



EXTRAORDINARY COUNCIL MEETING

Wednesday 7 December, 2022

at 4:00PM

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)



Extraordinary Council Meeting

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BUSINESS PAPER

The Extraordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 7 December, 2022 when the following business will be considered:-

ITEMS OF BUSINESS

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

KARINA EWER
CHIEF EXECUTIVE OFFICER

1 OPENING OF MEETING

In the spirit of open, accessible and transparent government, Berrigan Shire's Council 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. 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 owner 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 or 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 Attendance Via Audio-Visual Link

Nil

4 DISCLOSURES OF INTERESTS

5 REPORTS TO COUNCIL

5.1 Barooga Water Treatment Plant - Purchase of 31-35 Buchanans Road, Barooga

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

Recommendation

That the Council:

- Sign and seal all documents related to the purchase contract for 31-35 Buchanans Road, Barooga
- classify the land as “operational land” for the purposes of s31 of the *Local Government Act 1993*

Purpose

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

- the contract to purchase 31-35 Buchanan's Road, Barooga; and
- classify the land in question as “operational Land” for the purpose of s31 of the LG Act.

Background

Council has been provided a number of reports regarding the management of Trade Waste from the Barooga Water Treatment. The non-compliance of Council with Trade Waste requirements (discharging the sludge to sewer) has led to the need for Council to purchase the adjoining parcel of land, including the house situated on the land to allow for the establishment of onsite treatment of the sludge from the water treatment process.

During the confidential session of Council at the September 2022 Ordinary Council meeting, Council moved the following:

10.3 Trade Waste Discharge - Barooga WTP - Purchase of Land

Resolved OCM 330/22

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Julia Cornwell McKean

That Council review the allocation of \$850,000 for the purchase of 31-33 Buchanan's Road Barooga and approve the payment of \$1,100,000 for the parcel with money to come from the Water Fund.

CARRIED

That motion was carried out as per the above motion and the contract executed accordingly.

As there is no motion to sign and seal the documents, the seal cannot legally be applied. The document has been signed by both the Deputy Mayor and CEO to try to meet the requests of the vendors however retrospective approval for applying the seal cannot be given.

The contract (attached) is now ready to be executed under seal.

The vendors will be provided update immediately this motion is passed so that the sale of their property may be completed as expediently as possible.

Chapter 6, Part 2, Division 1 of the *Local Government Act 1993* requires the Council to classify all public land. Section 31 (2) of the Act states:

Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

This intended use of this land is consistent with a classification as "operational land".

5.2 Council Self-Assessment Session

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

Recommendation

That Council note the outcomes of their self-assessment.

Report

This report has been provided to allow space for Council to undertake a confidential session to consider a self-assessment of their performance over the past year (2022).

Following this session CEO, Karina Ewer will be briefed regarding any outcomes of the session.

This session will be held from 2pm prior to the Extraordinary Council Meeting.

5.3 Review of the Local Government Boundaries Commission

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	<ol style="list-style-type: none">1. Circular 22-34.pdf ↓2. Review into the Local Government Boundaries Commission Discussion Paper (under separate cover)3. ToR Independent review of the Local Government Boundaries Commission.pdf ↓4. Draft BSC Submission - Boundaries Commission (under separate cover)

Recommendation

That Council adopt the submission regarding the Review of the Local Government Boundaries Commission as presented and approve the CEO's submission by 16 December 2022.

Report

The Minister for Local Government has initiated an independent review of the New South Wales Local Government Boundaries Commission (Boundaries Commission). Dr Juliet Lucy has been appointed to carry out the review. Dr Lucy has legal experience with a focus on administrative and public law.

This report includes:

- The Council Circular relating to the Review (**Appendix 1**);
- The Discussion Paper (**Appendix 2**);
- The Terms of Reference for the Review (**Appendix 3**); and
- The Draft Berrigan Shire Council Submission (**Appendix 4**).

Should Councillors wish to provide any changes to the submission, it should be noted the submission must be in by 5.00pm 16 December 2022.

Circular Details	Circular No 22-34 / 10 November 2022 / A833081
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Response to OLG

Consultation on review of the Local Government Boundaries Commission

What's new or changing

- The Minister for Local Government has initiated an independent review of the New South Wales Local Government Boundaries Commission (Boundaries Commission).
- Dr Juliet Lucy has been appointed to carry out the review. Dr Juliet Lucy has legal experience with a strong focus on administrative and public law.
- A discussion paper has been released to outline the current composition, function and processes of the Boundaries Commission and to invite submissions seeking suggestions for improvement. The discussion paper is available [here](#).
- The independent reviewer's findings and recommendations will be provided to the Minister at the end of March 2023.

What this will mean for your council

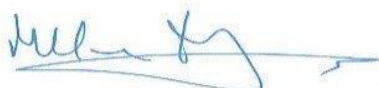
- Anyone, including councils, individual councillors, council staff and members of the public, can make submissions in response to the discussion paper.
- Information on how to make submissions is contained in the discussion paper.
- Submissions close **5.00 pm 16 December 2022**.

Key points

- The Boundaries Commission's role is to examine and report on any matter referred to it in relation to the boundaries of local government areas in NSW. These matters include proposals for the constitution, amalgamation, de-amalgamation and alteration of boundaries of local government areas.
- The review's terms of reference are available [here](#).

Where to go for further information

- Further information about the review of the Boundaries Commission is available on the OLG website [here](#).
- For more information, contact the Office of Local Government's Policy Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



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Terms of Reference



Review into the Local Government Boundaries Commission

Context

The Boundaries Commission (the **Commission**) has a role under Chapter 9 of the *Local Government Act 1993* to examine and report on proposals for the constitution, amalgamation, de-amalgamation or alteration of boundaries of local government areas. Any amalgamation and de-amalgamation proposal is required to be referred to the Commission. The Commission is required to examine and report to the Minister for Local Government on proposals referred to it, to assist the Minister in considering whether or not to make a recommendation to the Governor regarding the proposal.

The Commission's recent examinations of Cootamundra-Gundagai Regional Council and Snowy Valleys Council demerger elector proposals resulted in conflicting outcomes and recommendations.

Recent amendments to the *Local Government Act 1993* have created a new role for the Commission in relation to proposals for de-amalgamation.

Role

The Reviewer is to review, examine and report to the Minister for Local Government on the composition, functions and processes of the Commission established under the *Local Government Act 1993* in relation to current and future proposals referred to the Commission under sections 218, 218F or 218CC of the *Local Government Act 1993*, including to:

- Review the efficacy of Chapter 9 Part 3 and Schedule 2 of the *Local Government Act 1993* to provide robust and cohesive advice to the Minister, including the statutory composition of the Commission
- Consider and report on mechanisms by which information and community and stakeholder views can be best provided to the Minister to guide and enhance the decision-making process, including whether the different approaches might be suitable for proposals considered by the Commission, and
- Advise on any improved, effective mechanisms for providing advice on and recommendations relating to proposals to the Minister, to ensure best practice and optimum outcomes.

Process

- Liaise with community, stakeholder groups and local councils
- Consult with the Department of Planning, Industry and Environment, Treasury, NSW Electoral Commission and other relevant Government agencies as necessary
- Make public a mechanism for providing submissions, and receive and assess submissions
- Review mechanisms similar to the Boundaries Commission in other jurisdictions
- Seek expert advice as required, and
- Consider the information, submissions, and material and formulate recommendations to the Minister.

Outcome

The report of the Review is to be provided to the Minister for Local Government.

Administration

Secretariat to be provided by DPIE – Office of Local Government.

6 CONCLUSION OF MEETING

The next Extraordinary 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](#).