks. The proposal has been assessed generally as not adding to an aesthetically pleasing residential neighbourhood, not making a positive contribution to the streetscape and affecting the residential amenity.

Should Council approve a Swimming Pool in front of an existing dwelling Council will be creating a precedent for such development, which is not keeping with the Development Control Plan (DCP) 2014. Approval of this development might encourage further people to take similar development that is not in keeping with the development control plan that the community has provided input into the creation.

Furthermore, the applicant has also not provided sufficient planning justification to satisfy Council as to why they would consider or grant a variations to the development control plan. Applicant has not addressed the noise issues such as what measures they are proposing to take the noise level low. Overall, the proposed swimming pool is not considered to make an overall positive contribution to the streetscape, and the proposed setbacks are at odds with the existing streetscape. As such the proposal does not maintain consistency of setbacks to the street. Additionally, as discussed in the table above, the proposed setbacks also diminish the existing and established character of the area and approval of the subject application will inevitably result in the creation of an undesirable precedent that may enable other inappropriate development within the locality.

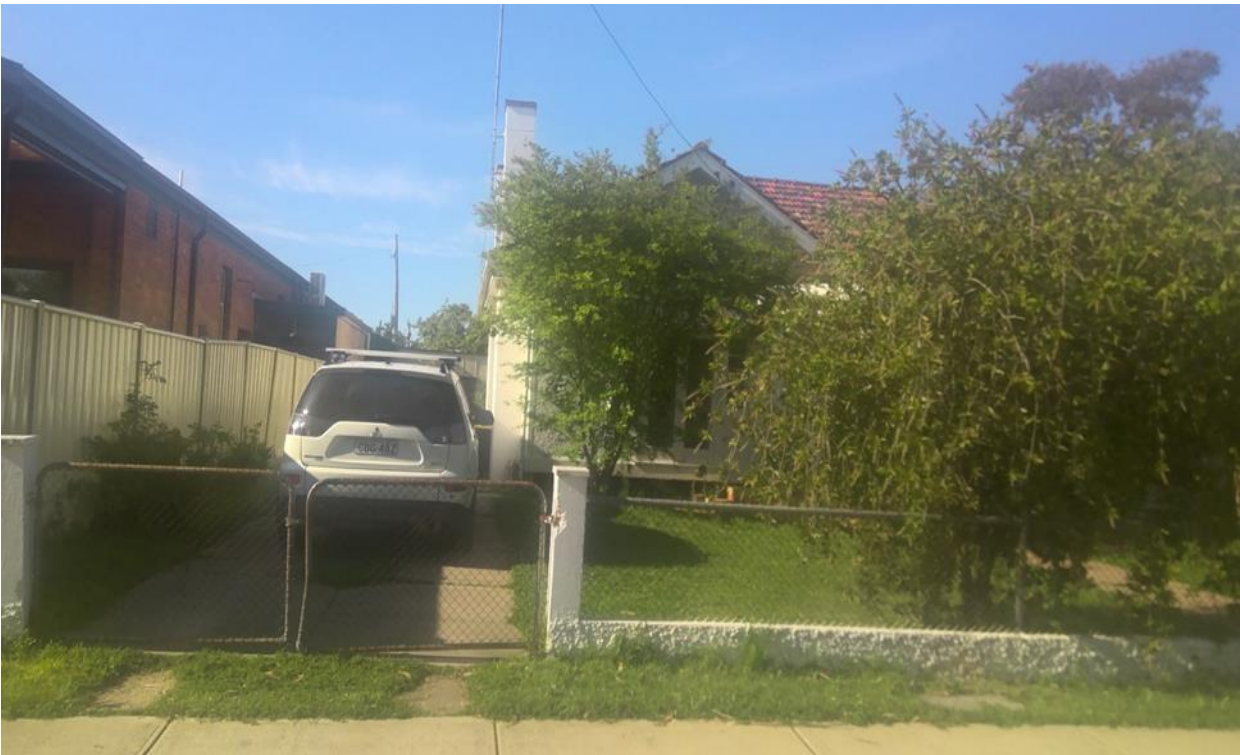
As the proposal does not generally comply with the development controls of Chapter 2 of the Berrigan Shire DCP, it is recommended that the proposed development application for a Swimming Pool be REFUSED.

Site Pictures

Site pictures of the property are below:



Frontage of 17 Barooga Street



Neighbouring Adjacent properties

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act 1979 have been taken into account. The proposal has been assessed as

not complying with these development controls of the Berrigan DCP Chapter 2 and the proposal has been recommended for REFUSAL.

Recommendation

That Development Application Number 17/23/DA/D7 for an Inground Fiberglass Swimming Pool be REFUSED as set out in the reasons for refusal listed above as the proposal does not comply with the development controls of Chapter 2 of the Berrigan Development Control Plan 2014 and is considered to impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Barooga Street.

8.19 Development Application 26-23-DA-D1 - Double Story Brick Veneer Dwelling and attached Garage

Author:	Town Planner, Noureen Wajid
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1.3. Enhance the visual amenity, heritage and liveability of our communities 1.1.2. Coordinate and develop Community Participation Plans in accordance with relevant legislation and the Council's Community Engagement Framework
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	1. Appendix 1_21E2374_Stamped Plans_v1.2_PAN-254664 (3).pdf (under separate cover) 2. Appendix 2_7-9-22 - MR D M WOOD - OBJECTION TO DWELLING AT 21ANZAC AV TOCUMWAL.pdf (under separate cover) 3. Appendix 3 _Response to Objection_ 21 Anzac Av.pdf (under separate cover)

Recommendation

That the Council APPROVE Development Application 26/23/DA/D5 for Double Story Brick Veneer Dwelling with Attached Garage subject to the following conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the plan/ design Job No 21E2374 prepared by G. J. Gardner sheet 1-6 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for each structure
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) has notified the Council of the appointment
- d) has given the Council at least 2 days' notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

Critical Stage Inspection

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 109C(1)(c) and 109H EP&A Act 1979)

Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Permitted hours for building works

The hours of operation for the Construction works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays.

No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

Excavations and backfilling

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Protection of public places

a. If the work involved in the erection or demolition of a building:

(i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(ii) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

d. Any such hoarding, fence or awning is to be removed when the work has been completed.

Signs to be erected on building & demolition site

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(i) stating that unauthorised entry to the work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

Toilet facilities

a. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

b. Each toilet provided:

(i) must be a standard flushing toilet, and

(ii) must be connected:

- to a public sewer, or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Driveway

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

Waste

A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

BASIX

Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principle Certifying Authority to demonstrate fulfilment of the commitments listed in each relevant BASIX Certificate for this development, as required by the Environmental Planning & Assessment Act 1979.

Erosion & Sediment Control

Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993 and the National Construction Code 2014. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.

a) Smoke alarms must be connected to the consumer's main power where the consumer power is supplied to the building

b) and be interconnected where there is more than one alarm.

Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

Water and Sewer Connections

All water supply and sewer work must be carried out by a NSW Licenced Plumber and Drainer. All plumbing and drainage works must be carried out in accordance with AS3500 (National Plumbing and Drainage Code) and any conditions applied to the approval to do water and sewer work issued under Section 68 of the Local Government Act 1993.

Such conditions may include the necessity for the Council to undertake inspections of all drains and pipework before they are covered or provision of Compliance Certificates or works as executed drawings prior to issue of an Occupation or Subdivision Certificate.

Sewer Connection

The dwelling shall be connected to the town sewer by a NSW Licensed Plumber and Drainer under Council's supervision. The connection must be carried out in accordance with AS3500 (National Plumbing and Drainage Code) and Council's standards.

Stormwater

Roofwater from the building must be piped underground to the Anzac Avenue kerb in accordance with the Building Code of Australia and Relevant Australian Standards.

Privacy (Windows)

The following design changes must be incorporated into the approved plans prior to the issuance of a construction certificate:

Prior to the release of a construction certificate, the plans are to be amended to show windows Bedroom 1 northern window utilise one of the following methods to minimise and remove privacy impacts to the adjacent property.

a) Windows to provide a minimum sill height of 1.6m above the approved floor level of the studio (i.e. window must not be below RL104.65); or

b) the windows must be fitted with an external privacy screen which is permanently fixed with no more than 25% openings; or

c) The windows must include obscure glazing to the entire window area.

This condition has been imposed to ensure that privacy of the adjacent property owner is maintained and also to ensure compliance with 2.9 of the Berrigan Development Control Plan.

Privacy Screen (Window)

The northern extent of Bedroom 1 Window must include a privacy screen which is attached to the balustrade. The height of the balustrade and combined privacy screen must be at least 1.8m in height. The privacy screen must be provided in accordance with the following specifications;

- has no individual opening more than 30 millimetres wide;
- has a total area of all openings that is no more than 30 per cent of the surface area of the screen or barrier; and
- be of a suitable material & finish that matches and complements the existing dwelling and surrounding location and context.

The privacy screen must be installed prior to the issuance of an occupation certificate.

Summary

Applicant:	Samantha Way
Owner:	Ian Singleton and Margaret Singleton
Proposal:	Double Story Brick Veneer Dwelling with Attached Garage
Location:	21 Anzac Avenue Tocumwal

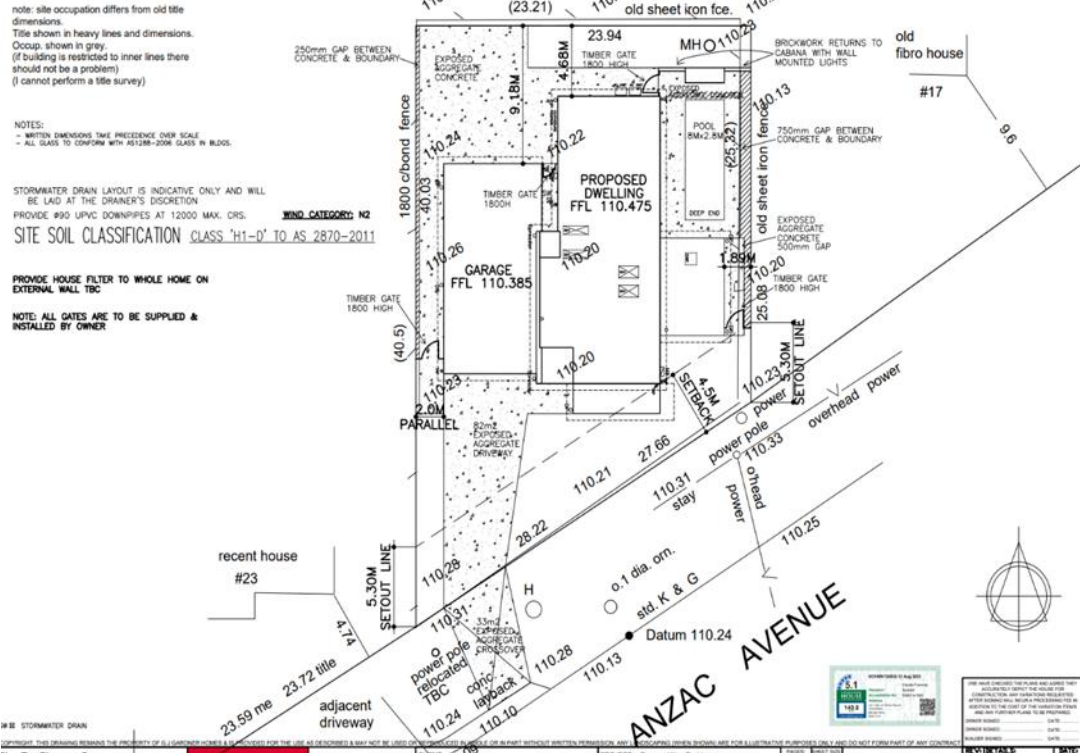
Report

Proposal

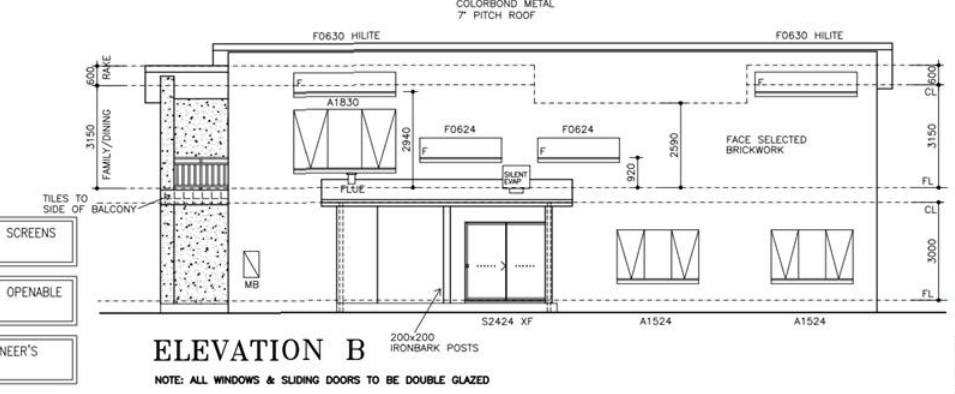
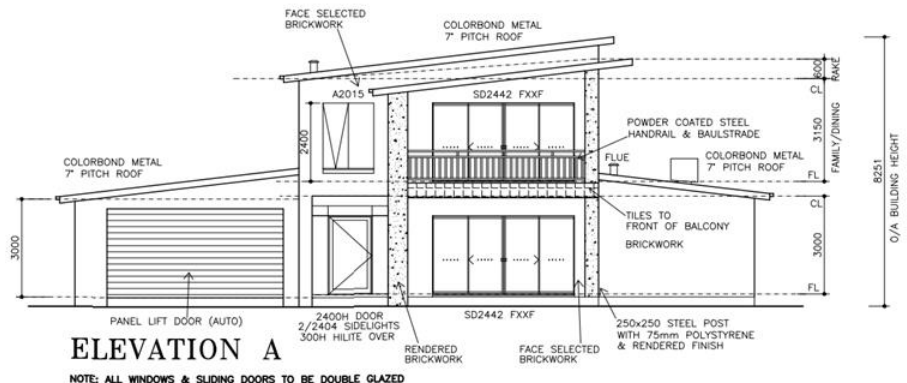
The subject application is for a double story brick veneer dwelling with attached garage and at 21 Anzac Avenue Tocumwal the total land size is approximately 775msq.

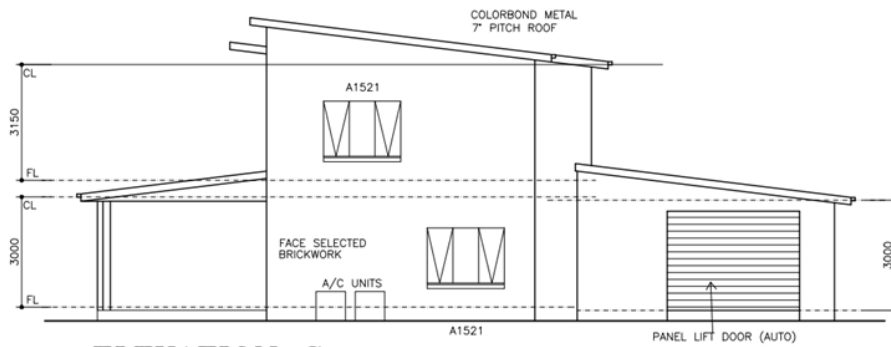
The development proposes to comprise of a double story 4-bedroom, 2 bathrooms. Ground floor will comprise of 3-bedrooms, lounge, a laundry, an activity area and an alfresco which will be accessible directly from the activity area. First floor will have main bedroom, study and open plan kitchen and meals area. A double garage has been proposed and will be attached to the dwelling.

The proponent has also provided a site plan indicating the possible location of a dwelling and Swimming Pool. See "Appendix 1"



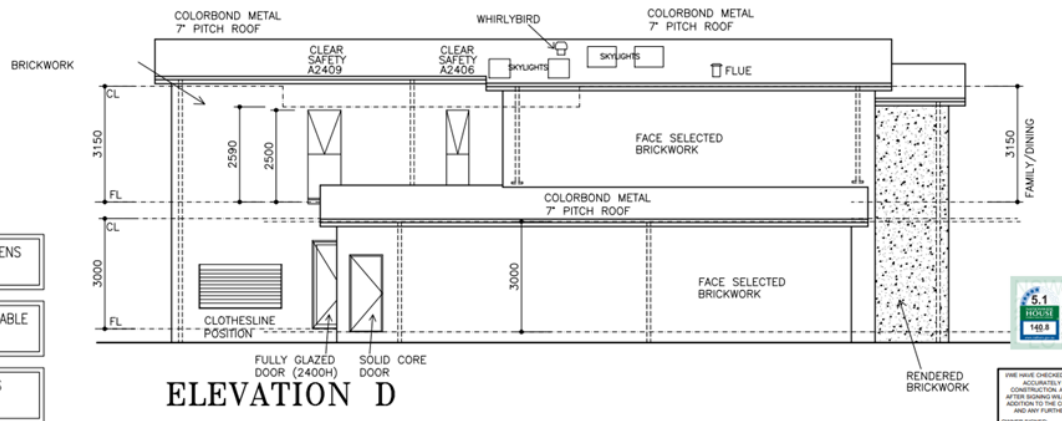
Proposed Site Plan – 21 Anzac Avenue





ELEVATION C

NOTE: ALL WINDOWS & SLIDING DOORS TO BE DOUBLE GLAZED



ELEVATION D

- EW SCREENS
- ALL OPENABLE
- ENGINEER'S



THIS WORK CHECKED IS ACCURATE FOR CONSTRUCTION AND AFTER INSPECTION AND ADDITION TO THE COB AND ANY PARTIALS.
 NAME: [unreadable]

Proposed Elevations – 21 Anzac Avenue

Site Location and Context

The subject site is addressed at 21 Anzac venue, Tocumwal and is formally identified as Lot C in DP 358840. The site is zoned RU5 Village under the Berrigan Local Environmental Plan 2013 and located in well-established residential precinct. The subject site is located on the western fringe of the township of Tocumwal and is located approximately 1 kilometre of the Tocumwal Town Centre.

The land, highlighted in Figure 1 below is 775msq in size and vehicular access to the property is available from Anzac Avenue and have a front view of Murray River from the proposed property.



Figure 1 Subject Site – 21 Anzac Avenue



Aerial View of Anzac Avenue

Neighbour Notification

As the proposed development will comprise of double story approximately 8.2m in height, it has the ability to impact on the neighbouring property. Therefore, the landowner for the neighbouring properties were notified of the development on 7 September 2022 for 21 days.

Submission

Council has received a formal submission from the neighbour of 6 Hillson Street, against the proposed development on 27 September 2022. An invite was sent to the neighbour to discuss the objections in person, meeting was held at the subject site on 8 November 2022. They have raised their concerns as below

- Loss of view of Murray River and foreshore from their rear window and back yard "Appendix 2"

The correspondence was sent to the applicant and had a phone discussion with owner of 21 Anzac Avenue and Town Planner (myself). The neighbour's concerns were raised, and I advised them to submit their written response and address the objections, which the applicant was happy to provide as per the recommendations provided. Applicant response was received on 25 October 2022 which is attached with this report "Appendix 3"

Assessment

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements

- Section 4.15 of the *Environmental Planning and Assessment Act, 1979*
- Berrigan Local Environmental Plan 2013
- Berrigan Development Control Plan 2014

Environmental Planning and Assessment Act, 1979

4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan,*

(iv)

(iii a) and any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

- (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Comments:

The development application does comply with the heads of consideration of section 4.15 of EP&A Act 1979 that, the proposed development is proposed on the residential precinct and such development is permissible on the land as referred in BLEP 2013, and proposed development complying with Berrigan Shire Development Control Plan 2014.

Berrigan Local Environmental Plan 2013

The Berrigan Local Environmental Plan 2013 (BLEP) is the principal planning instrument that applies within the Berrigan Shire and the development application been assessed against the relevant heads of consideration.

The subject land zoned RU5 Village and the objectives of RU5 zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To enhance and maintain the unique village character of Berrigan, Barooga, Finley and Tocumwal.
- To ensure there are opportunities for economic development.
- To encourage development that relates to tourists and visitors.

Comments:

The proposed dwelling is consistent with the objectives of the RU5 zone, as the proposed dwelling will be a positive addition to the township of Tocumwal in terms of land use and to enhance the visual amenity of the area. The proposed development will bring an economic benefit.

Development Control Plan 2014

An assessment of the proposal against the relevant development controls of the Berrigan Shire DCP is provided in the table below and the potential impacts on the surrounding neighbouring environment.

Berrigan DCP Chapter 2 Residential Development	Assessment of proposal
2.1 Neighbourhood character	The proposed development does comply with this control as the proposed dwelling is consistent with the context and

<p>Objectives of the controls is to create aesthetically pleasing residential neighbourhoods and high levels of amenity. The design of residential development is to suit the existing setbacks and character of the neighbourhood.</p>	<p>setting of the area in terms of its materials, setbacks, building height and overall design features and has been assessed as in keeping with aesthetic amenity and character of the Anzac Avenue.</p>
<p>2.2 Streetscape Objectives of the controls is to ensure residential design makes a positive contribution to the streetscape and the integration of new development into the streetscape and neighbourhood. The bulk and scale should be kept to a compatible size with the existing development in the residential precinct.</p>	<p>As per the above point, the proposal is in keeping with the existing character of the neighbourhood. The proposed development will be in similar context as the existing dwellings on Anzac Avenue, which will be an addition to a visual amenity of Tocumwal foreshore. Therefore, the proposal has been assessed as integrating into the streetscape and the neighbourhood and will be meeting with the objective of the Clause 2.2 of DCP.</p>
<p>2.5 Building Setbacks Objectives of the controls is to ensure attractive streetscapes through consistency in front building setbacks. A dwelling must have a minimum 4.5 metre building line setback from the front property boundary.</p>	<p>The proposal does comply with the development objective being appropriately building setback for RU5 Village Zone. The proposed setbacks are satisfactory and consistent with the existing building setbacks.</p>
<p>2.11 Outbuildings Objectives of the controls is to ensure outbuildings are not detrimental to residential amenity.</p>	<p>NA</p>

Discussion

The proposal has been assessed as complying with specific objectives and development controls of the Berrigan DCP Chapter 2 for Neighbourhood Character, Streetscape and Building Setbacks. The proposal has been assessed generally as having no adverse impact on to the residential neighbourhood.

The proposed development will enhance the visual amenity of the Anzac Avenue and the foreshore of Tocumwal, as the proposed dwelling will have consistent design features, such as skillion roof and balcony facing to Anzac Avenue which will improve the overall aesthetic appearance of Anzac Avenue and will be a positive impact on the area.

The owner of 21 Anzac Avenue has intentions of removing the power pole located on the front of the block at Anzac Avenue replacing with underground power lines, which will contribute to enhancing the aesthetic element of the streetscape.

The house on 6 Hillson street does not face to the Anzac Avenue and there are existing tall trees at the rear of the block which are already interrupting the view to the Murray River from their back yard.

A site analysis visit was undertaken to analyse the future impact of the proposed development; that the future development will be of minimal impact on the direct view of Murray River from the rear of 6 Hillson Street. The existing tree line on the back of objecting property prevents direct view to the Murray River, which the proposed development would not be contributing to. (Pictures below for reference)

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the objectives of Berrigan Local Environmental Plan 2013 (LEP) have been taken into account. The proposal has been assessed as generally complying with development controls of the Berrigan DCP Chapter 2 and the proposal has been recommended for APPROVAL.

Site Pictures



View of rear of objecting property (6 Hillson Street) from Anzac Avenue



Closer view of objecting property (6 Hillson Street)





Existing development on Anzac Avenue which the proposal is consistent with

Recommendation

That Development Application Number 26/23/DA/D1 for a double story dwelling with attached garage be APPROVED as the proposal does generally comply with the development controls of Chapter 2 of the Berrigan Development Control Plan 2014 and potentially will not have negative impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Anzac Avenue.

8.20 Barooga Street Storage Shed-Carpark Development

Author:	Manager Building & Planning, Matthew Miller
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:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Barooga Street Building Surveyor Report - Appendix 1.pdf (under separate cover)

Recommendation

That the direction of the Council on the options proposed is sought

Purpose

This report is to advise of the current condition and action proposed for the unused storage building located at the property known as 13-21 Murray Street Tocumwal (Lot 11 DP 1047241). Since Council taking ownership of the building in 2021 it has only been used for additional storage associated with the Rotary shop adjacent to the building. Rotary has advised that there is minimal equipment stored in the building currently.

Summary

The current condition of the building is in a poor condition with some major defects that are now comprising the structural stability of the building. A building condition report and photos are attached in Appendix 1.

This report was undertaken by Council's Building Surveyor, at the time of inspection internal access could not be gained. The below points being of most concern:

- External Block work cracking and movement in rear of building, loose blocks that are not secure. (Risk of falling on public footpath)
- Lack of weatherproofing and moisture build up around penetrations and openings causing excessive mould and vermin entry.
- Inadequate stormwater drainage with excess water ponding around footings of the building.

Advice from Council's Building Surveyor is to demolish the building due to the potential public safety risk and serve building defects

Issues and Implications

The issue with the current building is that it is unsafe and unused, we are receiving no commercial revenue from the asset and the value it can bring is very minimal. Currently Council staff are working on concept plans for a future carpark in the location of the building, there is no long-term prospect or use for the structure.

If Council choose to do nothing with the building, we take the risk of the building becoming unsafe and structurally inadequate, with the likelihood of collapse or building failure. Given the location of the building adjoining and existing carpark and public footpath the risk is high and outside of Council's Risk Appetite.

Another option is to conduct repairs on the asset, the repairs needed to make it structurally safe have been estimated around \$15,000 at a minimum. Currently Council has no planned budget and consideration of where the funds would come from (and therefore what cannot be done) would need to be made. There is little economic reason to do so as we currently have no commercial tenant nor stream of revenue from the building.

Undertaking the option to demolish the building would mitigate the risk associated with keeping the building and the costs involved for its ongoing maintenance and depreciation. The demolition can be funded out of Council's current risk management budget and no additional resources are needed to fund the project. The works would involve the removal of the structure and associated fencing, the existing concrete slab would remain to reduce costs and will act as a suitable base in the short-term. All works can be completed by mid to late December. The removal would also allow for more additional carparking to be created in the short term whilst the Carpark concept plan is being developed.

Conclusions

The option to demolish the building is an appropriate approach as this eliminates the risk with keeping the asset and reduces ongoing costs associated with the building. It will also create a more appealing user-friendly carpark with the additional space created, which will be well utilised with the upcoming summer months approaching.

8.21 Development Determinations for Month of October 2022

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

Recommendation

That Council receive and note this report.

Report

APPLICATIONS DETERMINED FOR OCTOBER 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
19/22/DA/D1-M	BV DWELLING & ATTACHED GARAGE, SHED AND INGROUND SWIMMING POOL	76 BRUTON STREET, TOCUMWAL NSW 2714 (Lot8//DP1250358)	CHRIS STEWART	MR CM STEWART AND MRS LW STEWART	Approved 21-10-2022	\$ 500000.00	<i>Active</i> 32	<i>Total</i> 32
117/22/DA/D9-M	2 LOT SUBDIVISION	112 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP1108495)	ESLERS AND ASSOCIATES	MS MA SMITH	Approved 26-10-2022	\$ 0.00	<i>Active</i> 48	<i>Total</i> 48
151/22/DA/D5	STORAGE SHED AND EXTENSION TO ALFRESCO	22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776)	MARK NEWTON	MR MW NEWTON	Approved 19-10-2022	\$ 19000.00	<i>Active</i> 0	<i>Total</i> 123
166/22/DA/D5	RESIDENTIAL STORAGE SHED	4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267)	TYSON CAMPBELL	MR TM CAMPBELL AND MRS EL CAMPBELL	Approved 19-10-2022	\$ 60000.00	<i>Active</i> 0	<i>Total</i> 106
16/23/DA/D5	DECK	26 FALKINER STREET, TOCUMWAL NSW 2714 (Lot12//DP591886)	GREG KIRKMAN	MR GJ KIRKMAN AND MRS JF GILL KIRKMAN	Approved 17-10-2022	\$ 9000.00	<i>Active</i> 0	<i>Total</i> 53
18/23/DA/D1	BV DWELLING & ATTACHED GARAGE & SWIMMING POOL	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)	HABITAT PLANNING	MR PJ LETCHER AND MRS DL LETCHER	Refused 19-10-2022	\$ 60000.00	<i>Active</i> 46	<i>Total</i> 46

20/23/DA/DM	SHADE SAIL	28-30 JERILDERIE STREET, TOCUMWAL NSW 2714 Lot6/21/DP758981	MS CONSTRUCT IONS PTY LTD	THE STATE OF NEW SOUTH WALES	Approved 17-10-2022	\$ 7800.00	Active 44	Total 44
22/23/DA/DM	CARPORT, TREE REMOVAL AND INSTALLATION OF NEW GATES	53-61 CHANTER STREET, BERRIGAN NSW 2712 Lot2//DP536770	ARTHUR COWAN	MR AW COWAN	Approved 12-10-2022	\$ 8000.00	Active 41	Total 41
23/23/DA/D1	BV DWELLING & ATTACHED GARAGE	29-35 KELLY STREET, TOCUMWAL NSW 2714 Lot136//DP752296	C AND C SWILSON	MRS S ROUND	Approved 19-10-2022	\$ 590000.00	Active 44	Total 44
24/23/DA/D5	RESIDENTIAL STORAGE SHED	26 JERILDERIE STREET, TOCUMWAL NSW 2714 Lot1/49/DP758981	O'HALLORAN PROPERTY SERVICES	MR CD COLVIN AND MRS MA COLVIN	Approved 27-10-2022	\$ 26805.00	Active 36	Total 36
25/23/DA/D5	RESIDENTIAL STORAGE SHED	1-3 HUGHES STREET, BAROOGA NSW 3644 (Lot3//DP1105784)	KENNETH MCLEAN	MR KJ MCLEAN AND MRS JA MCLEAN	Approved 17-10-2022	\$ 9200.00	Active 28	Total 28
27/23/DA/D5	PERGOLA	11 TOWN BEACH ROAD, TOCUMWAL NSW 2714 (Lot41//DP616085)	ACRE TOWN PLANNING	MR GK TERRY AND MS WD DAVIS	Approved 21-10-2022	\$ 6000.00	Active 32	Total 32
8/23/CD/M6	ADDITIONS TO DWELLING	65 KELLY STREET, TOCUMWAL NSW 2714 (Lot252//DP44490)	ADAM JARRETT	MR AT AND MRS MJ JARRETT	Approved 11-10-2022	\$ 80000.00	Active 10	Total 10
9/23/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	14 HOWARD STREET, BAROOGA NSW 3644 (LotA//DP412777)	POOLSIDE COBRAM	MS CT COOPER	Approved 11-10-2022	\$ 68400.00	Active 10	Total 10
39/23/DA/D5	SKILLION	42-46 MURRAY STREET, FINLEY NSW 2713 (Lot2//DP545668)	FINLEY MENSHEDED INC.	FINLEY MENSHEDED INCORPORATED	Approved 14-10-2022	\$ 4000.00	Active 12	Total 12
42/23/DA/D5	RESIDENTIAL STORAGE SHED	42 BUCHANANS ROAD, BAROOGA NSW 3644 Lot51//DP1045702	WESLEY SUTTON	MR WJ SUTTON AND MS SL ANDERSON	Approved 27-10-2022	\$ 19500.00	Active 0	Total 19

APPLICATIONS PENDING DETERMINATION AS AT 31/10/2022

Application No.	Date Lodged	Description	Property Location
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
175/22/DA/D6	07-06-2022	ADDITIONS TO DWELLING	1057 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot17//DP653769)
7/23/DA/DM	13-07-2022	MURRAY RIVER ROD RUN 2023	2 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)
15/23/DA/D3	02-08-2022	INDUSTRIAL STORAGE SHEDS	SILO ROAD, TOCUMWAL NSW 2714 (Lot3//DP1024841)

17/23/DA/D7	12-08-2022	INGROUND FIBREGLASS SWIMMING POOL	17 BAROOGA STREET, TOCUMWAL NSW 2714 (Lot14//DP523758)
21/23/DA/D9	16-08-2022	19 LOT SUBDIVISION	29-37 SHORT STREET, TOCUMWAL NSW 2714 (LotB//DP403751)
26/23/DA/D1	07-09-2022	BV DWELLING & ATTACHED GARAGE	21 ANZAC AVENUE, TOCUMWAL NSW 2714 (LotC//DP358840)
28/23/DA/D6	07-09-2022	ADDITIONS TO DWELLING AND INGROUND POOL	9 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot19//DP285573)
29/23/DA/D5	07-09-2022	RESIDENTIAL STORAGE SHED	113 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot42//DP703312)
30/23/DA/D5	07-09-2022	RESIDENTIAL STORAGE SHED	50 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot35//DP1250358)
31/23/DA/D9	09-09-2022	7 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)
32/23/DA/D5	09-09-2022	RESIDENTIAL STORAGE SHED	63 HUGHES STREET, BAROOGA NSW 3644 (Lot6//DP1257753)
34/23/DA/D5	27-09-2022	RESIDENTIAL STORAGE SHED	9 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot12//DP1068277)
35/23/DA/D9	27-09-2022	3 LOT SUBDIVISION	16-22 JERSEY STREET, TOCUMWAL NSW 2714 (Lot50//DP752296)
40/23/DA/DO	28-09-2022	CARPORT	118 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot261//DP1102930)
41/23/DA/D2	28-09-2022	EXTENSION TO CLUB	42 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot228//DP752296)
44/23/DA/D5	04-10-2022	RESIDENTIAL STORAGE SHED	82 BRUTON STREET, TOCUMWAL NSW 2714 (Lot5//DP1250358)
45/23/DA/D5	13-10-2022	PATIO	3 RUSSELL COURT, BAROOGA NSW 3644 (Lot22//DP1102913)
46/23/DA/D3	13-10-2022	WASH BAY	2 HARLEY COURT, FINLEY NSW 2713 (Lot13//DP713898)
47/23/DA/D1	13-10-2022	BV DWELLING & ATTACHED GARAGE	2 BEATRICE COURT, BAROOGA NSW 3644 (Lot38//DP1102913)
48/23/DA/D1	14-10-2022	BV DWELLING & ATTACHED GARAGE	277 LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot4//DP594655)
49/23/DA/D5	14-10-2022	RESIDENTIAL STORAGE SHED	16 QUIRK STREET, FINLEY NSW 2713 (Lot21/33/DP239173)
50/23/DA/DM	18-10-2022	SHIPPING CONTAINERS	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5/DP758057)
51/23/DA/DM	26-10-2022	STRAWBERRY FIELDS FESTIVAL 2023-2027	467 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot4//DP752296)
10/23/CD/M5	27-10-2022	INGROUND FIBREGLASS SWIMMING POOL AND SPA	22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776)
52/23/DA/D1	27-10-2022	BV DWELLING & ATTACHED GARAGE	11 FRANKS ROAD, BAROOGA NSW 3644 (Lot121//DP1240217)
53/23/DA/D1	27-10-2022	BV DWELLING & ATTACHED GARAGE	28 FLYNN STREET, BERRIGAN NSW 2712 (Lot17/1/DP3329)
54/23/DA/D9	27-10-2022	6 LOT SUBDIVISION	66 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot2//DP270154)
55/23/DA/DO	27-10-2022	CARPORT	37 FINLEY STREET, FINLEY NSW 2713

			(Lot151//DP1066665)
56/23/DA/D7	27-10-2022	INGROUND FIBREGLASS SWIMMING POOL	734 LOGIE BRAE ROAD, FINLEY NSW 2713 (Lot1//DP803106)
57/23/DA/DM	27-10-2022	MUSEUM SHED	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7005//DP1019585)
58/23/DA/DM	27-10-2022	SEPARATION WALLS FOR PISTOL RANGE	1795 NEWELL HIGHWAY, FINLEY NSW 2713 (Lot228//DP704355)
59/23/DA/DO	28-10-2022	RURAL STORAGE SHED	101 MARSHES ROAD, BERRIGAN NSW 2712 (Lot36//DP752275)
60/23/DA/D1	28-10-2022	DWELLING	SEPPELTS ROAD, BAROOGA NSW 3644 (Lot4//DP659936)
61/23/DA/D1	28-10-2022	BV DWELLING & ATTACHED GARAGE	1 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot41//DP270154)
62/23/DA/D1	28-10-2022	BV DWELLING & ATTACHED GARAGE	354 NOLANS ROAD, LALALTY NSW 3644 (Lot46//DP752287)

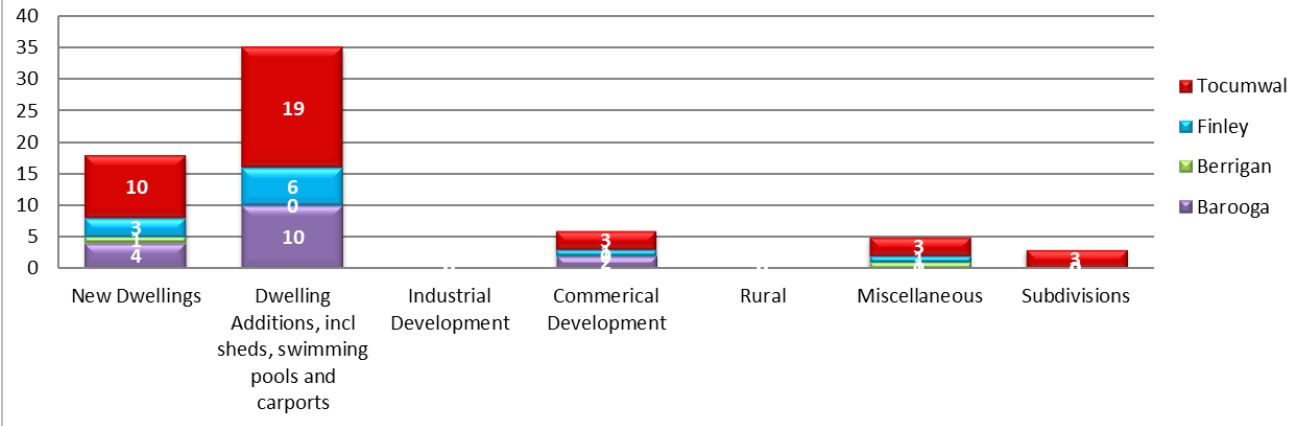
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Oct)	Year to Date	This Month's Value (Oct)	Year to Date Value
<i>Development Applications (DA)</i>	14	56	\$1,859,305	\$9,460,553
<i>Construction Certificates (CC)</i>	12	55	\$190,595	\$12,952,034
<i>Complying Development Certificates (CDC)</i>	2	11	\$148,400	\$1,807,181
<i>Local Activity (s.68)</i>	7	27	0	0

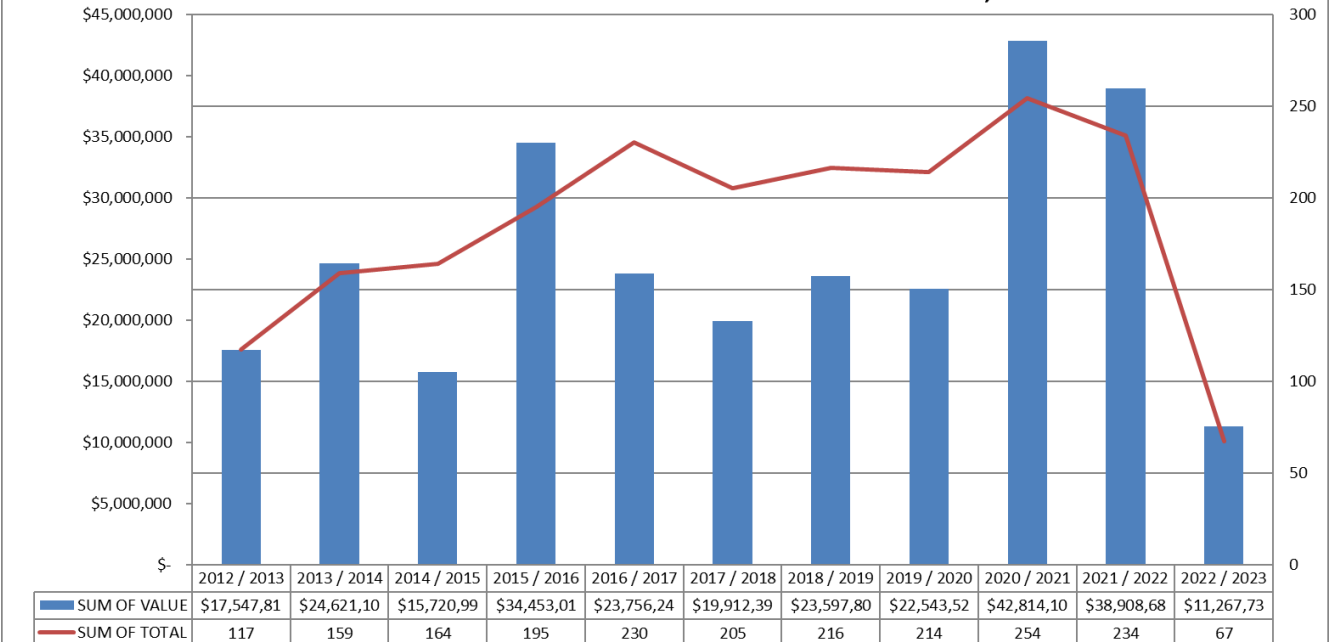
OTHER CERTIFICATES ISSUED FOR OCTOBER 2022

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total
BAROOGA	6	18	0	1	0	1	0	0	0	1	0	2
BERRIGAN	5	17	1	1	0	0	0	0	0	1	0	1
FINLEY	6	40	0	0	0	1	0	0	0	0	0	0
TOCUMWAL	13	58	4	5	0	1	0	1	0	0	1	3
TOTAL	30	133	5	7	0	3	0	1	0	2	1	6

DEVELOPMENT ACTIVITY 2022/2023 as at 31 October, 2022



DEVELOPMENT ACTIVITY as at 31 October, 2022



8.22 ARIC Meeting Minutes

Author:	Enterprise Risk Manager, Michelle Koopman
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:	Information Channel: Information about a service or activity of other bodies is channelled through, for example, brochures in Council office and other public spaces or links to third party websites
Appendices:	1. Minutes - Audit, Risk and Improvement Committee (ARIC) Meeting - 12.10.2022.docx (under separate cover)

Recommendation

That the Council receive and note this report.

Report

Included with this report are the minutes from the ARIC meeting held on 12th October, 2022 via Microsoft Teams. These are presented to Council for noting.

8.23 Councillor Professional Development Reporting

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Councillor Induction and Professional Development Guidelines 2018 (under separate cover)2. Councillor Professional Development Plans (under separate cover)

Recommendation

That Council receive and note this report.

Report

Under section 23A of the *Local Government Act 1993* (the Act) the Office of Local Government's (OLG) "Chief Executive may from time to time prepare, adopt or vary guidelines to the exercise by a council of any of its functions". Council is required to "take any relevant guidelines issued under this section into consideration before exercising any of its functions".

Part 8A of the *Local Government (General) Regulation 2021* (the Regulation) then spells out the requirements for Councillors to undertake induction training courses (s183 and s184) and ongoing professional development (s185).

In response to the Regulation the OLG have produced a Councillor Induction and Professional Development Guideline (included as Appendix 1).

For Reporting purposes, the following information must be included in the Annual Report:

- the name of the mayor and each individual councillor who completed council's induction program (where the induction program has been delivered during the relevant year);
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program; and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

As part of the Annual Reporting process, I have provided each Councillor's Professional Development Plan and noted which courses have been attended. The total cost of the induction program and professional development activities will be provided as a line item in our budget reports to meet the requirements of the Guideline.

Please let me know if I have recorded anything incorrectly or missed any of the training you have undertaken as this information will be presented in our Annual Report.

I will book another round of Professional Development Planning sessions with Councillors for February to ensure the ongoing commitment to professional development can be demonstrated to the community.

8.24 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:	Nil

Recommendation

That Council receive and note the Council Action List Report.

Report

The Council Action List Report, circulated separate to this Agenda to Councillors 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 Council Action List Report dates to the 2022 September Council Meeting.

As you know, a new software system called InfoCouncil has been introduced to compile business papers being InfoCouncil.

InfoCouncil has the capability to capture actions from meetings, and track the progression of these through a reporting function.

Also circulated with this Agenda are the following reports:

- Outstanding Council Actions from 21.09.2022
- Completed Council Actions from 19.10.2022 to 10.11.2022

8.25 Truck Wash Charges

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:	Nil

This report is for information only.

Purpose

This report provides the Council with a background on Council's truck wash fees

Summary

In 2020/21, the Council increased its fee for use of the truck washes at Berrigan and Finley from \$0.49 per minute to \$1 per minute (including GST). Through an oversight, these fees were not actually adjusted at the truck wash until September 2022.

This sudden jump, without explanation to stakeholders, has generated some criticism.

Background

Berrigan Shire Council operates two (2) truck washes – at Berrigan and Finley. The truck washes are essential to the operation of the livestock transport industry, ensuring livestock can be carted with creating environmental or biosecurity risks.

Billing on the truck wash is automated with each user having an "AvData" key that allows them to access any truck wash on the AvData system. AvData then bill the user and once paid send the Council the revenue, less a small commission.

In 2021/22, the truck wash generated \$62,000 in revenue for the Council at a cost of around \$30,000 – excluding water consumption and depreciation. At the moment, revenue from the truck wash is retained in the Sewer Fund.

Council sets its fees each year through its annual Operating Plan, and on the basis of its User Fees and Charges Policy. These fees are placed on public exhibition for 28 days before being formally adopted.

Under the Fees and Charges policy, each fee is set on a specific policy rationale

The rationales applicable include:

- **Statute Limited** – Priced at the figure stipulated by law as applicable to this activity.
- **Cost Recovery** – Priced to return full cost recovery for the activities provided.
- **Commercial Basis** – Priced to cover the cost of the item plus a commercial mark-up.
- **Community Service Obligation** – Priced at below the cost of providing this activity as provision of the activity meets a social or economic objective of the Council.

The Truck Wash fee-setting rationale is “Commercial Basis” – i.e., this is a profit-making venture for the Council and it will charge a fee based on the market.

In June 2020, the Council adopted its 2020/21 Operational Plan including a revised Fees and Charges register. This included an increase in the fee charged for the truck wash from \$0.49 per minute to \$1.00 per minute (including GST). The increased fee was recommended by the Water and Sewer Manager at the time based on a commercial assessment.

However, the Manager did not inform AvData that the fee had been increased so despite the \$1 per minute fee shown on Council’s Fees and Charges register, the actual fee charged was only \$0.49 per minute.

The incorrect charge was not corrected until the current Manager Water Services and Sustainability reviewed the truck wash charges levied by AvData and the Council’s Fees and Charges register and noted the Council was undercharging. Of course, the Manager informed AvData of the incorrect charge and the correct fee was charged from September 2022.

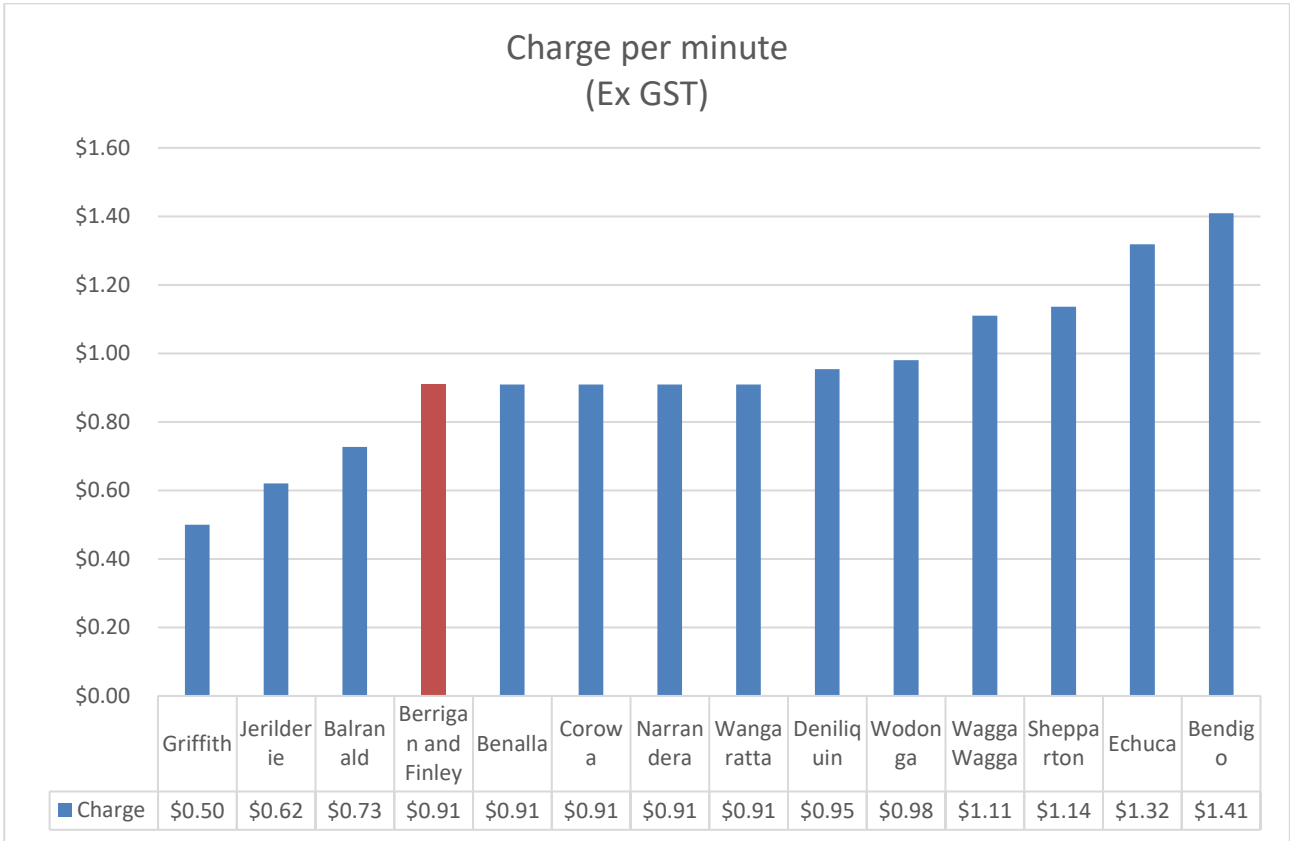
Note – there is no signage at either truck wash (or the town water points) listing the charges.

There are two issues that may be of concern to the Council.

1. The initial error in not informing AvData of the revised fee has cost Council up to \$100,000 in revenue in the 27 months from July 2020 to September 2022, assuming the increased price did not affect use of the facility.
2. The sudden 100% increase in the charge in September happened without notice to users. While the Council did place the fee on exhibition in 2020, it didn’t inform stakeholders when the correction happened in 2022.

The increase itself, while large, did bring the Berrigan Shire truck washes from the cheapest in the region to around the average price. The facility itself is one of the most modern in the region.

The chart below shows truck wash charges at nearby locations as per <https://www.avdata.com.au/truckwash-charge-rates>



If the Council wish to review this fee, it will need to place the revised fee on exhibition for 28 days before adoption.

8.26 Citizenship Ceremony

Author:	Executive Assistant, Jacq-Lyn Davis
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:	Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level
Appendices:	Nil

This report is for information only.

Report

The purpose of this report is to advise Councillors that at this meeting, Council will be conducting a citizenship ceremony for the following conferees at 10:00am:

- Jake Obina Nepomuceno (Phillipines)
- Lucille Idayan Nepomuceno (Phillipines)
- Faith Louis Idayan Nepomuceno (Phillipines)

The Mayor will preside the ceremony on behalf of the Minister for Citizenship, The Hon. Andrew Giles MP.

Our new Australian citizens have also been invited to join Councillors for morning tea following the ceremony.

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Traffic Committee

Author: Deputy Mayor, Carly Marriott

Council's Role: **Facilitator:** A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area

Appendices: Nil

I, Councillor **Carly Marriott**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 16 November 2022.

Motion

That Council nominate Cr Carly Marriott to be Council's representative at Traffic Committee meetings with Mayor Hannan as proxy.

Background

Traffic Committee meetings have not occurred since February 2022 with a growing number of matters to be discussed. I would like to ensure Council has a representative at that committee so information may be fed back into Council more frequently.

At our January Ordinary meeting where Councillors were nominated to various committees this one was missed. Karina has confirmed this to be the case. As such no Councillors were invited to the February 2022 meeting.

I recently attended the meeting on Tuesday 8 November 2022 and will provide an update to Council at the November Ordinary Meeting

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 14 December 2022 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

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