



ORDINARY COUNCIL MEETING

Wednesday 19 July, 2023

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:

[Risk Management Policy and Framework](#)



Ordinary Council Meeting

Wednesday 19 July, 2023

BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 19 July, 2023 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 Traditional Owners 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 21 June, 2023 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 28 June, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

8.1 Update on Previous Council Action Items

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 receive and note the updates as provided.

Report

At the April Ordinary Council meeting, Council was presented with several actions from the previous and the status of those decisions. A number were finalised, some were currently in the process of being acted on and some required rescinding due to changes in the circumstances of Council.

For a few, I was unable at the time, to provide an update on whether these actions had been addressed. The list of those remaining Action Items are included below. The list includes all actions investigated since the April meeting with commentary on their closure or otherwise.

Motion No	Motion	Comments
2017/31	Howe Street and Plumptions Road Intersection (sight distance concerns)	Project Complete. Visual inspection confirmed
2017/129.1	21-23 Jerilderie Street – line marking	Project Complete. Visual inspection confirmed
2017/129.5	Old Adcocks Road and Fullers Road bus stop	Visual inspection required to ensure has been moved to a safer location
2017/177	Road Closure – Clements Road	Requires inspection and search of files to ensure entire process completed.

2017/181.3	Trailer Parking installations and directional signage: 1. Wollamai and Murray Sts, Finley 2. Wollamia and Endeavour Sts, Finley 3. Pinnuck and Murray Sts, Finley 4. Endeavour and Pinnuck Sts, Finley "No caravan or trailer parking" sign in front of Essential Hair, Finley	Project Complete. Visual inspection confirmed
2017/181.4	Lane No 948 – from Morris St to existing car park be one way	Visual inspection required to ensure signage installed.
2018/220	Hughes St Barooga Kerb and Gutter	Project Complete. Visual inspection confirmed
2019/45.2	Foundry Lane Finley – one way between Pinnuck and Wollamai Sts	Believe the direction was cancelled. Inspection of minutes required.
2019/58	Lawlors Road, Finley – part road closure	Requires inspection and search of files to ensure entire process completed.
2019/133	Bruce Birrell Drive Speed Limits	Project Complete. Visual inspection confirmed
2020/37.12	<ul style="list-style-type: none"> Denison Street median strip Jerilderie Street, Berrigan improvements Finley stormwater retention expansion 	Denison Street following up Jerilderie St waiting on TfNSW to finalise Finley Complete
2020/83	Half cost scheme 01-19-20 – Bridge Street Tocumwal	April 2020 Ordinary Meeting motion as follows: <i>Resolved: Crs Morris and Jones that the Council proceed with the construction of the footpath in Bridge Street, Tocumwal, from the levee bank to Tuppal Road and use Building Better Regions grant funds to construct the footpath.</i>
2020/94.1	Dementia friendly parking locations – Finley	This work has not been done and the Finley Dementia Friends Committee are still waiting on a

		response. Investigation of what is required will be undertaken and a report provide to Council for consideration
2020/94.2	Finley faded signs	Visual inspection of signs required. There is at least one unreadable blue sign on the way into Finley from the South. A list of all signs needing replacement will be sent to Transport for NSW requesting action.
2020/94.3	Litter Deterrent Signs installed on west side of Dean Street at 221 Newell Highway, Tocumwal	Inspection that sign has been located required, including if it needs replacement (if it is there)
2020/108*	Partial Road Closure of Pinchbecks Road	Requires inspection and search of files to ensure entire process completed.
2020/235	Animal Rescue Signs Tocumwal and Berrigan	Check signs are installed
2020/249	Road closure of un-named road bisecting parts of Lots 1 and 2 DP521903	Requires inspection and search of files to ensure entire process completed.
2021/3	Tocumwal pedestrian crossing – review and relocation	Has been to Local Traffic Committee on a number of occasions and refused. Will stay as is.
2021/7	Informal track to be built between Jerilderie St Nth and Barooga St Nth, Tocumwal to be constructed	Project Complete. Visual inspection confirmed
2021/19.1	Burkinshaw Street, Barooga – No Parking Signs	Under Local Traffic Committee review
2021/19.2	239-241 Murray Street, Finley – 15 min only parking signs	Project Complete. Visual inspection confirmed
2021/74.1	Reclassification of Coldwells Road and Chinamans Road to Residential Access roads	Requires search of files to ensure entire process completed.
2021/74.2	Updates to Transport Asset Management Plan	Requires search of files to ensure entire process completed.
2021/129	Bruce Birrell Drive – 50km / hr	Project Complete. Visual inspection confirmed



8.2 Local Government NSW Annual Conference

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:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	Nil

Recommendation

That Council nominate the following to attend the LGNSW Annual Conference:

- Mayor Matthew Hannan;
- Cr XXXX; and
- CEO, Karina Ewer

Report

This report is to notify Council of the upcoming Local Government NSW Annual Conference.

This year the conference will take place from Sunday 12 November through to and including Tuesday 14 November 2023 at Rosehill Gardens Racecourse.

The Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for consideration by delegates.

As 2023 is a Board election year, voting for the LGNSW President and Director positions will also take place at the Conference.

The following dates are important for Council to note:

- 24 July 2023 – Early bird registrations open, Voting delegate nominations open as to motion submissions
- 12 September 2023 – Roll of Voters close
- 15 September 2023 – Motions due
- 19 September 2023 – Nominations for Board Election open

- 28 September 2023 – Early bird registrations close
- 29 September 2023 – Standard Registrations open
- 13 October 2023 – nominations close for board election
- 16 October 2023 – Annual Report Issued
- 27 October 2023 – Standard registrations close, Voting delegate nominations close
- 30 October 2023 – Business papers issued

Council has been unable to attend this conference for at least 2 years. The first during my time was due to Covid and last year was due to the flooding occurring at the time.

8.3 Cemeteries Service Review

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. 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. Tocumwal Roman Catholic Section.pdf

Recommendation

That Council endorse:

1. a review of cemetery support service fees and direct staff to:
 - a. bring any recommended changes to fees to be brought to Council for consideration and public exhibition, prior to implementation; and
 - b. software implementation is subject to Council's normal procurement requirements with a roll out project plan provided to Council prior to implementation.
2. A review of current cemetery management practices and direct staff to:
 - a. provide a full project plan for each cemetery to implement all recommendations, including estimated budget requirements to Council;
 - b. engage an appropriately qualified consultant to consider possible alternatives for a new Tocumwal cemetery site and bring findings to Council for future consideration;
 - c. develop management plans including weed, pest and maintenance schedules for each cemetery with the relevant committees and provide report to Council regarding their implementation;
 - d. engage an appropriately qualified supplier to undertake ground penetrating radar inspections of areas noted in this report to identify if unmarked graves exist within relevant cemetery areas, with a report to be provided to Council for future consideration;
3. undertake community engagement as outlined in the report below to ensure community impacts of service changes are understood and to ensure the roles of committees of management and Council are clearly understood and managed through appropriate Service Delivery Agreements
4. all plans and engagement should be completed no later than December 2023 Ordinary Council meeting.

Purpose

The purpose of this report is to consider the 42 recommendations made in the Cemeteries Service Review.

Summary

Service Reviews are required as part of Council's Integrated Planning and Reporting framework to ensure Council's service delivery is as effective and efficient as possible, and to ensure Council's services are costed at levels appropriate to the service being delivered (i.e. costs to deliver the service are at least set at cost recovery where appropriate).

Background

Council staff are aware of the importance of the service Council delivers as part of its management of the four cemeteries in the Berrigan Shire Local Government Area. There is no intention of ceasing the service, though some of the ways in which we deliver the service may change and some of the services we currently undertake may no longer be accepted as part of Council's responsibilities.

It should be noted that, it is only very recently, we have provided a person part time to whose position description includes the management of cemeteries. Previously cemetery management was undertaken by my Executive Assistant but was neither acknowledged as core to her role, nor was she able to dedicate significant time to service delivery. Engaging Isobel as part time cemetery management has in this increased Council's service delivery by 100%. Doing so recognises the importance of the service to the community. The service review provides opportunity now for Council to consider what the service will look like and how it will be managed in the future.

Funeral directors now have the following people to contact regarding cemetery and funeral management:

- Isobel Egan (Governance Administration Officer) – primary contact
- Keelan McDonald (Executive Assistant) – contact in Isobel's absence or in emergencies
- Andrew Fraser (Overseer) – in the event both Keelan and Isobel are absent, contact for emergency grave digging requirements
- Out of Hours – On Call Phone. All people who answer that phone out of hours will know who to call to get assistance in managing funeral requests out of hours. It is expected this will really only be required during Easter and Christmas breaks when the office is closed for extended periods
- Matthew Hansen – Cemetery Director. Contactable in the event both Keelan and Isobel are unavailable, for emergency grave digging requirements.

Contact for funeral directors is therefore also considerably increased from when Jacq was essentially running and managing the service delivery as an adjunct to her normal duties and for the most part, on her own.

One outcome of the Service Review has already been considered by Council as the Master Plans for all cemeteries, other than Tocumwal, have been adopted.

Council staff are currently developing a Project Plan to engage with the community and to prepare the information required for Council to fully consider the recommendations of the Cemetery Review.

To ensure Council supports each of the themes of the Service Review at least, this report is provided to allow staff to consider the priority of each matter.

REVIEW OF SERVICE FEES AND DELIVER METHODOLOGIES

Recommendations 1 to 4 require the review of interment fees to consider all works associated with providing the service, including the implementation of two new software packages to assist with management practices and increase productivity associated with managing Berrigan Shire's four cemeteries.

Recommendations 5 and 6 consider a more appropriate way to manage Exclusive Rights of Burial through the engagement of a software provider. See Appendix 1 for example of current practices.

Recommendations 35 to 38 request Council's support to engage Chronicle as our software supplier to allow Council to manage its cemeteries and cemetery enquiries in a digital platform. It is requested that this can be expedited, due to the nature of the manual records.

Recommendation 39 may no longer be necessary to implement if Council allows digital management of plaques and the cemeteries.

REVIEW OF CEMETERY MANAGEMENT

Recommendation 7, 9 and 12 are complete as Council has adopted Masterplans for Barooga, Berrigan, and Finley cemeteries have been finalised.

Recommendation 10 requires Council to allow the implementation of the Masterplan for the Berrigan Cemetery and allowing the removal of a garden area to extend the current lawn cemetery area

Recommendation 18 requests a Memorial Plant / Rose Garden area such as is available at Barooga, to be implemented for ashes interment in each of the other cemeteries.

Recommendation 19 requests the implementation of a Columbarium / Niche wall at each of the cemeteries whilst **Recommendation 20** asks Council provide budget to allow a new wall to be erected at the Berrigan Cemetery. An estimate of cost can be provided to the July meeting if Council would like to consider this for the 2023/2024 Financial Year.

Recommendation 21, 22 and 23 look to provide increased provision for a couple of increasingly popular interment options for non-denominational burials, plantings of Living Memorial Trees or Plants and ashes scattering areas. Areas for such options will need to be provided in relevant areas of each cemetery.

Recommendation 26 and 27 consider weed and pest management at the cemeteries. Given the international concerns regarding glyphosate (Round Up), I would recommend we either keep this matter in house (which will cost more) or, if we allow volunteer groups to undertake the work, that Council provide required PPE and ensure the groups are aware of the necessity of wearing this equipment when using Round Up at Council cemeteries.

Recommendations 28 and 29 look to the Berrigan Cemetery and recommend maintenance works of moving the entrance sign and the memorial wall. If Council supports one, or both options, a costing to undertake the works will be provided to the July Ordinary Council meeting.

Recommendation 30 and 31 look to Finley Cemetery and recommend maintenance works, again if Council is prepared to pursue these recommendations costings to undertake the works will be provided to the July Ordinary Council meeting.

Recommendations 32-34 look to Tocumwal Cemetery as per the above.

Recommendation 40 requests the engagement of a contractor to use ground penetrating radar to identify unmarked graves at all cemeteries. These graves would be those of paupers or Aboriginal people should, where possible, be identified to ensure their resting sites are respectfully managed in the future. Such remains were treated differently in the past than they would be now and we may find multiple remains in the same grave. It should be noted we will not know who is buried in these areas, just that they are unmarked graves. Council has no intention of digging in the areas to try to identify the heritage of those interred there. If Council agrees to undertake this investigation, indicative costings can be provided to the July Ordinary meeting.

COMMUNITY ENGAGEMENT REQUIREMENTS

Recommendation 8, 11 and 13 requires Council to agree to cap the Monumental section of the Barooga, Berrigan and Finley Cemeteries to allow for the Masterplan to be fully implemented.

Recommendations 14-17 deal specifically with the Tocumwal Cemetery and the need to find a new suitable site to allow for the fact this cemetery is almost full. Further consideration of Council is requested to decide if they would like a cemetery that will allow for all communities into the future (and possibly more centrally located) or one that provides only for the growing Tocumwal community. Once more is understood we can work with the community and relevant State Departments to identify possible sites for consideration. Cemeteries are a very emotive issue and will require sensitive discussion with our communities. It is noted that the approval process for cemeteries is generally 10 years, this is something that will need to be taken into consideration, as the Tocumwal cemetery is 10 years from being at capacity.

Recommendation 24 asks Council to support a meeting with each of the volunteer groups to establish a fair payment system for the actual work being undertaken at each cemetery as each group is providing different services. I would recommend these ongoing honorariums are included in the service costs as they are considered in Recommendations 1 to 4.

Recommendation 25 is an extension of this matter as it will consider the cost of cleaning the toilets at each facility.

Recommendations 41 and 42 are internal matters and will be addressed as we work through implementation of this service review.

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

Cemetery Master Plans for Barooga, Berrigan and Finley. Tocumwal will require the identification and development of a new site for its cemetery in the very near future.

Issues and Implications

Cemeteries are an emotive subject and their management of acute importance to the community. Ensuring Council provides a support service is essential to ensuring there are maintained and managed to an acceptable level and according to relevant legislation. It is however also important to ensure Council is not undertaking delivery of services that are not within its responsibility.

Policy

Policy No 11 – Cemeteries – policy may require review as an outcome of this service review

Financial

The current costs of cemetery management are not easily identified. As part of this project, that information will be more easily understood by Council and the community alike.

Legal / Statutory

- Local Government Act 1993*
- Local government (General) Regulation 2005*
- Cemeteries and Crematoria Act 2013*
- Cemeteries and Crematoria Regulation 2014*
- Cemeteries and Crematoria (Amendment) Regulations 2018*
- Public Health Act 2010*
- Public Health Regulation 2012*
- Heritage Act 1977*

Community Engagement / Communication

A community engagement plan will be developed and implemented as part of this implementation of this service review.

Human Resources / Industrial Relations (If applicable)

0.5 FTE

Risks

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

1. Financial

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

The cost of implementing the software requested and the time taken to engage with this service review are the only new costs to Council. Identification of the costs to run each cemetery and setting appropriate budget does not mean there are new costs in this area, rather the exercise will recognise what is already happening in a more transparent and accountable way. It will also ensure the community understand the costs of running cemeteries as part of Council’s suite of service delivery obligations.

2. 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

Clearly identifying the roles of Council staff in cemetery management will assist in communicating those roles and responsibilities with the community. Managing the expectations is part of this review and will ensure I do not have staff deployed to provide services they may not be experienced in delivering.

3. Technology

	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 software suggested is used extensively by other Councils to deliver their cemetery products. It is believed therefore that the software is trustworthy and has sufficient safety mechanisms in place. Review of their cybersecurity protocols will form part of the assessment prior to implementation.

Options

1. Endorse all recommendations of the Cemeteries Service Review
2. Endorse the recommendations of the Cemeteries Service Review with alterations / changes / omissions.
3. Do not proceed with the recommendations made by the Cemeteries Service Review.

Conclusions

The Cemeteries Service Review provides Council with an opportunity to review and understand the service it currently provides, what and how it would like to deliver that service into the future, and to fully understand the cost of the service delivered.

The Service Review is the first to be completed and has been achieved to a high standard. I am very pleased to provide Council the opportunity to consider this first review.

Tocumwal Cemetery - Roman Catholic

	P 1	P 2	P 3	P 4	P 5	P 6	P 7	P 8	P 9	P 10	P 11	P 12	P 13	P 14	P 15	P 16	P 17	P 18	P 19	P 20	P 21	P 22	P 23	P 24	P 25	P 26	P 27	P 28	P 29	P 30	P 31	P 32	P 33	P 34	P 35	P 36	P 37	P 38	P 39	P 40	P 41	P 42	P 43	P 44	P 45	P 46	P 47					
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R 2	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 3	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 4	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 5	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
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R 9	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 10	O	O	O	O	O	O	R	O	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 11	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
R 12	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
R 13					O	R	R	R	R	O																				O																						
R 14												O				O																																				

R = Row
P = Plot
O = Occupied
= vacant
R = reserved
= not available for burial

8.4 Contaminated Land Policy

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:	1.1.1. Coordinate strategic land-use planning
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
Appendices:	<ol style="list-style-type: none">1. Policy No. 86 - Contaminated Land Management Policy - 20.07.2016 (under separate cover)2. CLF - Model Policy - summary.docx (under separate cover)3. Contaminated Land Policy (under separate cover)

Recommendation

That Council:

1. revoke the Contaminated Land Policy No.86 2016; and
 2. endorse the updated Contaminated Land Policy as presented.
-

Purpose

The purpose of this report is to adopt the Contaminated Land Policy as provided through the Revised Model Contaminated Land Policy developed by the Riverina and Murray Joint Organisation (RAMJO) on behalf of all member Councils.

Summary

Council's current Contaminated Land Policy (Current Council Policy) is included at **Appendix 1**.

RAMJO has overseen a project to develop a Revised Model Policy for some time as changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) have Imposed additional responsibilities including management of Underground Petroleum Storage Systems (UPSS). Such responsibilities have not resulted in allocation of additional resources, nor a reduction in regulatory obligations.

A document outlining the changes to the previous model policy are included at **Appendix 2**.

Background

RAMJO endorsed the Revised Model Policy in May 2023. It is an amended version of the Current Model Contaminated Land Management Policy (Current Model Policy) that was adopted by all RAMJO-member Councils in 2017. The Current Model Policy was not adopted by Council as the

Current Council Policy predates adoption (June 2016); this policy has now expired, hence consideration of adoption of the Revised Model Policy is needed.

Importantly, council's liabilities regarding contaminated lands remains unchanged since the Current Model Policy was developed, as there have been no changes to the regulatory landscape or the legal advice RAMJO received in relation to the implementation of Schedule 6 of the EP&A Act (where provisions in regard of Council liabilities and contaminated land are stipulated). The State Environmental Planning Policy (SEPP) 55 guidelines remain unchanged.

The Revised Model Policy reiterates Councils' commitment to implement SEPP55 *in good faith*. RAMJO sought legal advice prior to developing the Revised Model Policy regarding the *in good faith* defence, which has been discussed previously.

From an Environmental Protection Agency perspective, the introduction of the updated CLMP aims to:

1. Lift capabilities of Councils to understand and manage the risk associated with contaminated land and UPSS
 - o the aim was to address understanding through the delivery of webinars and training workshops, and through the delivery of 'best practice resources'. The RAMJO Consultant has assisted with the development of 126 best practice resources that will be hosted on the RERO website and Councils can link to through their own websites. Matthew has also made himself available to Councils until August 2023 to conduct site audits and inspections with Council staff, utilising the new CLMP
2. Establish a framework and approach for Councils to make informed decisions on managing risks associated with contaminated land and UPSS regulatory responsibilities
 - o The new CLMP provides an approach for Councils to consider and to make informed decisions on contaminated land, and on how to consider and manage risk of harm associated with UPSS. Undertaking this process demonstrates 'good faith'. Our Council has undertaken a great deal of work to identify known UPSS sites. We cannot be certain however, that all have been accounted for as there may be some installed on farms etc that we are not aware of.
3. Embed regulatory responsibilities and associated considerations in Council business processes.
 - o The aim here is to invest in knowledge being embedded in Council systems (i.e. through the development of 'best practice resources') instead on in Council staff as it is understood the difficulty in attracting and retaining qualified staff in regional, rural and remote NSW Councils, including our own.
4. Support Model Policy Implementation through in-person workshops with each Council.

A number of workshops were delivered on 23 May, 25 May, 30 May and 1 June 2023 however, Council did not have required resources available to attend those workshops.

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

Flood Mapping

Engineering Guidelines and Technical Specifications

Issues and Implications

Council's current Contaminated Land Policy does not cover the increased requirements in areas such as managing UPSS sites. The decision to not adopt the first model policy may impact Council service delivery as the changes are now not incremental. Working with staff on developing and delivering Authorised Officer training and increasing our compliance management capability will go some way to addressing this matter.

Policy

Risk Management Policy and Framework

Tree Management Policy

Waste Collection and Disposal Policy

Water and Sewer Supply Policy

Asbestos Policy

Liquid Trade Waste Policy

Financial

The management of Contaminated Land, at least from a compliance perspective, is an increase in service level required of Council. Council had intended engaging a qualified Compliance Officer, however were unable to attract a preferred candidate at rates Council could afford. Council are therefore considering alternate options at this time, including Shared Service provision across a number of Councils.

Once the new Director Strategic Planning and Development is on board, it is hoped Council can start working through developing accounting practices that will accurately show the costs to Council and the community for managing increasing compliance requirements, as is being undertaken for Cemetery management for instance.

Legal / Statutory

Building and Development Certifiers Act 2018

Building and Development Certifiers Regulation 2020

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Environmentally Hazardous Chemicals Act 1985

Government Information (Public Access) Act 2009

Home Building Act 1989

Local Government Act 1993

Local Planning Directions

National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended)

Protection of the Environment Operations Act 1997

Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019

Protection of the Environment Operations (Waste) Regulation 2014

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 ('Remediation of Land')

Water Management Act 2000

Workplace Health and Safety Act 2011
Workplace Health and Safety Regulation 2017

Community Engagement / Communication

Nil

Human Resources / Industrial Relations (If applicable)

Impacts on Human Resources will need to be monitored as a result of the implementation of the new policy. Though the policy starts from a position of addressing contamination as it is identified, the impacts of ongoing management, investigation and assessment is not known at this time.

Risks

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

1. 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

It is acknowledged Council cannot know all contaminated sites within the boundaries of the Local Government area. Council does have responsibility of managing contamination and possible contamination where it becomes aware of its existence. Ensuring the new policy is in place will go someone to informing Council staff how to manage those risks as they are identified.

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

Not managing contaminated land actively does pose a risk to Council as there are significant environmental fines attached to many actions. Again, having the policy in place will assist to mitigate that exposure as staff will have a more thorough policy that will direct them as to what needs to be implemented to manage any identified sites.

3. Work Health and Safety

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

Council depots are an obvious site for potential contamination given the chemicals stored on all sites, and the age of those sites. Practices to manage such things as oils and fuels have changed over time however, previous practices would not have considered environmental nor health and safety outcomes. Noting depots may provide sources of contamination will allow Council to monitor and manage those sites more actively.

Options

1. Adopt the new Contaminated Lands Policy
2. Adopt the Contaminated Lands Policy with changes
3. Re-adopt the old Contaminated Lands Policy, noting it does not consider many new legislated responsibilities and requirements of Council.

Conclusions

Contaminated land is a difficult and sometimes concerning matter. Having a more up to date policy, that allows staff to consider a broader range of relevant legislative responsibilities, will mitigate many of the risks Council currently has in not considering matters like the management of UPSS systems etc.

8.5 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_June 2023.pdf (under separate cover)

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2023,
- b) Confirm the accounts paid as per Warrant No. 06/23 totaling \$4,192,973.81 and
- c) Note the report on investments attached

Purpose

This report is designed to inform Council of its cash and investments as at 30 June 2023 and for Council to authorise expenditure for the month ending 30 June 2023.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 June 2023 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 June 2023.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 June 2023, totaling \$4,192,973.81 and will be submitted for confirmation of payment as per Warrant No. 06/23
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and

v. Third Party Investment requirements of the Office of Local Government Circular 06-70

e) Funds have increased in June by \$3.18M due to Council receiving the Financial Assistance Grant paid 100% in advance.

Overall funds have decreased by \$401k compared to the same period last year due predominately to the ongoing increases in operational costs and the current capital works program.

Statement of Bank Balances as at 30 JUNE 2023

Bank Account Reconciliation

Cash book balance as at 01 JUNE 2023	\$11,555,370.77
Receipts for JUNE 2023	\$ 7,374,211.61
Term Deposits Credited Back	\$ -
	<u>\$18,929,582.38</u>
<i>Less Payments Statement No 06/23</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 654,226.32
Electronic Funds Transfer (EFT) Creditors E042571-E042822	\$ 3,472,102.82
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,644.67
Total Payments for JUNE 2023	<u>\$ 4,192,973.81</u>
Cash Book Balance as at 30 JUNE 2023	<u>\$14,736,608.57</u>
<i>Bank Statements as at 30 JUNE 2023</i>	\$14,736,108.57
Plus Outstanding Deposits	\$ 500.00
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 JUNE 2023	<u>\$14,736,608.57</u>

INVESTMENT REGISTER

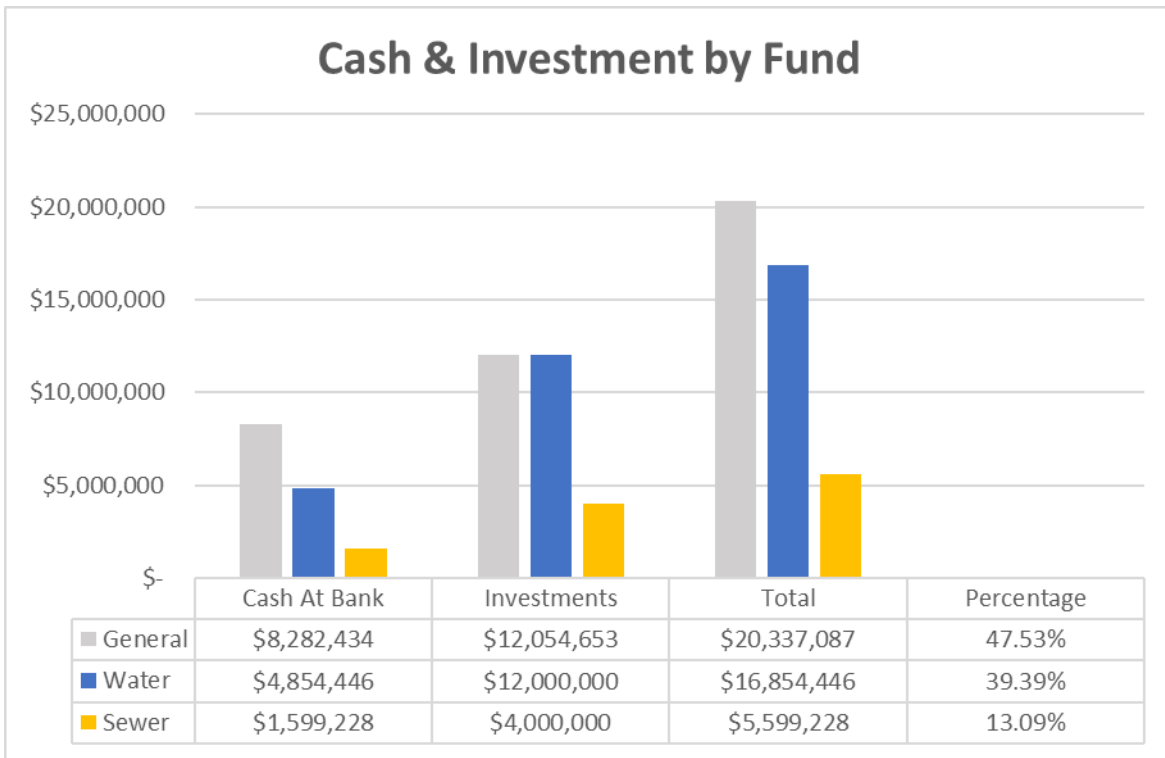
INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	241	**4.85%	12/02/2024	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	**4.50%	23/03/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	**5.10%	23/05/2024	\$ 1,000,000.00	BBB+
AMP	GENERAL	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	**5.10%	31/05/2025	\$ 2,000,000.00	BBB+
Bank Of Queensland	GENERAL	147/22	365	3.85%	28/05/2024	\$ 2,000,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*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	4.50%	11/01/2024	\$ 2,000,000.00	BBB
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>\$ 28,054,653.00</u>	
Total Funds Held at 30 JUNE 2023						<u>\$42,791,261.57</u>	

Tahlia Fry - Acting Director Corporate Services

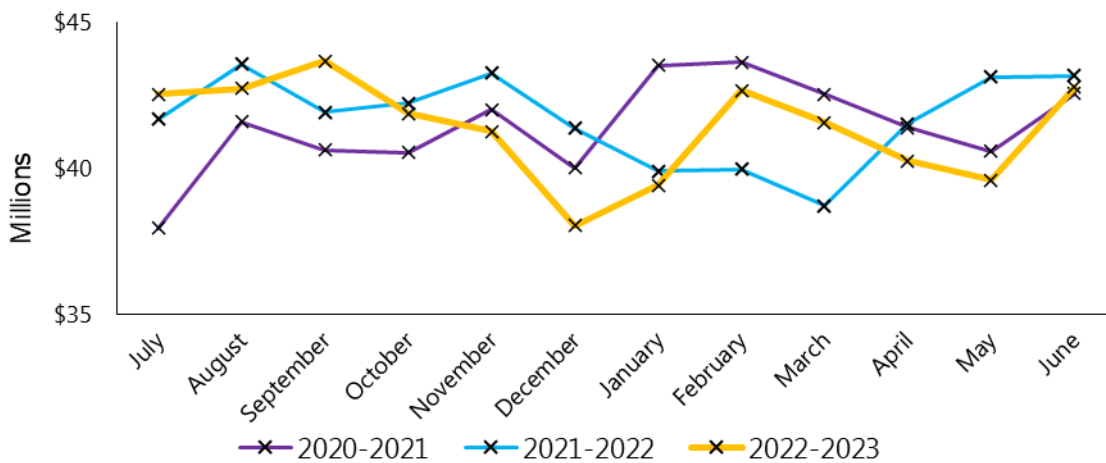
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

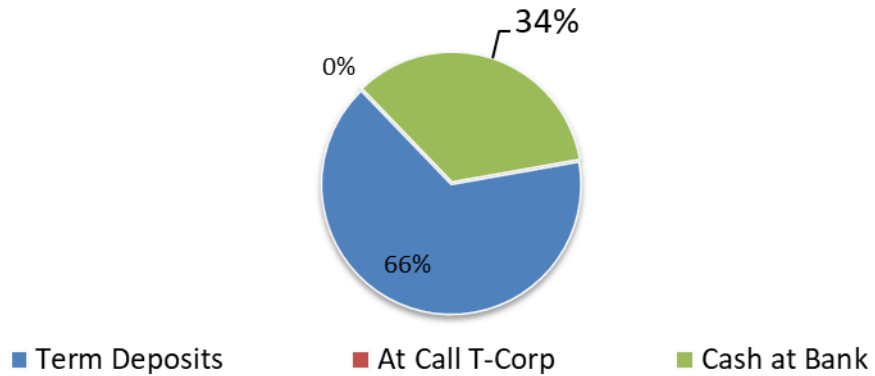
Total Funds held between General, Water and Sewer are as follows:



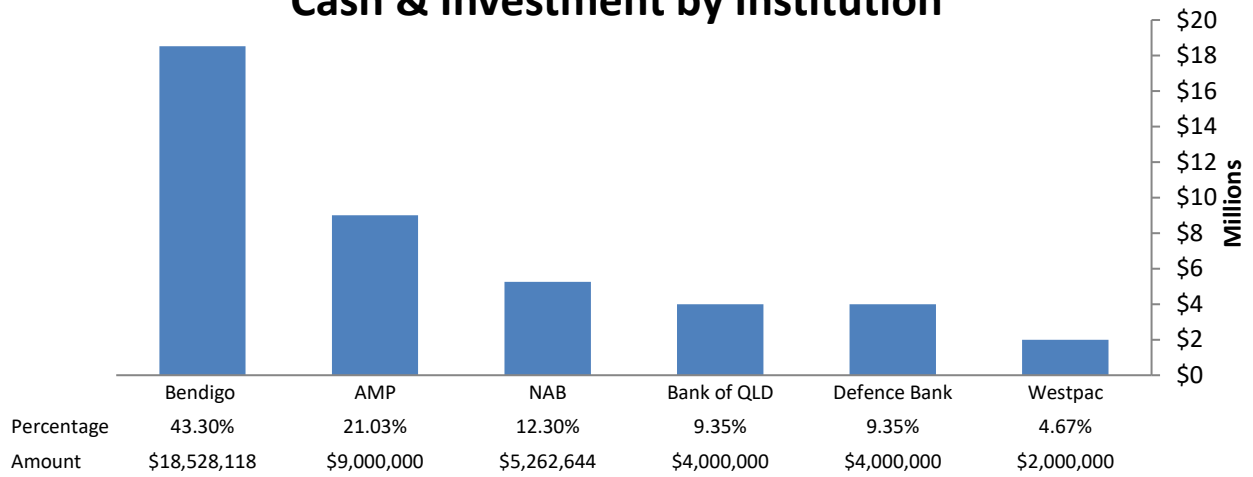
Total Cash and Investments



Cash & Investment by type



Cash & Investment by Institution



Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BOQ	365	\$ 2,000,000.00	3.15%	29/05/2024
AMP	243	\$ 2,000,000.00	**4.35%	19/06/2023

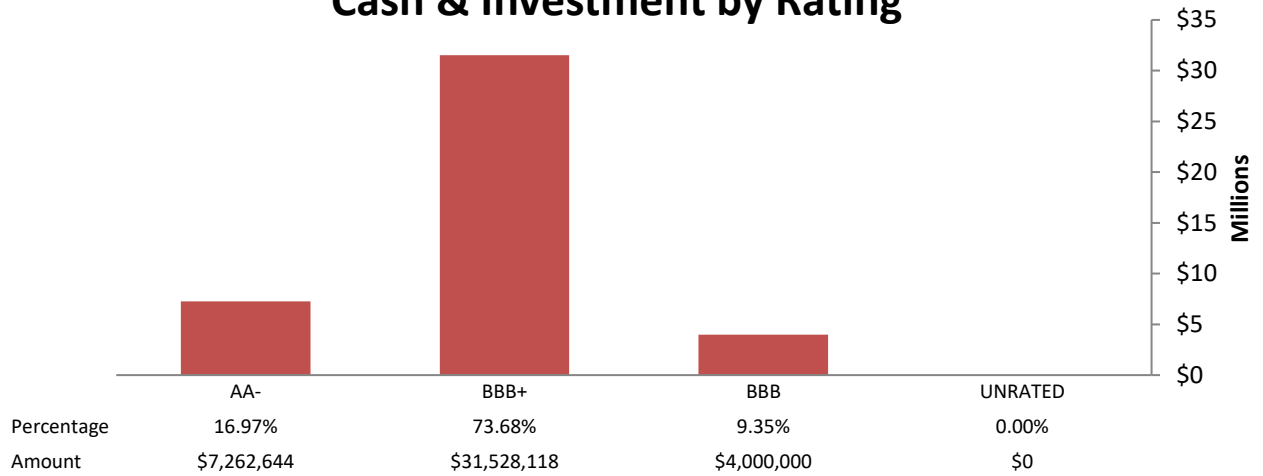
Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BOQ	365	\$ 2,000,000.00	3.85%	28/05/2024
AMP	241	\$ 2,000,000.00	**4.75%	12/02/2024

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Cash & Investment by Rating



8.6 Berrigan Tennis Club - Request for Assistance

Author:	Customer Service Officer, Christie Watkins
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.2. Facilitate all age healthy lifestyles and ageing in place
Council's Role:	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. Berrigan Tennis Club2. Berrigan Tennis Club Quote (under separate cover)

Recommendation

1. The direction of the Council is sought in relation to the remediation of the Berrigan Tennis Courts.

Purpose

The purpose of this report is to address the state of two tennis courts at the Berrigan Tennis Courts located on Stewart Street, Berrigan.

Summary

The Berrigan Tennis Club has written to Council to request assistance for the replacement of the surface of two tennis courts. These courts were originally installed in 2004. In 2021 the other two tennis courts were replaced with funding from a NSW Government grant and money raised by the Tennis Club.

Background

Berrigan Tennis Club courts were originally installed in 2004, the tennis club committee has raised some concerns around the condition of two of the four tennis courts. The committee have said the courts are becoming unsafe and hazardous for players. They have complained about bare patches, lifting seams and holes that are becoming bigger.

The Berrigan Tennis Club Courts are used constantly throughout the year, with the club holding a night tennis competition from October – April every year. This competition includes 40 + players, travelling from Tocumwal, Finley, Jerilderie, Barooga and Oaklands. Berrigan Tennis Club is the only Tennis club in the Berrigan Shire that engages in a competition.

A quote has been obtained by the Berrigan Tennis Club amounting to \$74,245 for the resurfacing of the two courts.

On 3 July 2023, the Recreation Officer and the Enterprise Risk Manager inspected the courts. Whilst there was evidence of wear and tear, and areas of moss and lichen growth, there were no obvious signs of holes, or bare patches. The most significant wear and tear was along the joins of the surface however, these were not deemed a high risk or trip hazard. The highest risk at present comes from the slippery surfaces, contributed by the dampness and moss growth.

Upon inspection, it was determined the courts would benefit from a high-pressure wash and repairs if possible. It is acknowledged however that a high-pressure wash may result in further damage to the surface.

Issues and Implications

Policy

Risk Management Policy and Framework, adopted 20 July 2022. Council has a responsibility to identify risks and, where possible or viable, should implement the controls to mitigate the risk.

Financial

The cost to replace the court’s surface is quite high and there is no identified budget. The replacement would rely upon grant funding.

The problem faced at present is that if Council cleaned the surface and subsequently contributed to further damage, are Council then responsible to replace the surface at the entire cost?

Community Engagement / Communication

The Tennis Courts are not managed by a S355 Committee and are one of the most utilised tennis facilities in our Shire.

The Tennis Club have made direct contact with Council to financially assist in the replacement.

Risks

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

1. Public Liability

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

Council are now aware of the issues relating to the tennis courts and have a responsibility to address the risks as there is high likelihood of a slip and / or fall. During a game, with the current state of the courts, it would be expected that somebody would more than likely experience a fall.

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

There is a possibility that Council would have to pay for the replacement of the surface if works performed increased the damage of the surface.

3. Built 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

Council are in receipt of the request to replace the surface. Replacement will not alleviate the requirement for the Tennis Club, or Council, to perform ongoing maintenance to ensure the court does not decline into the state it is in at present.

Options

1. Council assist the Tennis Club in obtaining a grant to replace the court surface.
2. Council request the Tennis Club clean the surface to reduce the risk of falls.
3. Council clean the surface, and if this is not successful, fund the replacement.

Conclusions

The courts currently require cleaning to reduce the risk of falls. Whilst it is not clear if this process will contribute to further damage, cleaning is required to allow continuation of any further activities. Council will need to make the Tennis Club aware that cleaning may further damage the court surface, and if that happens, the courts may be no longer suitable for games until Council are able to secure grant funding, or Council fund replacement of the surface.

The Berrigan Tennis Club is in need of the replacement of two of their four artificial grass courts.

The courts were originally installed in 2004 with two courts being replaced in 2021, paid for with a NSW Government grant and money raised by the tennis club. The two remaining original courts are very worn with bare patches, lifting seams and holes.

This uneven playing surface is bordering on dangerous with player safety being at risk. The replacement of these courts is a pressing issue for the club.

The courts are used constantly through the year with a thriving night tennis competition occurring from October to April. About 40 players compete every week {the constant use has contributed to the deterioration}, with this competition being the only competitive tennis played in the Berrigan Shire.

Players from Berrigan, Finley, Barooga and Tocumwal all compete, with other players from Jerilderie, Urana and Oaklands. The Berrigan tennis club is truly a regional hub for the sport in the Southern Riverina with 5 junior players representing the Riverina at State Championships and Carnivals in recent years.

The replacement of the two courts will cost approximately \$80,000.00. The tennis club has been able raise a proportion of this amount, however as there are currently no state government grants available at this time to cover the short fall of the cost of the courts, any funding which could be provided by the Berrigan Shire in the court replacement would be greatly appreciated.

Yours Sincerely

Chris Cameron

Berrigan Tennis Club President

8.7 Tennis Court Facilities

Author:	Recreation Officer, Christie Watkins
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.2. Support community engagements through life-long learning, culture and recreation
Delivery Program:	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
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 Council direct all tennis court facilities on community land in the Berrigan Shire to always remain unlocked for community use

Purpose

The purpose of this report is to address the access to tennis court facilities within the Berrigan Shire.

Summary

This report looks at the treatment of tennis court facilities within the Berrigan Shire and our neighbouring Council areas.

Berrigan Shire Council currently has three of its tennis court facilities open for community use in Berrigan, Finley and Tocumwal. The Barooga tennis court facility is currently locked and unavailable for community use, even though it is situated in the Barooga Recreation Reserve, which is on community land (Crown Land).

Council staff are seeking direction regarding whether the tennis court facilities should be permanently open for community use, or to have the facilities locked on a user pays basis.

Background

Berrigan Shire Council has tennis court facilities located in the four shire towns. The Barooga Tennis Courts are located at the Barooga Recreation Reserve and are currently being upgraded. As a result of this work, it has come to staff attention that these courts are permanently locked with an unapproved lock to which Council currently does not have access. The Tocumwal tennis courts are permanently open and located at the Tocumwal Recreation Reserve, the Berrigan Tennis Courts are permanently open and located in Stewart Street, Berrigan and the Finley Tennis Courts are permanently open and located at the Finley Showgrounds.

The Barooga Tennis Club Committee have requested their courts be permanently locked at the Barooga Recreation Reserve. Discussions indicate staff have known of this arrangement in the past. Council currently do not have a key to access this asset. The Barooga Tennis Club currently pay no User Fees to the Barooga Recreation Reserve Committee and are not a currently active club, though staff are assured this will not be the case for much longer.

Council staff are concerned about the inconsistency locking the Barooga courts establishes for the community of the Shire as a whole. To have one club proposing to charge “rent” on a Council provided facility, but paying no user fees to the Committee, whilst all others are free to access at all times would seem at face value, to be favouring one committee’s practices over others.

The Recreation Officer has made inquiries with Federation Council and Murrumbidgee Council regarding their Council owned tennis court facilities. Both Councils advised that all tennis courts owned by Council are always open for access to the community.

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

Barooga Recreation Reserve Masterplan

Issues and Implications

The community perception of one set of courts, recently refurbished, being unavailable to the community whilst all others are is the concern noted by staff on this matter.

Policy

Guide to Operations – Section 355 Committees

Policy 68 – Community Engagement Plan and Community Participation Plan

Policy 69 – Social Justice Framework

Financial

N/A

Legal / Statutory

N/A

Community Engagement / Communication

Council’s Social Justice Framework contains several key principles including equity, access, participation and rights. In summary these key principles highlight:

1. Council’s commitment to ensure decision making is inclusive;
2. people who live, work and study within the Shire have access to services and opportunities that improve their quality of life;
3. the community are involved in Council and community decision-making; and
4. that the community has the right to access recreation and leisure facilities and services.

The locking of the Barooga tennis courts in this way appears to contravene the Council’s own Social Justice principles.

Human Resources / Industrial Relations (If applicable)

Risks

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

1.Community

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

Having a public facility located on public land that is not open and accessible to the public would appear at face value, to be actively working against the goals and aspirations of the Community Strategic Plan and Council’s own social justice principles. It is expected, when the community of Barooga realise they do not have equitable access to tennis courts such as is available at all other Council facilities, there will be strong opposition to the Barooga Tennis Club’s current stance.

Options

1. Council insist the Barooga Tennis Courts always remain open and accessible to the public.
2. Council agree with the Barooga Tennis Club that the courts at Barooga remain locked and the community pays a fee to access them.
3. Council may choose to negotiate a different outcome with the Barooga Tennis Club.



8.8 Development Determinations for Month of June 2023

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 JUNE 2023

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
24/22/DA/D9	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)	ESLER & ASSOCIATES	MR MC AND MRS SC KEAMY	Approved 14-06-2023	\$ 0.00	Active	Total 457 457
51/23/DA/DM-M	STRAWBERRY FIELDS FESTIVAL 2023-2027	467 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot4//DP752296)	STRAWBERRY MUSIC GROUP PTY LTD	SANDLOFT PTY LTD	Modified 08-06-2023	\$ 0.00	Active	Total 2 2
112/23/DA/D9	2 LOT SUBDIVISION	7 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot31//DP1058006)	ACRE TOWN PLANNING	MS KE DAVIES	Approved 28-06-2023	\$ 0.00	Active	Total 31 52
113/23/DA/D9	6 LOT SUBDIVISION	145 BURMA ROAD, TOCUMWAL NSW 2714 (Lot1//DP808187)	BRIAN MITSCH & ASSOCIATES	COPPER CREEK PTY LTD	Approved 30-06-2023	\$ 0.00	Active	Total 53 53
114/23/DA/D5	RESIDENTIAL STORAGE SHED	31 HADLEY STREET, TOCUMWAL NSW 2714 (Lot13//DP1250358)	ROBERT USLAR	MR RW AND MRS SM USLAR	Approved 08-06-2023	\$ 9600.00	Active	Total 32 32
115/23/DA/D5	RESIDENTIAL STORAGE SHED	138 DENISON STREET, FINLEY NSW 2713 (Lot2//DP24073)	SIMON FULLER	MR SG AND MRS JM FULLER	Approved 06-06-2023	\$ 70000.00	Active	Total 29 29
116/23/DA/D5	RESIDENTIAL STORAGE SHED	88 BRUTON STREET, TOCUMWAL NSW 2714 (Lot2//DP1250358)	ALEXANDER HAY	MR AW HAY	Approved 23-06-2023	\$ 25000.00	Active	Total 19 40
118/23/DA/DM	INSTALLATION OF METAL SCULPTURE - GALAH	27-29 CHANTER STREET, BERRIGAN NSW 2712 (Lot51//DP877191)	DEAN RUSSELL	DAWMAC SECURITIES PTY LTD	Approved 29-06-2023	\$ 20000.00	Active	Total 27 41
119/23/DA/D1	BV DWELLING & ATTACHED GARAGE	132 QUICKS ROAD, BAROOGA NSW 3644 (Lot38//DP859774)	D & M BOWDEN CONSTRUCTION	MR BJ AND MRS J ACKERLY	Approved 22-06-2023	\$ 780670.00	Active	Total 30 30
120/23/DA/D5	STORAGE SHED	23 HAMILTON STREET, FINLEY NSW 2713 (Lot6//DP1262202)	CARDILLO CONSTRUCTIONS	MR TJ GRAY AND MS SJ CONGRAM	Approved 30-06-2023	\$ 125000.00	Active	Total 32 32
121/23/DA/D1	BV DWELLING & ATTACHED	22 HADLEY STREET, TOCUMWAL NSW 2714	GJ LEWIS HOMES PTY LTD	MR JA AND MRS SL	Approved 28-06-2023	\$ 509410.00	Active	Total 29 29

	GARAGE	(Lot19//DP1250358)		KRUIZINGA				
122/23/DA/D5	RESIDENTIAL STORAGE SHED	10 HUNTER DRIVE, TOCUMWAL NSW 2714 (Lot29//DP1100718)	O'HALLORAN PROPERTY SERVICE	MR NJ AND MRS CL BARNES	Approved 07-06-2023	\$ 48467.00	Active 10	Total 10
41/23/CD/PC	INGROUND SWIMMING POOL	25-26 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot35//DP1118257)	MURRAY RIVER CERTIFIERS	MR DT MAXWELL	Approved 09-06-2023	\$ 60000.00	Active 0	Total 0
42/23/CD/M4	CARPORT	32-36 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1/2//DP7828)	BRYN MCKENNA	MR BJ AND MRS GM MCKENNA	Approved 21-06-2023	\$ 9600.00	Active 6	Total 6
43/23/CD/PC	RESIDENTIAL STORAGE SHED	40 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot40//DP1250358)	MURRAY RIVER CERTIFIERS	MR DA HENDERSON AND MS GA GRAHAM	Approved 13-06-2023	\$ 18136.00	Active 0	Total 0
44/23/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	3 PUTTER COURT, BAROOGA NSW 3644 (Lot109//DP1133352)	MURRAY RIVER CERTIFIERS	MR SB AND MRS LM MCKAY	Approved 28-06-2023	\$ 88000.00	Active 0	Total 0
45/23/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	33 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot14/A//DP2425)	THE TRUSTEE FOR W.B.C.S. FAMILY TRUST	MS R HYRATT	Approved 28-06-2023	\$ 66467.00	Active 0	Total 0
46/23/CD/PC	BV DWELLING & ATTACHED GARAGE	10 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot71//DP1131677)	THE TRUSTEE FOR W.B.C.S. FAMILY TRUST	MR LJ CLARKE AND MRS CE CLARKE-MCPHEE	Approved 30-06-2023	\$ 441741.00	Active 0	Total 0

Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (June 2023)	NSW (June 2023)
Average time taken to determine a Development Application ¹	67.25	114 ²

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

² Source: <https://www.planningportal.nsw.gov.au/eplanningreport> accessed 11 July 2023

APPLICATIONS PENDING DETERMINATION AS AT 30/06/2023

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)
21/23/DA/D9	16-08-2022	19 LOT SUBDIVISION	29-37 SHORT STREET, TOCUMWAL NSW 2714 (LotB//DP403751)
31/23/DA/D9	09-09-2022	7 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)
50/23/DA/DM	18-10-2022	SHIPPING CONTAINERS	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5//DP758057)
57/23/DA/DM	27-10-2022	MUSEUM SHED	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7005//DP1019585)
117/23/DA/D2	01-05-2023	STORAGE SHED X2	53-61 CHANTER STREET, BERRIGAN NSW 2712 (Lot2//DP536770)
123/23/DA/D5	24-05-2023	RESIDENTIAL STORAGE SHED	63 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP1068277)
124/23/DA/D5	24-05-2023	RESIDENTIAL STORAGE SHED AND PATIO	77 DENISON STREET, FINLEY NSW 2713 (Lot4//DP664136)
125/23/DA/D3	30-05-2023	STORAGE SHED FOR PURPOSE OF TRANSPORT DEPOT	45 PLATYPUS DRIVE, BAROOGA NSW 3644 (Lot8//DP253590)
126/23/DA/D1	30-05-2023	BV DWELLING & ATTACHED GARAGE	95 MURRAY STREET, TOCUMWAL NSW 2714 (Lot13//DP1148243)
127/23/DA/D5	31-05-2023	RESIDENTIAL STORAGE SHED	5 BALL COURT, TOCUMWAL NSW 2714 (Lot2//DP1280158)
130/23/DA/D1	07-06-2023	MANUFACTURED HOME AND STORAGE SHED	150 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot5//DP1275427)
131/23/DA/D5	13-06-2023	RESIDENTIAL STORAGE SHED	42 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot39//DP1250358)
132/23/DA/D6	15-06-2023	CARPORT	92-94 MURRAY STREET, FINLEY NSW 2713 (LotB//DP347381)
133/23/DA/D9	15-06-2023	3 LOT SUBDIVISION	127-141 HAMILTON STREET, FINLEY NSW 2713 (Lot158//DP1087013)
134/23/DA/D6	21-06-2023	ADDITIONS TO DWELLING	37 DENISON STREET, TOCUMWAL NSW 2714 (Lot41//DP833073)
135/23/DA/D9	21-06-2023	2 LOT SUBDIVISION	163 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1242015)
136/23/DA/D5	28-06-2023	VERANDA	6A PUTTER COURT, BAROOGA NSW 3644 (Lot1012//DP1257921)
137/23/DA/DO	28-06-2023	RURAL SHED	453 STOCK ROUTE ROAD, BAROOGA NSW 3644 (Lot2//DP608619)
138/23/DA/D5	30-06-2023	RESIDENTIAL STORAGE SHED	91 MURRAY STREET, TOCUMWAL NSW 2714 (Lot11//DP1148243)

TIME TAKEN FOR ASSESSMENT OF APPLICATIONS LODGED AND PENDING DETERMINATION

Development Applications Pending Determination

Less than 40 days

14

41 – 99 days

1

100+ days

5

Total Number of Development Applications Pending Determination

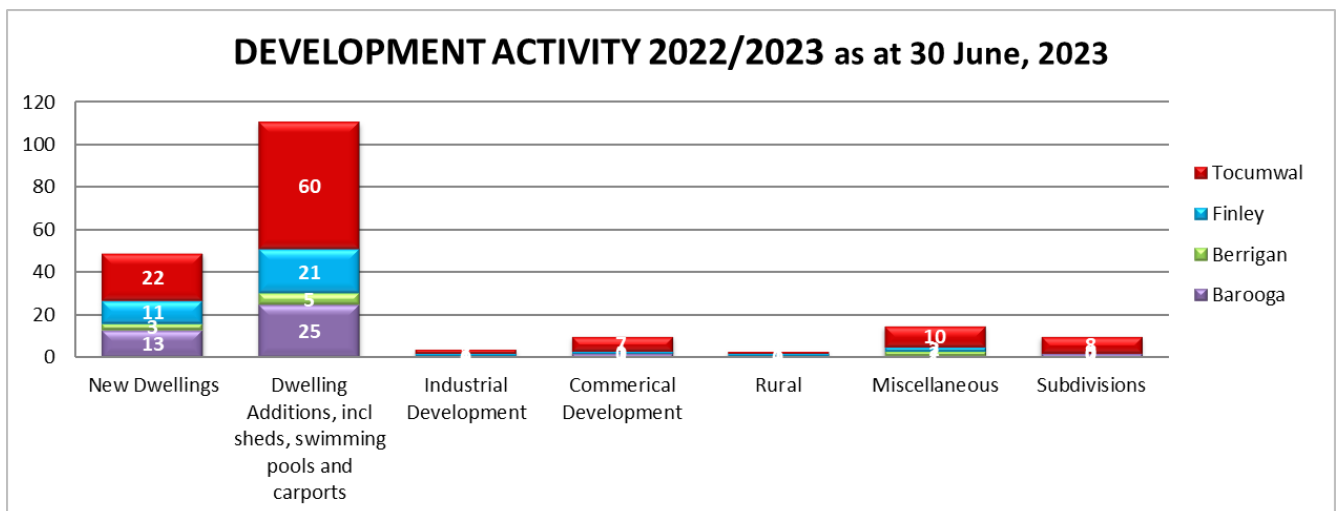
20

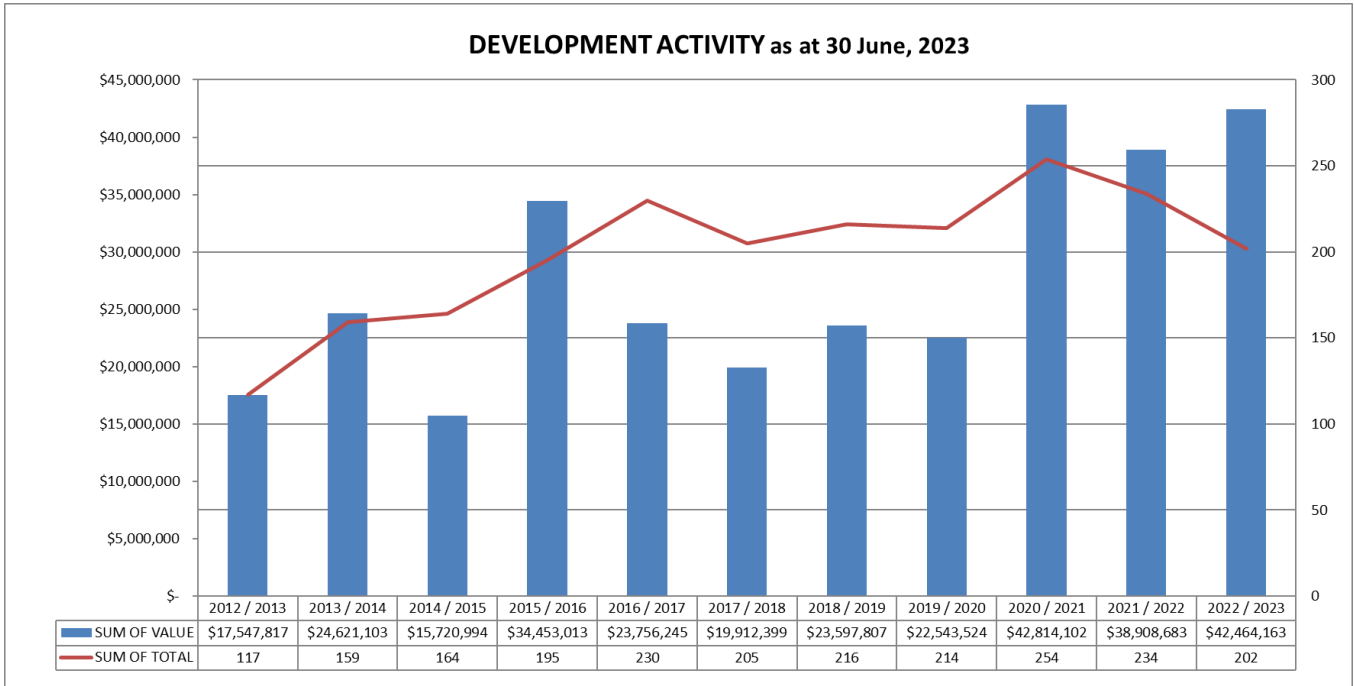
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (June)	Year to Date	This Month's Value (June)	Year to Date Value
<i>Development Applications (DA)</i>	12	155	\$1,588,147	\$35,116,724
<i>Construction Certificates (CC)</i>	10	116	\$818,185	\$25,489,418
<i>Complying Development Certificates (CDC)</i>	6	47	\$683,944	\$7,347,439
<i>Local Activity (s.68)</i>	3	73	0	0

OTHER CERTIFICATES ISSUED FOR JUNE 2023

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total
BAROOGA	14	82	0	2	0	3	0	1	0	1	0	5
BERRIGAN	5	62	0	3	0	8	0	4	0	1	0	1
FINLEY	3	124	0	6	0	5	0	4	0	0	0	1
TOCUMWAL	9	160	0	6	0	5	0	5	0	0	0	4
TOTAL	31	428	0	17	0	21	0	14	0	2	0	11





8.9 National Local Roads_Transport and Infrastructure Congress

Author:	Director Infrastructure, Rohit Srivastava
Strategic Outcome:	2. Good government
Strategic Objective:	2.2. Strengthen strategic relationships and partnerships with community, business and government
Delivery Program:	2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	Nil

Recommendation

That Council resolve participation of:

- Mayor and Director Infrastructure at National Local Roads_Transport and Infrastructure Congress, Canberra on 6-7 September 2023

Report

The purpose of the report is to request the consent of the Council for the Mayor and Director Infrastructure (DI) to participate in the National Roads Congress, 2023 on 6-7 September 2023 in Canberra.

Background

The National Roads Congress is an annual event wherein participants from across the nation come and share their knowledge, projects, issues they are facing and innovative ideas they used to find solutions.

Last year's road congress was also attended by the Mayor and Director Infrastructure. One of the presentations was made at the congress about the services provided by a consultant on flood assessment and recovery.

Council used this consultant during last year's flood to assess and put a claim towards remediation of our local and regional roads to TfNSW.

The claim is in progress and the next steps to manage the actual works will be presented to Council separately.

Roads Congress 2023

This year's National Road Congress is on 6-7 September 2023 in Canberra. It is proposed that the Mayor and Director Infrastructure attend the congress.

It is also proposed that I prepare a presentation detailing Berrigan Shire’s experience of managing its flood recovery works – issues faced in putting a claim together (approximately \$8.8M) and try to present at the congress.

The size of the claim approved is based on variety of data points, evidence, history of routine maintenance etc.

A 30-minute time slot has been provided to me under the program to present Berrigan Shire’s case study.

2:30 PM - 3:00 PM	Wednesday Afternoon Tea		
3:00 PM - 4:00 PM	Session 1: Stronger communities - Managing local government infrastructure with increasing natural disasters	Session 2 - Smarter communities - How can AI improve liveability?	Session 3: Safer communities - local government innovations in active transport
4:00 PM - 4:45 PM	NTRO: Safer, sustainable, resilient transport assets through data driven solutions		
4:45 PM - 5:00 PM	ALGA President Closing Remarks		

8.10 Management of Council's Obligations under New Modern Slavery Legislation

Author:	Acting Deputy CEO, Tim Flynn
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
Appendices:	1. Modern Slavery Statement 2023

Recommendation

That Council receive this report and note that:

1. modifications to a number of policies will be tabled at the next extraordinary meeting; and
2. the Modern Slavery Statement as presented will be included in Council's Annual Report as required.

Report

Council has revised annual reporting requirements and an obligation to take reasonable steps to ensure goods and services procured by and for the council during the year were not the product of modern slavery.

The following report details a proposed approach entailing education of suppliers, together with policy review to meet our obligations.

Background

New South Wales government passed the *Modern Slavery Act 2018* (NSW) prior to the Commonwealth Act being passed. The NSW Act was inconsistent with the Commonwealth Act in many aspects and for this reason the NSW Government delayed its commencement.

After several years of review, debate and public consultation, on 19 November 2021, the New South Wales Parliament passed the *Modern Slavery Amendment Act 2021* (NSW) ("Amendment Act") which made amendments to the NSW Act and several others including the *Crimes Act 1900* and the *Local Government Act 1993*. The amended NSW Act came into force on 1 January 2022.

State and local governments, and government agencies have new modern slavery reporting obligations as a result of the NSW Act and amendments to other legislation.

Amendments to the *Local Government Act 1993* will require local councils, after July 2022, to include statements in their annual reports detailing:

- the action taken in relation to any significant modern slavery issue raised by the Anti-slavery Commissioner during the year concerning council operations; and
- the steps taken to ensure goods and services procured by and for the council during the year were not the product of modern slavery.

In April 2022, the Office of Local Government released additional guidelines³ to councils. It states that from 1 July 2022, councils will be required to take reasonable steps to ensure goods and services procured by and for the council are not the product of modern slavery within the meaning of the *Modern Slavery Act 2018* (NSW).

In addition, commencing from the 2022/23 financial year, each council will be required to publish in their annual reports:

- a statement of the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue, and
- a statement of steps taken to ensure goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the *Modern Slavery Act 2018* (NSW).

Businesses that deal with local councils and the NSW government will need to ensure they also have stringent processes in place to satisfy NSW councils' due diligence obligations.

Council's Proposed Approach

As a small regional council, in many cases we lack the capacity to investigate supply chains fully and with larger suppliers we have limited influence over practices within supply chains, therefore we have determined the following to be reasonable steps:

Education of Suppliers

Council's procurement policies mean there are many small business suppliers who may not be aware of their obligations under the new legislation and therefore, council's approach will be one of education. Specifically, Council is currently circulating a fact sheet from the NSW Small Business Commissioner entitled "Modern Slavery Information for small business"⁴ to ensure our suppliers are aware of their obligations.

Governance Framework

Council is required to include a Modern Slavery Statement in its Annual Report. The statement is required to outline what we have done and will do to comply with the legislation and we will be

³ [22-09 Councils' obligations under the Modern Slavery Act 2018 - Office of Local Government NSW](#)

⁴ [Modern Slavery – What small businesses need to know \(nsw.gov.au\)](#)

required to report on our achievements against the benchmarks and outcomes expected by the State and Federal governments in subsequent years.

Included in this report is the draft Modern Slavery Statement already prepared by the CEO (**Appendix 1**).

Revised Policies for Review at next extraordinary meeting

In addition, over the past year, Council Officers have been reviewing documentation supplied to potential and existing suppliers, together with the overall policy framework to ensure that it is not

Revised Policies for Review at next extraordinary meeting

In addition, over the past year, Council Officers have been reviewing documentation supplied to potential and existing suppliers, together with the overall policy framework to ensure it is not only consistent but also supportive of the aims of the new legislation with the new legislation and will be recommending the following policy amendments at the next extraordinary meeting:

Ensuring Council's Procurement⁵, Business Ethics⁶ and Internal reporting and Protected Disclosures Policy⁷ all include considerations that align with modern slavery requirements.

Planned Actions over the 2023/24 Financial Year

Over the course of the next financial year, Council will review pro forma contracts and standard terms and conditions to ensure they are compliant with, and support the legislation.

⁵ [procurement-and-disposal-policy.pdf \(nsw.gov.au\)](#)

⁶ [Communication Devices Policy \(nsw.gov.au\)](#)

⁷ [internal-reporting-and-protected-disclosures-policy.pdf \(nsw.gov.au\)](#)

Modern Slavery Statement 2023

Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712

12 July 2023

Introduction

At Berrigan Shire Council, we are committed to upholding the highest ethical standards and promoting human rights in all our activities. As part of our dedication to social responsibility, we recognise the importance of addressing modern slavery and human trafficking issues with our operations and supply chains. This Modern Slavery Statement outlines our approach to combating modern slavery, as required under the *Modern Slavery Act 2018* (Cth) and NSW legislation.

Organisational Structure

The Berrigan Shire Council is a local government entity operating within the Southern Riverina area of New South Wales. We provide a wide range of services to our community, including services listed in the "Our Service Delivery" section of this report. Our Council comprises dedicated employees, contractors, and suppliers who contribute to the delivery of these services.

Our Commitment

We are committed to preventing modern slavery in all its forms, including forced labour, human trafficking, child labour, and other exploitative practices. We condemn any violation of human rights and strive to ensure our operations, as well as our supply chains, are free from modern slavery.

Policies and Due Diligence Processes

During the 2022-2023 financial year Council implemented the requirement for tenderers to comply with modern slavery legislation. Our tender documents indicate we may request information from suppliers regarding their modern slavery management practices. It is understood however that many of our suppliers and contractors may not understand the reason for the inclusion of these reporting requirements.

As per the below outline, Council has commenced work in some areas related to identifying and preventing modern slavery, and has identified several areas of focus for the coming year:

1. **Policy Against Modern Slavery:** during the 2023-2024 financial year we will develop a policy that will explicitly prohibit modern slavery within our organisation and our supply chains. The policy will be communicated to all employees, contractors and suppliers. Council is currently undertaking a comprehensive review of its Workforce Management Plan and is about to commence a comprehensive review of its procurement manual. Other documents to be reviewed include our Business Ethics Statement, Internal Reporting and Protected Disclosures Policies. Modern slavery considerations will inform the review and development of these policies.
2. **Risk Assessments:** Having only recently completed the development of our Risk Management Framework, including a full risk register, and strategic risks, it is planned that during the 2023-24 financial year, we will complete a modern slavery risk assessment across our service delivery and supply chains. These assessments will help us to understand the nature and extent of the risks involved and prioritise our efforts accordingly.

3. **Supplier Engagement:** Once our Policy Against Modern Slavery is adopted by Council, we will commence engagement with suppliers to ensure they share our commitment to combatting modern slavery. We will expect our suppliers to comply with all applicable laws and regulations related to modern slavery and to implement their own policies and due diligence processes. We will continue to manage our procurement processes through LG Procurement and TenderLink to provide a level of mitigation until these processes are developed and implemented.
4. **Supplier Audits and Assessments:** During the 2023-24 financial year we will develop an audit plan to assess our suppliers to identify any potential risks of modern slavery and evaluate their compliance with our policies. These audits and assessments will be conducted periodically or as deemed necessary and will be guided by the outcomes of our policy development.
5. **Employee Training and Awareness:** We will provide training and awareness programs to our employees to educate them about modern slavery, its indicators, and the actions they may take to report any concerns or suspicions.

Reporting Mechanisms

We encourage employees, contractors, suppliers and members of the public to report any suspicions or concerns related to modern slavery. Our development of the required policy will provide information regarding appropriate reporting mechanisms to receive and investigate such reports. All reports will be treated confidentially, and not individual will face retaliation for making a report in good faith. Until Council has appropriate policies in place it will seek relevant legal advice as to how to proceed with any reporting matters.

Future Steps

Council are aware there is a lot of work to do in the coming year to meet its modern slavery obligations. We are committed to continually improving our efforts to combat modern slavery. In the coming year we will:

- Develop A Policy Against Modern Slavery and review other policies outlined above;
- Complete require risk assessments across our service delivery areas;
- Undertake training for our employees; and
- Engage with our suppliers to ensure they are aware of our journey and our commitment to desired outcomes.

Conclusion

We recognise the fight against modern slavery requires ongoing vigilance and collaboration. We are committed to playing our part in eradicating this abhorrent practice and protecting human rights within our sphere of influence. This Modern Slavery Statement will be reviewed annually to ensure its relevance and effectiveness in addressing modern slavery risks.

MY SIGNATURE HERE

Karina Ewer MBA, MCDR, GAICD, MAHRI

Chief Executive Officer
Berrigan Shire Council

Issues Raised by Anti-Slavery Commissioner 2022-2023

There have been no issues raised by the Anti-Slavery Commissioner with the Berrigan Shire Council during the reporting period.

8.11 Flood Assessment, Claim and Works Management

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

Recommendation

That Council:

1. award the project management of the two approved projects to Shepherd Services; and
2. tender the rest of the claim to engage a consultant using LG Procurement.

Purpose


The purpose of the report is to update Council on its flood assessment, claim preparation, approval process and works management.

Summary

Berrigan Shire was included as the affected area under the Natural Disaster declaration notice on 22 October 2022. A snapshot of the notice is presented.

November 2022, Council engaged Shepherd Services to assess all the flood affected Council assets.

Shepherd Services conducted condition assessments of all Council roads – sealed/unsealed along with culverts. A Road Asset Condition Assessment System (RACAS) hub has been created by Shepherd Services for Council and the same have been presented at April 2023 SPW. A snapshot of the RACAS hub is presented below.

	
	Extension 1 issued 17 October 2022 28. Central Coast 29. Coonamble 30. Goulburn-Mulwaree 31. Parkes Extension 2 issued 22 October 2022 32. Adirully 33. Berrigan 34. Carrathool 35. Cobar 36. Federation 37. Griffith 38. Hay 39. Leeton 40. Murray River 41. Murrumbidgee 42. Narrandera 43. Wagga Wagga
Date of Media Release for this event	22 October 2022
Media Release Attached	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Additional Information	Nil
Prepared by	Merrilyn Bryen NaturalDisasters@resilience.nsw.gov.au
Authorised by (Signed and dated)	 Danielle Meggos A/Director, Operation Coordination 24 October 2022



As per the condition assessment and the assessment of flood damaged assets, a claim has been put together for a value of about \$8.8 million and has been under review by TfNSW. The claim is for both Local and Regional Roads, as below:

Local Roads	Regional Roads	Total
\$ 7,360,332	\$ 1,466,525	\$ 8,826,857

Roads with more than \$100,000 claim against them are presented below: **Error! Not a valid link.**

The claim is for defects we consider are from last year’s flood. Transport for NSW (TfNSW) assessor will assess the claim independently with the information we have captured and submitted and then approve, the claim either fully or partially.

As of now, we have been able to get our claim approved for the following roads, as they are priority:

Road Name	Claim amount	Approved amount	% Approved
MR363	\$535,025.16	\$493,251.00	92%
MR356	\$271,017.30	\$231,840.00	86%

It must be noted that the documentation required as part of the claim to prove Council have been maintaining assets (prior to flood) is very extensive. Shepherd Services helped us in arguing our case and a snapshot below shows efforts we have put in to get one road approved – MR356.



In the recent past, Council’s claim had been rejected due to lack of documentation: pre-disaster evidence, contractor invoices being not very clear for the specific works, staff timesheets not captured to reflect and substantiate the claim etc.

A claim of last year for a value of about \$45,000 could not be approved due to lack of evidence. A snapshot of the same is presented below:

From: Melissa Dunn <Melissa.Dunn2@transport.nsw.gov.au>
Sent: Thursday, 6 April 2023 9:58 AM
To: Rohit Srivastava <Rohits@berriganshire.nsw.gov.au>
Cc: Cameron Shields <cameron@shepherdservices.com.au>
Subject: RE: Natural Disaster Funding - AGRN 1001 financial claim - documents requested

Hi Rohit

Unfortunately then, the Natural Disaster Funding claim from Berrigan Shire Council for AGRN 1001 is rejected in it's entirety. The project will be closed off.

The information being collated for AGRN 1034 is going well, so that claim is looking good. We will discuss it at our monthly meeting next Wednesday.

Kind Regards

Melissa Dunn
 Project Manager – Disaster Recovery | South
 Transport Technical Solutions | Community & Place
 Regional and Outer Metropolitan
 Transport for NSW

A snapshot of flood claims of Berrigan Shire in the past are presented below. It clearly shows, we lacked skills and knowledge required to get a claim assessed and approved.

Flood event	Date	Claim amount	Status
AGRN 911	June 2019	\$47,496.84	Paid for Emergency Works. No further claims submitted.
AGRN 987	December 2021	\$90,000 accrued	Withdrew claim – moved damages to AGRN 1001
AGRN 1001	January 2022	\$45,852.01 submitted Council’s co-contribution would have been 25% so \$34,389.00 would have been payable if all requirements had been met.	Declined – could not satisfy the requirements

Flood event	Date
AGRN 421	December 2010
AGRN 430	February 2011
AGRN 479	February-March 2012
AGRN 556	March 2013
AGRN 731	from 30 August 2016

In the previous years, Berrigan was included in declared flood events but there are no records of us being a beneficiary of a flood claim, apart from the one mentioned above in the year 2019 for a value of about \$47,000.

The claim under discussions is above and over the Council’s existing capital works budget for roads. Council staff will work on the existing approved claim, but other roads are more likely to be tendered and external contractors will be engaged.

To manage the approved claim also requires close management of works – to ensure we only do what is approved, capture evidence, invoices, timesheets, and our finance system needs to be set-up for it to generate various reports.

Considering, we have Shepherd Services who have assisted us in putting the claim together, approved (two projects), it is recommended we engage them to project manage the existing approved two roads – MR356 & MR363.

It is suggested that a request for quotation be undertaken to engage a consultant to manage the rest of the approved claim using Local Government Procurement, approved consultants as a priority.

Recommendation

That Council:

1. Award project management of two approved projects to Shepherd Services; &
 2. Tender the rest of the claim to engage a consultant using LG Procurement.
-

8.12 HR Scan April 2023

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

Recommendation

That Council receive and note the report

Report

As at 30 April 2023, the Berrigan Shire Council workforce consists of:

Total FTEs*	
Male Employees	61
Female Employees	25
Total Actual Employees	103
Full Time Employees	86
Part Time Employees	13
Casual Employees	4

*FTE – Full Time-Equivalent

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

Staff Changes between February 2023 and April 2023

Resignations

Council had 1 staff resignation between 1 February 2023 & 30 April 2023.

Appointments

There were 5 staff appointments between 1 February 2023 & 30 April 2023.

Recruitment

Current positions being or to be advertised include:

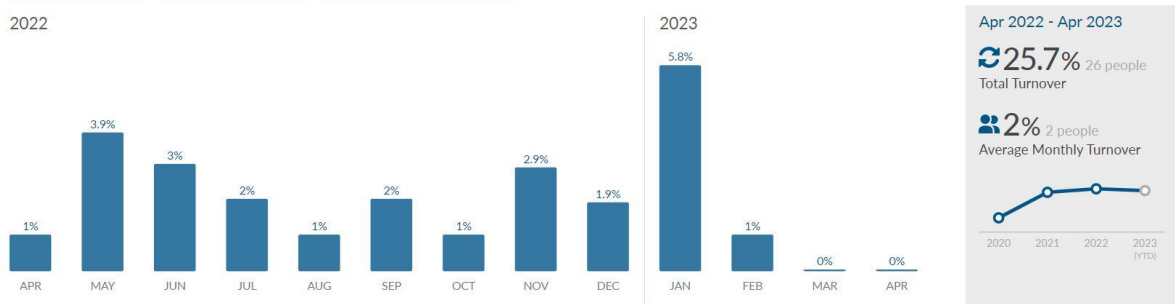
- General Labourer x 2
- Operations Manager – Sustainability
- Town Maintenance – Plant & Machinery Operator 1
- Gardener
- Maintenance Officer – Water
- Surveillance Officer
- Technical Officer – Water & Sewer

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

Current Staff Turnover Rate

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

At a strategic level, employee retention rates of 90% or higher are considered good and what Council is aiming for. Currently, we are not achieving this goal - turnover is sitting at 25.7% - hence a 74.3% retention rate from Jan 2022 to Jan 2023. Given the current resignation rates it is expected, this percentage will improve in the coming reporting periods.



Reasons for leaving Council’s in the past 3 months include the following:

Total Leavers		1
Other Employment	1	1%
Retirement	0	0%
Termination	0	0%
Redundancy	0	0%
Family – Travel	0	0%
No Longer Required	0	0%
Performance	0	0%

Information regarding the reasons for leaving Council are taken from exit interviews where they are undertaken and resignation letters where that information is provided.

Those who have accepted other employment have primarily indicated the move was for wage reasons. One was not satisfied with their role requirements.

Current Leave Balances (all Staff)

Type	Total Hours July 22	Total Hours Oct 22	Total Hours Jan 2023	Total Hours April 2023
Annual Leave	16,383	20,605	18,733	18,612
Long Service Leave	28,551	28,877	27,561	27,319

Excess Leave

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

The increase in leave balances noted in this report is due to long term staff reaching milestones in their employment, meaning they are now qualifying for Long Service leave.

Absenteeism

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

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

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












Council's absenteeism rate is currently sitting at 5.1%.


When considering the absenteeism rate it is important to note an increase in Covid-19 cases and the flu in the last reporting period.

I have noted this spike in absenteeism and will monitor the situation to ensure something more than the onset of the flu season, coupled with works being required to address flood recovery, is not at play. The trend does appear to be going up so some further investigation will be undertaken prior to the next reporting period. The increase in overtime may be a trigger point that will need consideration and understanding as to whether they are directly connected or not.

Indicators

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

Measure	Definition	January 23	April 2023	Trend
Full Time Equivalent (FTE) employed	As written. FTE based on standard 70-hour fortnight indoor and 76-hour fortnight outdoor	87	86	
Men		71%	70%	
Women		29%	29%	NO CHANGE
Average salary	Average <u>annualised</u> salary, excluding overtime and allowances			
Men		\$67,355	69,732	
Women		\$72,965	85,601	
Outstanding leave balance (\$000)	Balance of leave outstanding			
Annual		\$801,290	\$916,009	
Long Service Leave		\$1,114,130	\$1,188,437	
Absenteeism (hours)	Absence from work (sick, career, compassionate etc.) over past 12 months	8,283	8,560	
Overtime rate	Overtime hours worked in the previous 12 months	8,006	8,449	
Percentage of cost of the workforce	Salaries as a percentage of Operating Expense	N/A	N/A	
Turnover rate	Turnover of staff over previous 12 months	30.8%	27.5%	
Average tenure	Average length of employment for current staff	7.9 years	10.1 Years	

Measure	Definition	January 23	April 2023	Trend
Employee satisfaction	As measured by regular staff surveys on a scale of 1 to 5, with 5 being the highest	46/87	58/86	
Time to fill vacancies	Time between creation of a vacancy and commencement of a replacement (workdays)	N/A	N/A	

1. The percentages of male to female employees continues to show a gendered bias in Council. The statistics however do not show the fact that most female staff tend to work in the office environment where the male employees primarily tend to work in the construction and delivery environment. The construction and delivery services of Council hold the largest staff numbers, this will continue to skew the figures for the foreseeable future. It does not mean Council are not considering staff for “non-traditional” roles, rather those applying for positions with Council tend to apply along gendered lines due to the types of work offered in each environment.
2. The increase in the pay rates for male staff is due to the recent wage harmonization during this period, most of which are outdoor staff.
3. Annual and Long Service Leave balances have increased due to staff ticking over LSL and Annual leave balances due to their commencement dates with Council. All staff with excessive leave have provided a leave plan to the CEO and HR Coordinator to ensure we can achieve downward trend. Staff have already commenced taking extended leave.
4. Please see the comments above with regards to the absentee rate, due to staff illness – Covid-19 & Flu.
5. Overtime increased due to works around flood mitigation and staff absences due to illness.
6. Significant decrease with Employee turnover, was due to the consultation with staff regarding wage harmonisation. Staff seem to be happy and the results are starting to show in our Pulse Surveys. We will continue to work with staff being open and transparent as we review Council’s current wage system and Salary Policy. In the current economic climate however, it will remain difficult to attract and retain staff. The project to review our Workforce Management Plan and accompanying policies and procedures are expected to start to assist many of the issues being experienced.

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

7. In 2022 the Employee Tenure Report from the Bureau of Labor Statistics indicates Local Government median tenure is 6.9 years. <https://www.bls.gov/news.release/pdf/tenure.pdf> . Whilst Council staff remain above that figure, I do expect the average tenure to drop as we have a number of long term employees who have recently resigned from Council and more will retire throughout the remainder of 2023.
8. Measures are taken from our employee Pulse Survey which is conducted quarterly. The Pulse Survey is a cultural survey which measures employee satisfaction with their work and conditions and allows continuous improvement suggestions to be provided. It has proved a valuable feedback platform for staff and managers.
9. Council's current software makes calculation of this metric difficult. When Council moves to new HR Core management software, staff should be able to provide to provide an accurate measure.

8.13 Unsolicited Proposals Policy

Author:	Acting Deputy CEO, Tim Flynn
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:	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. Policy No.115 - Draft Policy Unsolicited Proposals - WORKING DOCUMENT - 29.06.2023.docx

Recommendation

That Council provisionally adopt the attached Unsolicited Proposal Policy

Report

That Council provisionally adopt the attached draft Unsolicited Proposal Policy pending feedback from State Economy Branch of Department of Premier and Cabinet.

Unsolicited Proposals

An unsolicited proposal as “an approach to Government from a proponent with a proposal to deal directly with the Government over a commercial proposition, where the Government has not requested the proposal”.

This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances, Council’s usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities for private sector participants to do business with Government.

Council will generally only consider proposals where both the proposal and its proponent (on the face of it, or after a market test has occurred) have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome.

Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where circumstances justify this approach and at its absolute discretion.

The term “direct negotiations” refers to exclusive dealings between an agency and a counterparty¹ without first undergoing a competitive process. Direct negotiations are sometimes referred to as directly sourced, single-sourced or non-competed contracts

Office of Local Government Circular No 10-12

Councils seeking to adopt their own unsolicited proposal guidelines should consider utilising the NSW Government's Guide (Guide) entitled "Unsolicited Proposals, Guide for Submission and Assessment" as a model framework.

Consultations

The State Economy Branch of Premiers and Cabinet (DPC) has offered to assist any council wishing to develop its own unsolicited proposal guideline. I have sent a copy of the policy to them and acknowledged that I have used the Unsolicited Proposals Policy of Fairfield Council, which is in the public domain as a model, together with the Guide as a model.

Conclusion

The Independent Commissioner Against Corruption (ICAC) NSW state direct negotiations should be avoided unless they clearly fall within the government's legislative and policy framework and/or the risk of corrupt conduct has been managed. Therefore, provisional adoption by Council of the attached policy may assist officers in managing unsolicited proposals in the future.

Council may wish to defer adoption of the attached policy pending feedback from DPC.



Policy

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UNSOLICITED PROPOSALS POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	XXXXXX	Minute Number:
Date for Review:	XXXXXX	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:		
Delivery Program Link:		

1. POLICY STATEMENT

The private sector and/or individuals with specific proposals may approach Council directly for it to consider a proposal for which Council has not formally sought expressions of interest. Where a proposal is of sufficient merit and uniqueness, it may result in a direct negotiation process in lieu of an open or selective process. In the interests of good governance and transparency these unsolicited proposals need to be dealt with within a consistent framework.

2. PURPOSE

This policy provides guidance on dealing with approaches by the private sector and/or individuals with proposals for the Council dealing with land purchases, business development, participation in a joint venture and other proposals. The purpose of the policy is to:

- Ensure good governance is followed by Council in dealing with these unsolicited proposals
- Provide a clear and transparent process to be followed to assist the Council and private sector working together to develop and deliver innovative outcomes for the community, and
- Provide consistency and certainty for proponents as to how their unsolicited proposals will be assessed within a transparent framework.



Policy

3. SCOPE

Berrigan Shire Council Officials may sometimes be approached by the private sector and/or individuals with specific proposals for the Council to consider. This Unsolicited Proposals Policy works in concert with the Unsolicited Proposals Procedure to provide guidance to both Council Officials and the Proponents of proposals for which the Council has not publicly sought expressions of interest.

4. OBJECTIVE

Council is sometimes approached by the private sector and individuals with specific proposals for it to consider including, land purchases, business development, participation in a joint venture and other proposals. These proposals tend to be private sector generated and are outside of the formal expression of interest framework where Council is the initiator.

To assist with this process Council has developed this policy and an accompanying procedure to consider these unsolicited proposals to ensure a transparent and streamlined approach to assist the Council and the private sector working together to develop and deliver innovative ideas and proposals. The aim of this policy and procedure is to provide consistency and certainty to both the Council Officials and the private sector as to how any unsolicited proposal to the Council will be assessed within a transparent framework. The focus of unsolicited proposals is on unique and innovative projects or services and is not designed to replace applicable environmental and planning assessment processes. In the interests of ensuring and maintaining probity and transparency for their proposal Proponents must not undertake canvassing of Councillors.

It is recognised that a Proponent may initially approach the Mayor or General Manager. These parties should then pass the proposal on to a relevant Council staff member to deal with. Once this occurs, the Proponent must only liaise with this relevant Council staff member. This will be their primary point of contact with the Council as their proposal is examined and developed.



Policy

5. DEFINITIONS

Assessment Criteria - The criteria upon which an Unsolicited Proposal will be assessed consisting of examining:

- Uniqueness
- Value for money
- Return on investment
- Capability and capacity
- Affordability
- Risk allocation
- Community impact

Infrastructure Australia – Infrastructure Decision-making Principles Infrastructure Australia (IA) advocates that by establishing clear lines of responsibility and accountability, governments can provide assurance to industry and the community that the projects that are being identified, prioritised, funded and delivered are in the public interest, and will provide value for money on taxpayers' investments.

IA has highlighted the need for a set of principles to guide infrastructure decision-making. These principles should act as a guide for not only those making decisions as part of infrastructure development and delivery, but also for the broader community to use as a clear set of expectations with which to hold decision makers to account.

These principles are;

1. Governments should quantify infrastructure problems and opportunities as part of longterm planning processes.
2. Proponents should identify potential infrastructure needs in response to quantified infrastructure problems.
3. Proponents should invest in development studies to scope potential responses.
4. Where an infrastructure need is identified, governments should take steps to ensure potential responses can be delivered efficiently and affordably.
5. Governments should undertake detailed analysis of a potential project through a full business case and should not announce a preferred option or cost profile before undertaking detailed analysis involving multiple options.
6. Proponents should assess the viability of alternative funding sources for each potential project.
7. Project proposals should be independently assessed by an appropriate third party organisation.



Policy

8. Governments and proponents should undertake meaningful stakeholder engagement at each stage, from problem identification and option development to project delivery.
9. Governments and proponents should publicly release all information supporting their infrastructure decisions.
10. Governments should commit to, develop and release post-completion reviews.
11. Where projects are funded as part of a broader program, the corresponding decision making processes should be robust, transparent and prioritise value for money. (Source: Infrastructure Decision-making Principles, Infrastructure Australia, July 2018)

Intellectual Property - Inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.

Proponent - The person or organisation that submits an Unsolicited Proposal.

Unsolicited Proposal - An approach to the Council from a Proponent with a proposal to deal directly with the Council over a commercial proposition, where the Council has not requested such a proposal. This may include proposals to build and/or finance infrastructure, provide goods or services or undertake a major commercial transaction. These proposals must have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome.

6. POLICY IMPLEMENTATION

6.3 Objectives and Goals

Council is sometimes approached by the private sector and individuals with specific proposals for it to consider including, land purchases, business development, participation in a joint venture and other proposals. These proposals tend to be private sector generated and are outside of the formal expression of interest framework where Council is the initiator.

To assist with this process Council has developed this policy and an accompanying procedure to consider these unsolicited proposals to ensure a transparent and streamlined approach to assist the Council and the private sector working together to develop and deliver innovative ideas and proposals. The aim of this policy and procedure is to provide consistency and certainty to both the Council Officials and the private sector as to how any unsolicited proposal to the Council will



Policy

be assessed within a transparent framework. The focus of unsolicited proposals is on unique and innovative projects or services and is not designed to replace applicable environmental and planning assessment processes. In the interests of ensuring and maintaining probity and transparency for their proposal Proponents must not undertake canvassing of Councillors.

It is recognised that a Proponent may initially approach the Mayor or General Manager. These parties should then pass the proposal on to a relevant Council staff member to deal with. Once this occurs, the Proponent must only liaise with this relevant Council staff member. This will be their primary point of contact with the Council as their proposal is examined and developed.

6.2 Guiding Principles

The Guiding Principles for dealing with and assessing unsolicited proposals will be to Optimise Outcomes and the Uniqueness of the proposal.

6.3 Optimise Outcomes

Proposals must be considered in light of the wider benefits and strategic outcomes that may be derived. In order to proceed however, proposals must be broadly consistent with Council objectives and plans and offer some attributes that would justify departing from a competitive tender process. Outcomes must always be in the best interest of the Council.

In order to demonstrate that 'Value for Money' will be achieved, Council will develop an independent project cost estimate that will be used to assess Value for Money. This approach to demonstrating Value for Money will be generally consistent with Infrastructure Australia guidelines. (See Infrastructure Australia – Infrastructure Decision-making Principles in Definitions)

6.4 Uniqueness

For unsolicited proposals to progress through the assessment process, the uniqueness needs to apply to both the proposal and the Proponent.

The essential elements of uniqueness to be addressed in any Unsolicited Proposal are;

- Can this proposal be readily delivered by competitors? If so what, if any, justification would the Council have to the public for not seeking best value through a competitive tender process? What benefit(s) would the Council gain?
- Does the Proponent own something that would limit Council from contracting with other parties if Council went to tender? This would include intellectual property, real property and other unique assets.



Policy

- Are there other attributes which may not necessarily stand alone as unique but, when combined, create a 'unique' proposal? This may include genuinely innovative ideas, including financial arrangements or solutions that are otherwise unlikely to be defined and put to market (e.g. alternatives to providing a Council service or substantive processes, products or methods for delivering a service that is not offered by other service providers and constitute a significant departure from traditional service delivery).

Proposals that are NOT considered unique are unlikely to be progressed. Examples of this are (but not limited to);

- Proponents seeking to directly purchase or acquire a Council-owned entity or land parcel. Unless the proposal presents a unique opportunity to Council, the Council is unlikely to enter into such an arrangement without a competitive tender process.
- Proponents with an existing Council contract to provide goods or services seeking to bypass a future tender process.
- Proposals for significant extensions to existing contracts, or the next stage of a staged project on the basis that the contractor is already 'on-site' or has some other claimed advantages, absent of other 'uniqueness' criteria.
- Proposals that identify the Proponent's skills or workforce capability as the only unique characteristic are unlikely to progress to Stage 2.
- Proposals to provide widely available goods or services to Council.
- Proposals for consultancy services.
- Proposals for projects where the tender process has formally commenced.
- Proposals that are early concepts or lack detail. • Proposals seeking grants e.g. scientific research.
- Proposals that claim uniqueness that is trivial. If Council decides to progress an unsolicited proposal it should not be interpreted as any form of explicit or tacit support for the required planning approvals. All proposals will be required to meet the required approvals as set out in the relevant legislation.

7. APPLICATION & IMPLEMENTATION

Council will apply a three-stage assessment process as advocated by the Unsolicited Proposals – Guide for Submission & Assessment, NSW Government, August 2017 to assist with guiding the evaluation of any unsolicited proposal. This will consist of:



Policy

Stage 1	Initial Submission and Preliminary Assessment	<p>Council staff will undertake a Preliminary Assessment of the proposal to determine if the submission constitutes an unsolicited proposal and if it contains sufficient potential grounds to justify direct dealing and a Stage 1 assessment.</p> <p>Strategic Assessment of Initial Submission which includes a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the Proponent.</p>
Stage 2	Detailed Proposal	<p>The Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal.</p>
Stage 3	Negotiation and Final Binding Offer	<p>The finalisation of all outstanding issues with a view to entering into a binding agreement, should the Council accept the final offer.</p>

The following assessment criteria will be applied to any proposal consisting of:

- Uniqueness
- Value for Money
- Return on Investment
- Capability and Capacity
- Affordability
- Risk Allocation
- Community Impact



Policy

Where the Council assesses a proposal as not meeting the criteria, including uniqueness, Council reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in the procurement process should the concept be offered to the market. Council will take all the necessary steps to conduct its commercial dealings with integrity through the application of established probity principles which will ensure it:

- Maintains impartiality
- Maintains accountability and transparency
- Manages conflicts of interest
- Maintains confidentiality, particularly in respect of commercial confidentiality and the protection of intellectual property, and
- Obtains value for money Council's Unsolicited Proposals Procedure will set out the detailed steps and processes to be followed to ensure it addresses the guiding principles, assessment criteria and probity requirements for dealing with any such proposal.

8. RELATED LEGISLATION, POLICIES AND STRATEGIES

8.1 Related Policies Procedures Guidelines

- Unsolicited Proposals – Guide for Submission & Assessment, NSW Government, August 2017
- NSW Public Private Partnerships Guidelines 2017, NSW Treasury, TPP17-07
- Infrastructure Decision-making Principles, Infrastructure Australia, July 2018

8.2 Legislation

- Environmental Planning & Assessment Act 1979
- Local Government Act 1993

8.3 Council policies and guidelines

- Governance Policy
- Code of Conduct



Policy

RISK

Failure to provide for an open and transparent framework to deal with unsolicited proposals creates the following risks for Council:

- Council being seen as lacking transparency and consistency on how it reaches its decisions relating to unsolicited proposals
- Proponents not having a clear process to follow leading to ad hoc approaches to Council and the Mayor and Councillors
- Council being seen as inconsistent in how it deals with proposals leading to reputational damage, and
- Council not adequately optimising outcomes for the Fairfield community in the delivery of projects

9. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

10. 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.

11. DOCUMENT AVAILABILITY

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

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

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

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



Policy

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

12. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Tim Flynn (Acting Deputy Chief Executive Officer)

APPENDICES

8.14 Policy for Waiver of Fees and Charges

Author:	Acting Deputy CEO, Tim Flynn
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Policy No. 117 - Application for a Waiver of Reduction of Fees and Charges

Recommendation

That Council authorise public exhibition of the tabled policy regarding waiving of fees and charges.

Report

The authority for Councils to waive fees comes from Section 610E of the *Local Government Act 1993*, which states:

“(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F(2) or (3).”

Council were approached by a family requesting an exemption from a Development Application fee on compelling compassionate grounds; however, review of existing Council policies refer to sections 567 and 582 of the Act, which only apply to charges. This policy gap may have arisen through a misunderstanding of the distinction between a fee and a charge (Compulsory Services attract Charges and Discretionary Services attract Fees).

Therefore, the attached policy should be put on exhibition for public comment to:

- allow Council to continue to offer concessions to community groups using council facilities.
- write off items like library fines that have been incurred due to illness or bereavement:
and

Given there is a degree of ambiguity obtaining an objective definition of “hardship”, allow discretion to senior officers to grant waivers that are to be reported to Council on a monthly basis, in special circumstances (like the circumstances of the family referred to above).

¹ [LOCAL GOVERNMENT ACT 1993 - SECT 610E Council may waive or reduce fees \(austlii.edu.au\)](#)



Policy

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Application for a Waiver or Reduction of Fees and Charges

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	13 July 2023	Minute Number:
Date for Review:	13 July 2023	
Responsible Officer:	Director Corporate Services	
Document Control:		
Delivery Program Link:		

1. POLICY STATEMENT

Section 610E of the Local Government Act 1993 allows Council to waive payment of, or reduce, a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined Council has determined that fees may be waived or reduced in the following categories.

Category one – financial hardship

Council may reduce or waive fees in cases where the applicant provides evidence that the payment of the fee will impose significant financial hardship. In determining eligibility on the basis of significant hardship, Council will:

- Apply the criteria used by the Department of Human Services (Centrelink)
- Require the applicant to provide reasonable proof of financial hardship which may include details of assets, income and living expenses, and such other information required to make a valid assessment.

Category two – Charity or Community Organisation

Council may reduce or waive fees in where the applicant is a registered charity or community organisation and the fee is for a service that will enable the provision of charitable or community Service services to the community.

Category Three- Special Circumstances



Policy

Demonstrate special circumstances as determined by the CEO or Council's delegated staff that reasonably warrant reduction or fee waiver. Such waivers and reductions are to be reported to Council on a monthly basis.

Category Four – illness or death (library overdue charges and pool season passes/tickets only)

Council may reduce or waive fees in cases where the applicant provides evidence that the charge was incurred because of:

- Serious illness of a customer or the customer's immediate family member
- Serious accident involving the customer or the customer's immediate family member
- Death of a customer or the customer's immediate family member.

In determining eligibility on the basis of illness or death, Council will require the customer to present:

- Medical certificate
- Statutory declaration.

2. PURPOSE

The "why" question - i.e. why has this policy been developed

3. SCOPE

Set out where the policy has application. This could include:

- A particular function of the Council - i.e. libraries, water, parks
- A particular subset of Council officials - i.e. Councillors, Managers, Staff, volunteers etc.
- A particular Council facility - i.e. office, depot, park etc

4. OBJECTIVE

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

5. DEFINITIONS

Definition 1: Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat;

Definition 2:



Policy

6. POLICY IMPLEMENTATION

6.1 Subheading 1

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6.2 Subheading 2

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua

6.2.1 Sub-subheading 1

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Template Act 2000*
- *Template Regulation 2001*
- *Template Guidelines (2002)*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

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



Policy

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

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Berrigan Shire Council
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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Michelle Koopman
1.1		Minor review (detail)	Matt Hansen
2.0		Major revision (detail)	Karina Ewer

APPENDICES

8.15 Affordable Housing (Key Worker) Draft Policy

Author:	Acting Deputy CEO, Tim Flynn
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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Policy No.116 Affordable Housing for Key Workers

Recommendation

That Council receive the draft policy for discussion, prior to submission at the next Ordinary Council meeting.

Report

At the strategic policy workshop on 5 July 2023, Council requested the A/DCEO to draft an issues paper with respect to Council's potential role and implementation measures in securing Key worker housing.

The intent is to supply such a paper to the next policy workshop. However, the first step in such a process is to identify an overarching policy framework with respect to affordable (key worker) housing.

Therefore, the following policy is tabled for discussion and aims to prompt Council to articulate their position on the issue. The intent, following these discussions, is to table a policy for the next ordinary meeting.

This will facilitate tabling of the issues paper referred to at the next Policy Workshop.

The proposed policy is based upon that of Willoughby Council



Policy

116

Affordable Housing for Key Workers

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	13 July 2023	Minute Number:
Date for Review:	13 July 2023	
Responsible Officer:	Director Corporate Services	
Document Control:		
Delivery Program Link:		

1. POLICY STATEMENT

The following guiding principles outline Council’s commitment to the provision of affordable housing in our local area:

- Council recognises a social, ethical and legislative responsibility to address housing affordability on behalf of the community;
- Access to appropriate and affordable housing is a basic requirement for all people as an essential component of social infrastructure;
- Affordable Housing increases economic productivity by providing affordable local housing choices for key and essential workers;

2. PURPOSE

To guide decision making by defining Council’s role in relation to affordable housing. The policy includes Council’s commitment to increasing the level of affordable housing for moderate income key and essential workers in the Berrigan Shire Area and outlines its role in advocating for local, social and affordable housing needs.

The affordable housing program assists in the delivery of Council’s priorities and objectives by increasing the affordable rental housing available in the local area to key and essential workers

Council’s affordable housing program and assets are strategically managed to optimise social outcomes, asset development and financial sustainability. Council’s activities in the provision of affordable housing is categorised under;

- Affordable Rental Housing Dwellings – Residential dwellings let to moderate income



Policy

- earners with the aim of addressing housing affordability for key and essential workers;
- Affordable Housing Sites - Council owned land identified for future development as affordable housing;
 - Affordable Housing Reserve – Funds reserved exclusively for affordable housing initiatives

3. SCOPE

Council considers that affordable housing is vital to social and economic development and continues to support this long-standing commitment to increase affordable housing in our local area.

Key and essential worker households support our local communities and economies in frontline services such as health care, education, child care, aged care, emergency services, community services, retail and hospitality. These workers are necessary for the normal functioning of our Shire and community.

Council is committed to do its part in the provision of affordable housing for key and essential worker households while continuing to advocate for the shortfall in local social and affordable housing needs.

4. OBJECTIVE

Local government, while not having primary responsibility for affordable housing provision, has local and regional influence. NSW Government plans related to affordable housing are implemented at the local level. Council actively intervenes by developing appropriate planning mechanisms, strategies and via advocacy, facilitation and service provision. Council's role in these areas is categorised below.

Demonstrating leadership (analysing trends and establishing direction) - Demonstrating leadership for local and regional affordable housing needs by monitoring affordable trends, identifying the level of need and developing policies to address.

Owner/Custodian - Stewardship of affordable housing assets to increase affordable housing for key and essential workers. Council's affordable housing assets are strategically managed to optimise social outcomes and financial sustainability. Council's allocation of assets in the provision of affordable housing is categorised as;

Affordable Rental Housing Dwellings – Residential dwellings let to moderate income earners with the aim of addressing housing affordability for key and essential workers;

Affordable Housing Sites - Council owned land identified for future development as affordable housing;

Affordable Housing Reserve – Funds reserved exclusively for affordable housing initiatives.



Policy

Regulator (enforcer of legislation) - Ensuring development applications and planning proposals consider and include an adequate level of affordable housing dwellings to increase the provision of affordable housing.

Information provider - Ensuring information is provided regarding affordable housing projects, services and policy.

Advocacy (on behalf of the community and local government sector) - Monitoring local affordable housing need and advocating on the behalf of the community to address identified need.

Facilitator (bringing together relevant parties) - Facilitating partnerships between government, commercial and community housing sectors in order to address local and regional affordable housing priorities.

Deliverer of services (in part or in full) - Delivery of Council's affordable housing program via the appointment of a Community Housing Provider to manage Councils affordable housing dwellings with tenancies prioritised for the needs of key and essential workers.

5. DEFINITIONS

Affordable housing:	Refers to rental housing offered at rent of up to 30% of household income to very low to moderate income households. Affordable housing must be appropriate to the needs of tenants regarding size, quality, accessibility, location and access to public transport; it must not incur unreasonable costs relating to maintenance and provide security of tenure for a reasonable period.
Key & Essential Workers:	Key and essential workers are persons employed in roles that are essential to the functioning of a city. While there is no universal definition of the term, key workers typically include police, fire fighters, teachers, childcare workers, retail and other employee groups who undertake work considered essential for the day-to-day functioning of a city, and who are Typically paid low to moderate salaries.
Planning agreement:	A voluntary agreement between a planning authority and a developer in which a developer agrees that as part of a development proposal or rezoning that they will make a contribution towards a public benefit which is sometimes the dedication of land or dwelling units for the purpose of affordable housing. <i>The Environmental Planning and Assessment Amendment (Development Contributions) Act 2005</i> sets out certain provisions regulating the making and implementation



Policy

of planning agreements sometimes referred to as Developer Agreements.

Rental Stress: The state of households who are paying more than 30% of their gross income on rent and are also in the bottom 40% of national equivalised incomes.

6. POLICY IMPLEMENTATION

6.1 Subheading 1

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6.2 Subheading 2

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6.2.1 Sub-subheading 1

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7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Template Act 2000*
- *Template Regulation 2001*
- *Template Guidelines (2002)*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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



Policy

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:

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2.0		Major revision (detail)	Karina Ewer

APPENDICES

8.16 Council Action List Report

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Outstanding Council Actions as of 13.07.2023 (under separate cover)2. Completed Council Action Items from 21.06.2023 - 13.07.2023 (under separate cover)

Recommendation

That Council receive and note the Council Action List Report.

Report

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

The following reports have been generated from your information:

- Outstanding Council Actions as of 13.07.2023
- Completed Council Actions from 21.06.2023 – 13.07.2023

8.17 Berrigan Shire Caravan and Camping Parks Project - Revised Brief

Author:	Acting Deputy CEO, Tim Flynn
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:	<ol style="list-style-type: none">1. Quote (under separate cover)2. Berrigan Caravan Parks - THLA Fee Proposal (under separate cover)

Recommendation

That Council accept the revised quotation and revised terms of reference for a scoping and feasibility project.

Report

Following the SPW of 3 May 2023 Council endorsed a reverse brief provided by Thomson Hay Landscape Architects (THLA) for the preparation of a masterplan for caravan parks in Berrigan Shire and added the following terms of reference:

- Council would like to consider an economic analysis with these plans – not just viability for the facility but the broader impact on the Shire.
- For Berrigan – the Council would like to include the land on the Barooga St road reserve adjacent to the caravan park
- Council are keen to explore options for both key worker housing and tourism where appropriate
- Council are also looking for clear guidance on the status of the lessee/operator and Council going forward both in delivering the plan and operationally.

The response fee proposal from THLA was received on 19th June 2023 and came to \$107,576 (ex GST). See attached

There were four firms providing specific services on the quotation:

- Odin 360, providing industry specific strategic consulting expertise \$49,830
- THLA, Landscape Architecture \$44,946
- HEC, Civil Engineering \$6,800
- Zinc, costings \$6,000.

Ms Merran Socha, Manager Economic Development and Tourism (MEDT), advised the A/DCEO there had been limited engagement with the park's lessees and that the main deliverables to be provided were dependant upon their cooperation and supply of information.

A/DCEO and MEDT had a series of telephone meetings with Ms Claire Reynolds (THLA) and Mr Stephen Wright of Odin360. Mr Wright was originally a solicitor but has had a distinguished management career including a term as CEO of BIG4 Holiday Parks.

Mr Wright's advice, considering the nature of the remaining leases, was that an initial feasibility study, costing \$15,000 (ex GST), was most likely to yield value for Council. The revised Brief is included in the appendices.

A/DCEO and MEDT concur with this advice.

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Recommendation

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

10.1 CEO Annual Performance Review

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

10.2 Unsolicited Proposal Construction and Leaseback or Key Worker Housing

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

10.3 11 Barooga St Tocumwal

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

10.4 Finley saleyards Update

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

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 16 August 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

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