



# ORDINARY COUNCIL MEETING

Wednesday 4 December, 2024

at 1:00pm

Council Chambers, 56 Chanter Street, Berrigan



# Agenda

## Our Vision

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

## COMMUNITY STRATEGIC PLAN

Berrigan Shire Council's Community Strategic Plan Berrigan Shire 2040 is a common framework for measuring the achievement of Berrigan Shire 2040 strategic outcomes of:

CO. Our Community

EC. Our Economy

EN. Our Environment

IN. Our Infrastructure

CL. Our Civic Leadership

The Community Strategic Plan can be found here: [Community Strategic Plan 2040](#)

## 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 4 December, 2024

**BUSINESS PAPER**

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 4 December, 2024 when the following business will be considered:-

**ITEMS OF BUSINESS**

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	Nil	
<b>8</b>	<b>REPORTS TO COUNCIL.....</b>	<b>7</b>
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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 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 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.

A 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

"Berrigan Shire Council acknowledges the Traditional Custodians of the lands on which we live and thrive. We pay our respects to their elders; past, present and emerging. The peoples of these great Nations, their spirits and ancestors will always remain with our waterways and lands."

### STATEMENT OF ETHICAL OBLIGATIONS

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

### DISCLOSURES OF INTEREST

Pursuant to the provisions of the *Local Government Act 1993*, the Berrigan Shire Council Code of Meeting Practice and the Berrigan Shire Code of Conduct; Councillors are required to disclose and manage both pecuniary and non-pecuniary interests of



any matter on the agenda for this meeting. In both cases, the nature of the interest must be disclosed.

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

**3.1 Apologies/Leave of Absence**

Nil

**3.2 Applications for Leave of Absence**

**3.3 Attendance Via Audio-Visual Link**

Nil

**4 CONFIRMATION OF PREVIOUS MINUTES**

**Recommendation:** That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 20 November 2024 be confirmed.

**5 DISCLOSURES OF INTERESTS**

**6 MAYORAL MINUTE(S)**

Nil

**7 REPORTS OF COMMITTEES**

Nil



## 8 REPORTS TO COUNCIL

### 8.1 32-25-DA-DM - Manufactured Home Estate - 74 Quicks Road Barooga

<b>Author:</b>	Director Community and Development, Andrew Fletcher
<b>Strategic Outcome:</b>	EN. Our Environment
<b>Strategic Objective:</b>	EN-C. Robust planning systems support the liveability of our shire
<b>Delivery Program:</b>	EN.4. Our rural character and heritage assets are protected and maintained
<b>Council's Role:</b>	<b>Asset Owner:</b> 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
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Report - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li><li>2. Site Plans - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li><li>3. Statement of Environmental Effects - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li><li>4. Community Building Plans - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li><li>5. Submission Response - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li><li>6. External Referral Comments - 32-25-DA-DM - 74 Quicks Road Barooga (under separate cover)</li></ol>

#### Summary

<b>Applicant:</b>	Land Dynamics Pty Limited
<b>Owner:</b>	Frank Bisogni Pty Ltd
<b>Proposal:</b>	Manufactured Home Estate (MHE), with 383 dwellings and associated roads, recreational areas, community buildings and a swimming pool
<b>Location:</b>	74 Quicks Road Barooga, NSW 3644

#### Division:

In Favour:

Against:

#### Recommendation



That Council resolves to REFUSE Development Application No 32-25-DA-DM which proposes a Manufactured Home Estate (MHE), with 383 dwellings and associated roads, recreational areas, community buildings and a swimming pool at 74 Quicks Road, Barooga.

The development application is recommended for refusal, based on the following reasons:

1. The proposed development does not comply with section 4.15(1)(c)(e) of the Environmental Planning and Assessment Act 1979 in terms of the suitability of the site for the proposed development and site location.
  2. The proposed development does not meet the principles 1(d), (e) and (f) and aims (1)(d) or (e) of State Environmental Planning Policy (Housing) 2021.
  3. The proposed development does not comply with the aims of the Berrigan Local Environment Plan 2013 as it will provide a high-density residential development which does not compliment the unique character on the periphery of Barooga and will place strain on local infrastructure and services.
  4. The proposed development includes dwellings that will be constructed on-site, which does not comply with section 41 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- 

## Purpose

That council determine Development Application No. 32-25-DA-DM which proposes a Manufactured Home Estate (MHE), with 383 dwellings and associated roads, recreational areas, community buildings and a swimming pool at 74 Quicks Road, Barooga.

## Background

The Development Application was lodged on 29 September 2024 following pre-application advice between February and September 2024. The officers' report is attached and outlines officer's recommendation, the proposal, the relevant requirements of state and local policies, the submitters concerns, and an detailed assessment.

Notice of the application was given in 10 October 2024 for a total period of 21 days, in the form of a newspaper advertisement and letters sent to adjoining properties. A total of 27 submissions have been received, which raise the following concerns (summary):

- Overall concept and Zoning of the land- RU1 (including alignment with policy and legislation)
- Density and type of housing (including alignment with policy and legislation) Neighbourhood character and Design- including setbacks from site boundaries and the river and on-site water/sewer/stormwater treatment and waste collection.
- On-site amenity (including access to services, health facilities and public transport)
- Traffic (including traffic generation, intersection upgrades, safety and impact)
- Local Infrastructure and Services (including impact, availability and capacity)





- Off-site amenity impacts (including noise (residential), loss of privacy, light)
- Bushfire
- Environmental Impact – Wildlife
- Flooding (as a result of stormwater basin location, and flood prone land (although not mapped))
- Other (including accuracy of submitted traffic report, extent of notification by Council).

All concerns and issues raised in the submission are addressed in the officer's report.

The officer's recommendation is for council to refuse the Development Application on the basis that is not suitable for the site and context.

### Options

In relation to the Development Application, Council can determine:

1. To agree with the officer's recommendation and refuse the Development Application.
2. Not to agree with the officer's recommendation and approve the Development Application subject to conditions.

If Council resolve not to accept the officer's recommendation, they must supply a statement explaining the rationale around their decision.

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## 8.2 Councillor Expenses and Facilities Policy

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	CL. Our Civic Leadership
<b>Strategic Objective:</b>	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
<b>Delivery Program:</b>	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Draft for adoption 04 December Meeting Councillors Expenses and Facilities Policy.

### Recommendation

That Council

1. revoke the Councillor Expenses and Facilities Policy adopted 15 June 2022, and
2. adopt the Councillor Expenses and Facilities Policy attached as an appendix to this report

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### Purpose

This policy proposes a councillor expenses and facilities policy for adoption following public exhibition.

### Summary

The councillors' expenses and facilities policy sets out the specific facilities and expenses provided to the councillors to meet their civic responsibilities. The policy must be reviewed within 12 months of the ordinary election.

The policy must comply with the *Local Government Act 1993* and the guidelines issued by the Office of Local Government (OLG) in 2009.

Council adopted a draft policy at its meeting on 16 October 2024. As required under the Act, the policy was placed on public exhibition for 28 days. During that period, council did not receive any submissions.

### Background

The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Berrigan Shire Council.

The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.



The purpose of this policy is to clearly state the facilities and support available to councillors to assist them in fulfilling their civic duties.

The aims of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties,
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties,
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors,
- ensure facilities and expenses provided to councillors meet community expectations,
- support a diversity of representation and
- fulfil the council's statutory responsibilities.

### Key principles and issues

When setting their expenses and facilities policy, councils must consider and integrate the following principles

- **General conduct** – you must act lawfully, honestly and exercise a reasonable degree of care and diligence,
- **Use of council resources** – you must ensure council resources are used ethically, effectively, efficiently and carefully,
- **Accountability and transparency** – the policy must include each specific expense for which you are entitled and each specific facility you are provided,
- **Private benefit** – you should not obtain private benefit from the provision of equipment and facilities,
- **General expense allowances** – the policy must not include a general allowance for expenses. Payments must relate to an actual out-of-pocket expense,
- **Limits** – amounts paid to you must not be open-ended. You must set caps,
- **Approval** – you must seek approval for all expenses and facilities.

**Participation, access and equity** – the policy must be non-discriminatory, equitable and encourage participation.

### Types of expenses and facilities provided to the Council

The draft policy allows for the following expenses to be paid to councillors.

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	<i>All conference attendance approved by mayor and deputy mayor. Conference report to be provided to Council for noting.</i>



Section Name	Expense Type	At Cost	Limit Amount	Comment
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	<i>Travel arrangements must be approved by the chief executive officer. See Details for travel arrangements also General travel arrangements</i>
Accommodation	Actual up to daily limit	Actual up to daily limit	1. \$350 per night 2. \$300 per night 3. \$200 per night	1. <i>State Capital Cities and Canberra</i> 2. <i>Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour).</i> 3. <i>Country.</i>
Meals	Actual up to daily limit	Actual up to daily limit	1. \$150 per day 2. \$100 per day 3. \$100 per day	1. <i>State Capital Cities and Canberra</i> 2. <i>Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour).</i> 3. <i>Country</i>  <i>Alcohol with a meal is a private expense unless specifically authorised by council resolution.</i>
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Chief Executive Officer.	<i>See Care and Other Related Expenses</i>
Attendance at non-Council functions	Cost of service provided	Actual	None	<i>No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.</i>
Care and Other Related Expenses	Personal care or childcare expenses up to four hours	Actual	\$150 daily \$4,000 annually	<i>See Special Requirement and Carer Expenses</i>
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	<i>See Spouse and Partner Expenses</i>
Professional development	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor		\$5,000 per year per Councillor	<i>With the express permission of the councillors involved The chief executive officer may re-allocate unspent professional development allowance between councillors.</i>
Out of Pocket Expenses	Minor expenses incurred when on Council business.	Actual up to daily limit.	\$100 per day	<i>Expenses in this category may include:</i> <ul style="list-style-type: none"> <li>• <i>Reasonable telephone, facsimile or internet usage</i></li> <li>• <i>Newspapers</i></li> <li>• <i>Tolls</i></li> <li>• <i>Reasonable refreshments</i></li> </ul> <i>Meals not included in registration fees for conference.</i>



Section Name	Expense Type	At Cost	Limit Amount	Comment
Use of Private Motor Vehicle	Payment	Per km allowance as defined in <i>Clause 16(x) of the Local Government (State) Award 2020.</i>	Under 2.5 litre 0. 68p.km. Over 2.5 litre 0. 78p.km.	<i>See Payment of Kilometres Clause</i>
Legal assistance for mayor and councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	<i>See Legal Expenses and Obligations</i>
Employee Assistance Program	Cost of Service Provided	Actual	Three sessions per <b>calendar</b> year	<i>As per Council's Employee Assistance Policy</i>
Laptop Computer	Cost of Service Provided	Monthly data allowance	One per term	<i>To support Councillor needs to cover normal Council business use. Ancillary devices such as cases, keyboards, mouses etc. will be provided as required.</i>
Mobile telephone	Cost of Service Provided	Monthly data allowance Monthly call allowance	One per term	<i>To support Councillor needs to cover normal Council business use.</i>
Use of Private Mobile Phone	Cost of service provided	At cost	\$1,000 per year	<i>Covers use of call costs on private mobile phone for normal Council business.</i>

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

- Code of conduct
- Operational plan

## Issues and Implications

### Policy

- Communication Devices and the Internet Policy
- Motor Vehicle Policy

### Financial

Council has a total budget for councillor facilities and expenses of \$75,000.

Where council widens the scope of expenses and facilities covered by the council or lifts any caps imposed, it may need to review the budget.



### Legal / Statutory

The council must, pursuant to s252(i) of the *Local Government Act 1993*, within five months after the end of each year, adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

Additionally, s252 provides that:

- 2) the policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a Councillor of a facility provided by the Council to the mayor or Councillor.
- 3) *A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a Policy under this section.*
- 4) *A Council may from time to time amend a Policy under this section.*
- 5) *a Policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

s253 of the Act is also relevant to adoption of such a Policy or its amendment and states:

- 1) *A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.*
- 2) *Before adopting or amending the Policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment.*
- 3) *Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.*
- 4) *A Council must comply with this section when proposing to adopt a Policy each year in accordance with section 252 (1) even if the Council proposes to adopt a Policy that is the same as its existing Policy.*

Council must also take into consideration the relevant guidelines issued by the Office of Local Government under s23A of the *Local Government Act 1993*.

### Community Engagement / Communication

As detailed above, council placed its draft Councillor Expenses and Facilities on public exhibition for 28 days and called for public submissions.

A notice calling for submissions was placed on council's website and in the bulletin board page of the Cobram Courier and Southern Riverina News.

Submissions closed on 20 November. Council did not receive any submissions.

### Human Resources / Industrial Relations (If applicable)

NIL



## Risks

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

### 1. Financial

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

While it is important council efficiently manage councillor expenses, the overall cost of council expenses is not a large component of council's overall budget.

### 2. Reputational

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

Inappropriate use of council facilities or expenses would generate significant community concern. Compliance with this policy should mitigate this concern.

### 3. Legal

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

Reimbursement of expenses outside this policy in certain circumstances may attract attention from the Independent Commission against Corruption (ICAC) or criminal prosecution.

## Options

1. Council can adopt the proposed policy as written.



2. Council can choose not to adopt the proposed policy, noting the policy must be reviewed by 14 September 2025.
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## Policy

33

### COUNCILLOR EXPENSES AND FACILITIES

Strategic Outcome:	CL. Our Civic Leadership	
Policy type	Strategic	
Date of Adoption:	3 August 2024	Minute Number:
Date for Review:	3 August 2028	
Responsible Officer:	Chief Executive Officer	
Document Control:	Replaces the Councillor Expenses and Facilities Policy adopted on 15 June 2022.	
Delivery Program Link:	CL.2 Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.	

#### 1. POLICY STATEMENT

The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Berrigan Shire Council.

The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.

Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Expenses and facilities provided by this policy are in addition to fees paid to councillors.

#### 2. PURPOSE

The purpose of this policy is to clearly state the facilities and support available to councillors to assist them in fulfilling their civic duties.



## Policy

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The aims of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties,
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties,
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors,
- ensure facilities and expenses provided to councillors meet community expectations,
- support a diversity of representation and
- fulfil the council's statutory responsibilities.

### 3. SCOPE

The policy applies to all councillors and if appropriate any council administrators appointed by the Minister for Local Government.

The policy does not apply to the receipt or expenditure of councillors or mayoral annual fees. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council annually adopts its annual fees within this set range.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy.

### 4. OBJECTIVE

This policy is developed to assist the council with the Delivery Program Objective CL.2:

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

### 5. DEFINITIONS

**Accompanying person:** means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor.

**Appropriate refreshments:** means food and beverages, **excluding alcohol**, provided by council to support councillors undertaking official business.

**Act:** means the *Local Government Act 1993* (NSW).



## Policy

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<b>Code of Conduct:</b>	means the Code of Conduct adopted by council or the Model Code if none is adopted.
<b>Councillor:</b>	means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor.
<b>Chief Executive Officer:</b>	means the chief executive officer of council and includes their delegate or authorised representative.
<b>Incidental personal use:</b>	means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
<b>Long distance intrastate travel:</b>	means travel to other parts of NSW of more than three hours duration by private vehicle.
<b>Maximum limit</b>	means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1.
<b>Official business</b>	means functions the mayor or councillors are required or invited to attend, to fulfil their legislated role and responsibilities for council, or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"><li>• meetings of council and committees of the whole,</li><li>• meetings of committees facilitated by council,</li><li>• civic receptions hosted or sponsored by council and</li><li>• meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council.</li></ul>
<b>Professional development</b>	means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor.
<b>RAMJO</b>	means the Riverina and Murray Joint Organisation.
<b>RAMJO region</b>	the local government areas included in the Riverina and Murray Joint Organisation.
<b>Regulation</b>	means the <i>Local Government (General) Regulation 2021</i> (NSW).

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## Policy

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**Year** means the financial year, that is the 12-month period commencing on 1 July each year.

### 6. POLICY IMPLEMENTATION

#### 6.1 Principles

Council commits to the following principles:

- **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor.
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a councillor.
- **Equity:** there must be equitable access to expenses and facilities for all councillors.
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations.
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

#### 6.2 Private or political benefit

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise a council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to council.

Councillors should avoid obtaining any greater private benefit from council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

Campaigns for re-election are considered a political benefit. The following are examples of what is considered a political interest during a re-election campaign:

- production of election material,
- use of council resources and equipment for campaigning,



## Policy

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- use of official council letterhead, publications, websites or services for political benefit and
- fundraising activities of political parties or individuals, including political fundraising events.

### 6.3 General expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### 6.4 Specific expenses

#### 6.4.1 General travel arrangements and expenses

All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

The mode and method of transportation to be used shall be agreed with the council, or the mayor and the chief executive officer prior to the travel taking place, and where possible, Councillors should attempt to travel with other representatives from the council to minimise costs.

Each councillor may be reimbursed up to a total of \$2,000 per year, and the mayor may be reimbursed up to a total of \$4,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within the RAMJO region. This includes reimbursement:

- for public transport fares,
- for the use of a private vehicle or hire car,
- for parking costs for Council and other meetings,
- for tolls,
- by Cabcharge card or equivalent and
- for documented ride-share programs, such as Uber, where tax invoices can be issued.

#### 6.4.2 Motor vehicles

Where possible, a council vehicle will be made available to councillors traveling to events within 200km of the Shire.

Where this is not possible, allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

If a councillor chooses to use their own vehicle despite a council vehicle being made available, or without the prior agreement of the council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

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Councillors seeking to be reimbursed for use of a private vehicle must provide a claim form recording the date, distance and purpose of travel being claimed.

### 6.4.3 Interstate and long-distance intrastate travel expenses

Given Berrigan Shire's location, travel to Victoria and the Australian Capital Territory will not be considered interstate travel for the purposes of this policy.

Total interstate, and long-distance intrastate travel expenses for all councillors will be capped at a maximum of \$5,000 per year. This amount will be set aside in council's annual budget.

Councillors seeking approval for any interstate and long-distance intrastate travel must obtain the approval of the council via resolution prior to travel. If this is not possible then the approval should be given jointly by the mayor and the chief executive officer. If the mayor requires approval to travel outside of council meetings it should be given jointly by the deputy mayor and the chief executive officer.

For interstate and long-distance intrastate journeys by air, the class of air travel is to be economy class.

Bookings for approved air travel are to be made through the chief executive officer's office.

For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

### 6.4.4 Overseas travel

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full council prior to a councillor undertaking a trip. Travel will be approved on an individual trip basis. Retrospective re-imbursement of overseas travel expenses not previously authorised will not be permitted.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties,
- who is to take part in the travel,
- duration and itinerary of travel,



## Policy

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- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s and
- strategies to avoid corruption risks as identified by the NSW Independent Commission against Corruption.

After returning from overseas, councillors will provide a detailed report to a meeting of the council on the aspects of the trip relevant to council business and/or the local community.

For international travel, the class of air travel is to be economy.

### 6.4.5 Travel expenses not paid by the council

Council will not pay any traffic or parking fines for any councillor, whether on Council business or otherwise.

Council will not pay or reimburse any administrative charges for road toll accounts.

### 6.4.6 Extending travel arrangements

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the council or the mayor and the chief executive officer.

In such instances councillors should recognise the council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred after the business activity, including meal costs and accommodation, are not reimbursable expenses.

### 6.4.7 Accommodation and meals

Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the RAMJO region.

In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the chief executive officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.

The daily limits for accommodation and meal expenses are detailed in Appendix A of this policy.

Councillors will not be reimbursed for alcoholic beverages.

### 6.4.8 Refreshments for Council-related meetings



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Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the chief executive officer.

As an indicative guide for the standard of refreshments to be provided at council related meetings, the chief executive officer must be mindful of Appendix A of this policy.

As per council's Drug and Alcohol Free Workplace Policy, the consumption of alcohol will only be permitted at a Council function or meeting where specifically approved by a resolution of council.

Consumption of alcohol by councillors will not be paid for by council unless specifically approved by a resolution of council.

### 6.4.9 Professional development

Council will set aside \$5,000 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. This will be informed by the Councillor Induction and Professional Development Policy. With the express permission of the councillors involved, the chief executive officer may reallocate unspent professional development allowance between councillors.

In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the chief executive officer outlining the:

- details of the proposed professional development,
- relevance to council priorities and business and
- relevance to the exercise of the councillor's civic duties.

In assessing a councillor request for a professional development activity, the chief executive officer must consider the factors set out above, as well as the cost of the professional development in relation to the councillor's remaining budget.

### 6.4.10 Conferences and seminars





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Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will set aside a total amount of \$5,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The chief executive officer will ensure access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the chief executive officer. In assessing a councillor request, the chief executive officer must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties and
- cost of the conference or seminar in relation to the total remaining budget.

Travel to a conference or seminar outside the local area must be approved by the council as per section 6.4.3 above. Where approved, council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the chief executive officer.

Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to section 6.4.7 above.

This policy provides approval for attendance and travel for the following conferences:

### Local Government New South Wales Annual Conference

- Mayor
- Deputy Mayor
- Chief Executive Officer
- One other Councillor nominated by council.

### Australian Local Government Association National General Assembly

- Mayor
- Chief Executive Officer
- One other councillor nominated by council

### National Roads Congress

- Director Infrastructure
- One councillor nominated by the council.



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### 6.4.11 Corporate workshop

The council will hold annually a Corporate Workshop. The purpose of the Corporate Workshop is to provide an opportunity for councillors and management to collaborate on the Council's strategic direction and propose and discuss specific projects and activities.

Where the Council conducts this Corporate Workshop at a location more than 100km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

### 6.4.12 Non-Council functions

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

- the function is relevant to the council's interests,
- the councillor receives an official invitation to attend a function organised by a community or business group operating within Berrigan Shire, or
- the event will provide councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the councillor's normal monthly return.

No payment will be reimbursed for any component of a ticket additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, a raffle ticket, or some other private benefit.

When councillors' spouses/partners are invited guests within the local government area or a neighbouring local government area and the mayor or council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for councillors and their spouses/partners will be paid by council. Individual councillor requests for specific events must be approved by the mayor and chief executive officer (or the deputy mayor in the mayor's absence).

### 6.4.13 Spouse or accompanying person expenses

Generally, spouse and accompanying person expenses at conferences, will not be reimbursed.

However, there may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the councillor). An example of this is an accompanying person providing carer support to the councillor.



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Where partners accompany councillors to seminars and conferences and the like, the councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by partners are not considered reimbursable expenses.

### 6.4.14 Information and Communications Technology (ICT) expenses

Council will provide each councillor with facilities to allow them to undertake their civic duties.

Should a councillor not wish to make use of these facilities, the council will reimburse the actual out-of-pocket ITC expense for the councillor up to a cap of \$1,000 per annum per councillor.

The council will not reimburse councillors for the use of their home or business internet connection on council business.

### 6.4.15 Special requirement and carer expenses

Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing-impaired councillors and those with other disabilities.

Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.

In addition to the provisions above, the chief executive officer may authorise the provision of reasonable additional facilities and expenses to allow a Councillor with a disability to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$4,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

In the event of caring for an adult person, councillors will need to provide suitable evidence to the chief executive officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### 6.4.16 Home office expenses

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Council will provide all required stationery and print any documents required for the performance of a councillor's civic duties. As such the council will not reimburse the costs of a councillor operating a home office.

### 6.5 Insurances

Councillors will receive the benefit of insurance cover to the limit specified in the council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.

All insurances are to be subject to any limitations or conditions set out in the council's policy. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

**Public Liability/Professional Indemnity** - Public Liability and professional indemnity insurances apply in relation to claims arising out of the councillor's (alleged) negligent performance of civic duties or exercise of their functions as councillors.

**Councillors' and Officers' Liability** - This policy covers councillors against claims made against them for any alleged wrongful acts in the course of their duties. Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

**Personal Accident** - Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council. This cover also extends to journey insurance, covering councillors travelling for council business including interstate or overseas travel.

**Motor Vehicle** - Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy. Council's motor vehicle insurance does not cover loss or damage of non-council vehicles used on council business.

### 6.6 Legal assistance

Council may, if requested, indemnify or reimburse the reasonable legal expenses of a councillor:

- defending an action arising from the performance in good faith of a function under the Act provided the outcome of the legal proceedings is favourable to the councillor,
- defending an action in defamation, provided the statements complained of were made in good faith while exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor, and / or
- for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act, and the



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matter has proceeded past any initial assessment phase to a formal investigation or review, and the investigative or review body makes a finding substantially favourable to the councillor.

In the case of a Code of Conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the chief executive officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of their functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something a councillor has done during their term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances,
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation and/or
- for legal proceedings that do not involve a councillor performing their role as a councillor.

Reimbursement of expenses for reasonable legal expenses must have council approval by way of a resolution at a council meeting prior to costs being incurred.

### **6.7 Facilities**

#### **6.7.1 General facilities**

Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- personal protective equipment for use during site visits and
- a name badge which may be worn at official functions, indicating the wearer holds the office of a councillor and/or mayor or deputy mayor.

Councillors may book meeting rooms for official business at the council administration office or the Berrigan Shire Library Service libraries at no charge. Rooms may be booked through the chief executive officer's Executive Assistant.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

#### **6.7.2 Information and Communication Technology**

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The Council will make available for each councillor for use on official council business:

- a mobile telephone of a standard equivalent to those provided to council staff members, and
- a laptop computer,.

The mobile telephone will be provided with a sim card and data plan sufficient to allow each councillor to undertake their civic duties. Other ancillary devices such as cases, keyboards, mice etc. will be provided as required.

Council will provide technical support for councillors using these devices during normal working hours. Such support will be limited to use of the devices for official council business only. Support can be requested via the Director Corporate Services.

Usage of ICT equipment supplied by council is in accordance with council's Information and Communications Technology (ICT) policies, including:

- Communication Devices and the Internet Policy,
- Social Media Policy and
- Access Control Policy.

### 6.7.3 Stationery

Council will provide the following stationery to councillors each year:

- a diary of a type and standard prescribed by the chief executive officer. The standard will be equivalent to diaries supplied to council staff members and
- business cards.

### 6.7.4 Administrative support

Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support will be provided by the chief executive officer's Executive Assistant or by another members of council's administrative staff as arranged by the chief executive officer or their delegate.

As per Section 6.2 above, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

### 6.7.5 Vehicles

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance through the chief executive officer's executive assistant.



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### 6.7.6 Employee Assistance Program (EAP)

Councillors are provided with access to council's EAP. The EAP is a program designed to provide independent and confidential counselling support with an external provider, for those experiencing difficulties in their lives. The EAP is free of charge for access to three sessions in a calendar year.

## 6.8 **Mayoral facilities**

### 6.8.1 Vehicle

*This section is to be read in conjunction with Council's general policy, and particularly the Council's policy – Private Use of Council Vehicles*

The mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

The mayor must keep a logbook setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The logbook must be submitted to council monthly.

## 6.9 **Superannuation**

### 6.9.1 Council contribution

The Council will make superannuation contributions for councillors as per Section 254B of the Act.

### 6.9.2 "Salary" Sacrifice

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the council may enter into an arrangement with a councillor under which the councillor agrees to forego all or part of their annual fee in exchange for the council making contributions to a complying superannuation fund on their behalf.

To establish this facility, a councillor must submit a written request to the chief executive officer, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.

## 6.10 **Recognition of service**

Councillors with qualifying service will be recognised with an appropriate function and/or gift as per the council's Recognition of Service Policy

## 6.11 **Processes**

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### 6.11.1 Approval, payment and reimbursement

Expenses should only be incurred by councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business, and / or
- carer costs.

Final approval for payments made under this policy will be granted by the chief executive officer or their delegate.

### 6.11.2 Direct payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Finance Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

### 6.11.3 Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Finance Manager

### 6.11.4 Corporate cards

Council may provide a corporate card for councillors attending approved conferences, seminars or professional development.

The maximum value of a prepaid debit card is \$100 per day of the conference, seminar or professional development to a maximum of \$500. This will be made available via apple or android pay.

Requests for a “virtual” corporate card can be made through the chief executive officer’s executive assistant.

The corporate card will be automatically destroyed at the convening of the approved event. Councillors must upload all receipts and fully reconcile all expenses against the corporate card within 7 days of returning home. This must be done online via the online portal established by the card provider..





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## Policy

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### 6.11.5 Notification

If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.

If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

### 6.11.6 Reimbursement to Council

If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use, or is not provided for in this policy:

- council will invoice the councillor for the expense and
- the councillor will reimburse council for that expense within 14 days of the invoice date.

If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the chief executive officer. The chief executive officer may elect to deduct the amount from the councillor's allowance.

Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

### 6.11.7 Disputes

If a councillor disputes a determination under this policy, the councillor should discuss the matter with the chief executive officer.

If the councillor and the chief executive officer cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

### 6.11.8 Return or retention of facilities

All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the chief executive officer to purchase any such equipment. The chief executive officer will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by councillors under this clause will be recorded in council's annual report.



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## Policy

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### 6.11.9 Reporting

Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

### 6.11.10 Breaches

Suspected breaches of this policy are to be reported to the chief executive officer.

Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

### 6.11.11 Audit

The Council will request the Audit Risk and Improvement Committee include a review of expenses and facilities provided to councillors in their audit work plan at least once each term of council.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Local Government Act 1993*
- Local Government (General) Regulation 2021
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
- [Guidance for councillors on corruption risks associated with overseas travel](#). Independent Commission against Corruption, June 2024.

### 7.2 Council policies and guidelines

- Governance Framework
  - Code of Conduct
  - Councillor Induction and Professional Development Policy
  - Councillor Access to Information and Interaction with Staff Policy
  - Private use of Motor Vehicles Policy
  - Drug and Alcohol-free Workplace Policy
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- Employee Assistance Policy
- Communication Devices and the Internet Policy
- Social Media Policy
- Access Control Policy
- Recognition of Service Policy
- Fraud Control Policy
- Clothing and Protective Equipment Policy

### **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 will be evaluated and reviewed at least once every four (4) years as per Council's Governance Framework or as required.

### **10. DOCUMENT AVAILABILITY**

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

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

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

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

*Berrigan Shire Council  
56 Chanter Street  
BERRIGAN NSW 2712*

*Ph: 03 5888 5100*



## Policy

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Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)

### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	18 January 2017	New Policy document	Deputy Chief Executive Officer
2.0	15 June 2022	Review by incoming Council	Deputy Chief Executive Officer
3.0	11 November 2024	Review by incoming Council	Deputy Chief Executive Officer



## Policy

### APPENDICES

#### APPENDIX A - MONETARY LIMITS FOR REIMBURSEMENT

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	All conference attendance approved by mayor and deputy mayor. Conference report to be provided to Council for noting.
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	Travel arrangements must be approved by the chief executive officer. See Details for travel arrangements also General travel arrangements
Accommodation	Actual up to daily limit	Actual up to daily limit	1. \$350 per night 2. \$300 per night 3. \$200 per night	1. State Capital Cities and Canberra 2. Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour). 3. Country.
Meals	Actual up to daily limit	Actual up to daily limit	1. \$150 per day 2. \$100 per day 3. \$100 per day	1. State Capital Cities and Canberra 2. Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour). 3. Country  Alcohol with a meal is a private expense unless specifically authorised by council resolution.
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Chief Executive Officer.	See Care and Other Related Expenses
Attendance at non-Council functions	Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.
Care and Other Related Expenses	Personal care or childcare expenses up to four hours	Actual	\$150 daily \$4,000 annually	See Special Requirement and Carer Expenses
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	See Spouse and Partner Expenses



## Policy

Section Name	Expense Type	At Cost	Limit Amount	Comment
Professional development	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor		\$5,000 per year per Councillor	<i>With the express permission of the councillors involved The chief executive officer may re-allocate unspent professional development allowance between councillors.</i>
Out of Pocket Expenses	Minor expenses incurred when on Council business.	Actual up to daily limit.	\$100 per day	<i>Expenses in this category may include:</i> <ul style="list-style-type: none"> <li>• Reasonable telephone, facsimile or internet usage</li> <li>• Newspapers</li> <li>• Tolls</li> <li>• Reasonable refreshments</li> </ul> <i>Meals not included in registration fees for conference.</i>
Use of Private Motor Vehicle	Payment	Per km allowance as defined in Clause 16(x) of the Local Government (State) Award 2020.	Under 2.5 litre 0. 68p.km. Over 2.5 litre 0. 78p.km.	<i>See Payment of Kilometres Clause</i>
Legal assistance for mayor and councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	<i>See Legal Expenses and Obligations</i>
Employee Assistance Program	Cost of Service Provided	Actual	Three sessions per <b>calendar</b> year	<i>As per Council's Employee Assistance Policy</i>
Laptop Computer	Cost of Service Provided	Monthly data allowance	One per term	<i>To support Councillor needs to cover normal Council business use. Ancillary devices such as cases, keyboards, mouses etc. will be provided as required.</i>
Mobile telephone	Cost of Service Provided	Monthly data allowance Monthly call allowance	One per term	<i>To support Councillor needs to cover normal Council business use.</i>
Use of Private Mobile Phone	Cost of service provided	At cost	\$1,000 per year	<i>Covers use of call costs on private mobile phone for normal Council business.</i>



## 8.3 Local Government Remuneration Tribunal

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	CL. Our Civic Leadership
<b>Strategic Objective:</b>	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
<b>Delivery Program:</b>	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. LGRT 2025 - Invitation Letter to Councils - seeking submissions</li><li>2. BSC Submission - Remuneration Tribunal 2024 (under separate cover)</li><li>3. BSC Submission - Remuneration Tribunal 2025 (under separate cover)</li></ol>

### Recommendation

That Council adopt the submission to the Local Government Remuneration Tribunal 2024 Review as presented and instruct the Acting CEO to submit the document prior to the closing date of 20 December 2024.

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### Report

The Local Government Remuneration Tribunal has written to council inviting submissions as part of its review for the 2025 annual determination of fees payable to councillors and mayors.

The letter is attached to this report as appendix 1.

The remuneration tribunal was previously supportive of reviewing the system of payments made to councillors during the 2023 review and acknowledge Berrigan Shire Council's submission. In 2024 however, they walked back from that standpoint and have tried to note, councillors are paid a fee (or allowance) and not a wage. I have questioned whether that would hold given superannuation is not paid on things like fees or allowances. Therefore, where councillors are paid superannuation, it would appear if tested, they are in fact paid a very small wage. I will assume the walk back may be because the "wage" would be far below minimum wage provisions under the *Fair Work Act 2009 (NSW)*, or the *Industrial Relations Act 1996* as provides for council employees, and that is not a "can of worms" they wish to open.

Submissions are due no later than 20 December 2024 and should be endorsed by resolution of the council.



Berrigan Shire Council made a submission to the 2023 and 2024 review. Appendix 2 is the 2024 submission which will be appended to the 2025 submission (attached as appendix 3).

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## Local Government Remuneration Tribunal

Ref: A9076967

To Mayors/General Managers

via email to Councils

Dear Mayors/General Managers,

I write to advise that the Local Government Remuneration Tribunal (the Tribunal) has commenced its review for the 2025 annual determination.

As outlined in section 241 of the *Local Government Act 1993* (LG Act), the Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2025.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2025 review process. The Tribunal is required to review the categories every three years under section 239 of the LG Act. The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in 2026, however, this year, the Tribunal will examine if any councils warrant a recategorisation, due to meeting a category's criteria outlined in Appendix 1 of the 2024 Determination.

### Submissions

The Tribunal invites submissions from individual councils as part of this review. **It is expected that submissions are endorsed by their respective council.**

Any submission that Council may wish to make should be received no later than 20 December 2024 and should be emailed to [remunerationtribunals@premiersdepartment.nsw.gov.au](mailto:remunerationtribunals@premiersdepartment.nsw.gov.au) attention Joanne Nava.

### 2024 Annual Determination

In 2024, the Tribunal made its first determination after the repeal of section 146C of the *Industrial Relations Act 1996*, which had the effect of capping remuneration increases. The Tribunal determined a 3.75% increase in the minimum and maximum fees, effective 1 July 2024.

A copy of the Tribunal's 2024 Annual Determination can be found [here](#).

Please note that any material provided to the Tribunal may be made available under the Government Information (Public Access) Act 2009.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view for local government in NSW.

Level 8, 52 Martin Place, Sydney NSW 2000  
■ GPO Box 5341, Sydney NSW 2001 ■ [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au)



If you require any further information, please email at [joanne.nava@premiersdepartment.nsw.gov.au](mailto:joanne.nava@premiersdepartment.nsw.gov.au) or telephone on 02 8226 0250.

Yours sincerely

Viv May PSM  
Local Government Remuneration Tribunal  
14 October 2024



## 8.4 Albury Wodonga Health Advocacy

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-A. We're healthy and well with equitable access to services
Delivery Program:	CO.1. Deliver initiatives, facilities and services to advance health and wellbeing priorities
Council's Role:	<b>Advocate:</b> The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	1. RAMJO Report to Board Albury Wodonga Health

### Recommendation

That Council supports the ongoing advocacy of Albury City for the implementation of all recommendations and outputs of Albury Wodonga Health's *2021 Clinical Services Plan*.

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### Report

At its last meeting, the Riverina and Murray Joint Organisation (RAMJO) board gave consideration to the implementation of the recommendations and outputs of the Albury Wodonga Health's *2021 Clinical Services Plan*. At the meeting, resolved that "Councils in the RAMJO footprint move motions regarding the Albury Wodonga health facility should they choose to do so."

At the November ordinary meeting, council requested the information presented to RAMJO on this matter be provided to councillors to allow for consideration before determining its own position.

That report is provided at appendix 1.

I believe the motion as put forward provides the support Albury City requested.

The Albury Wodonga Clinical Services Plan can be found at the link below:

[AWH Service Plan](#)

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Date: 4 November 2024

Title: Albury/Wodonga Hospital Redevelopment Advocacy

Prepared by: Albury Mayor Cr. Kevin Mack

## BACKGROUND

Notice of Motion for Discussion - Albury Wodonga Regional Hospital Project

1. Note that the planned redevelopment of Albury Hospital is not adequate to meet current, let alone future community needs, and that planned and promised services have been cut since the project was announced;
2. Supports the development of a fully funded, new single-site hospital for the Albury-Wodonga region in a suitable location in either Albury or Wodonga that, at a minimum, meets the requirements established by the 2021 Clinical Services Plan;
3. Calls on the State Governments of New South Wales and Victoria to pause the current redevelopment plans for the Albury Hospital and redirect efforts towards a fully funded, new single-site development in Albury-Wodonga;
4. Urgently seeks assurances from the New South Wales and the Victorian State Governments to allay the fears of our community that the \$558 million investment allocated to the Albury Hospital will not be in jeopardy regardless of the form the new hospital may take;
5. Continues to call on the State Governments of Victoria and New South Wales to immediately provide interim solutions, such as modular wards and theatres and step-down beds, to address the ongoing capacity deficits;
6. Urgently communicates this position to the New South Wales and Victorian Ministers and Shadow Ministers for Health and the Federal Minister and Shadow Minister for Health;
7. Notes the positions already adopted by Wodonga Council, Indigo Shire Council, Alpine Shire Council, Towong Shire Council and Federation Council, and seek opportunities for collaboration in relation to this matter;
8. Requests that the CEO:
  - a. produce a report by no later than 30 November 2024, that identifies potential suitable locations for a new single-site hospital;
  - b. use the Council's communication channels, including but not limited to the AlburyCity website, social media channels, and newsletters to inform the community of this decision.





## 8.5 RFS costs update

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	CL. Our Civic Leadership
<b>Strategic Objective:</b>	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
<b>Delivery Program:</b>	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
<b>Council's Role:</b>	<b>Part Funder:</b> The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it. <b>Advocate:</b> 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
<b>Appendices:</b>	1. BSC Submission - RFS Assets (under separate cover)

### Recommendation

That Council receive and note this report.

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### Report

At the 20 November 2024 Ordinary Council meeting, councillors enquired as to the makeup of the Rural Fire Service (RFS) costs included in the September budget review. The below information was provided via email due to its operational nature. The remainder of the report regarding the cost shifting discussions however, is of a more strategic nature.

These costs represent payments for expenditure Federation Council incurs on our behalf for the operation of the Federation RFS Zone, of which we are a part. The matter arose as Federation Council failed to invoice Berrigan Shire Council for this expenditure for seven years. This extended delay meant later budgets, based on past expenditure, did not account for this expense.

Below is a breakdown of the unpaid expenditure. The 2023-2024 financial year expenditure has been paid and were included in the budget variations for September. The Director Corporate Services proposed to Federation, Berrigan Shire Council repay future financial year amounts as they fall due, plus an additional \$90,000 per annum until the outstanding amounts are fully repaid. These repayments are already included in our future budgets and will be presented to the Council as part of the Integrated Planning and Reporting documentation suite.

The total amount of expenditure currently outstanding is \$366,332.



2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
\$65,382	\$77,017	\$83,067	\$ 58,463	\$40,906	\$ 41,495

This includes expenditure for routine RFS expenses such as:

- Training
- Vehicle maintenance
- Pumps maintenance
- Pagers maintenance
- Fuel
- Building maintenance
- Telephones
- Electricity
- Office supplies
- Volunteer support.
- Welfare support

## Cost Shifting

Cost shifting is a mechanism by which higher levels of government deem councils responsible for the delivery of services but do not provide adequate or any funding for the delivery of that service. Rural Fire Service is one such cost shifting mechanism.

### RFS Assets

Rather than reproduce the argument regarding Rural Fire Service Assets and whether or not Council own them, Berrigan Shire Council's submission to the current Public Accounts Committee Review is included at appendix 1.

Council has continued to refuse to account for the RFS assets. If we were to do so Berrigan Shire would need to add \$3,830,000 worth of assets (replacement value) to its books, which would include \$359,000 in depreciation costs. It is therefore important council continues to resist accounting for RFS assets. It should be noted, Council has been able to demonstrate each year that these assets are immaterial for our council and hence have been able to avoid a qualified audit. This is not the case for many.

It should be noted the Public Accounts Committee, at the time of writing this report is considering the accounting treatment of the RFS assets and how that is impacting councils in general. We will follow those investigations closely. Given they commenced in February 2024 however, and we still have no outcome, I do not believe we should expect an outcome any time soon.



### Emergency Services Levy

The ESL is supposed to be a tax on property and contents to cover the costs of providing emergency services throughout the state. Ratepayers pay both through their rates (Council has to pay a significant levy to the RFS) and through their insurance.

### Rural Fire Service Obligations

Is the operating cost of services / functions required under the *Rural Fire Services Act 1997* less any revenue related to them (fees, state government payments / subsidies). This amount includes only the necessary costs that cannot be recovered as a result of the regulatory constraints.

Note: Councils are required to administer and remedy complaints about fire hazards on council property and to map and administer fire prone land (asset protection work, fire trails etc).

For Berrigan Shire Council the below are costs we pay to Federation Council associated with the management of RFS assets across the RFS region. We also pay other minor costs associated with the building, but these are not recorded here.

### **RFS Cost Shift to Council**

<b>Name of Service</b>	<b>Cost</b>
Emergency Services Levy	\$307,224
Rural Fire Service Obligations	\$270,037
Federation Management Invoice Average (see above)	\$61,055
<i>Net Cost</i>	<i>\$638,316</i>
State Government Subsidy Received	\$72,800
<b>Total Cost to Council</b>	<b>\$565,516</b>

I would strongly encourage council to continue to refuse to account for RFS assets and to continue to argue against cost shifting, noting the above does not include the impact of depreciation as council has supported the stance against accounting for RFS assets in the past. If we were to account for the assets, this cost shift would be higher.

Cost shifting has significant impacts on our budgets and means there are things state government should be paying for, and are telling our community they are delivering, when really ratepayers' rates are being subverted to subsidise something that should be funded solely through state government funds.

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## 8.6 Finley Recreation Reserve Committee of Management

Author:	Recreation Officer, Christie Watkins
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-B. We have a vibrant, inclusive, and creative community life
Delivery Program:	CO.7. Our community groups are supported.
Council’s Role:	<b>Asset Owner:</b> 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

- a) Revoke existing members of the Section 355 Committee of Management
- b) Pursuant to Section 355 of the Local Government Act 1993, appoint the persons defined in this report to the Section 355 Committee

The persons to be appointed to the Section 355 Committee are as follows:

President:	Barry Dawe
Vice President:	Jono Cattell
Secretary:	Matt Whitty
Treasurer:	Paul Evans
Committee:	Russell Anderson, Jenny Isedale, Pat Kelly, Tamara Ackers, Matt Clarke, Jenny Philpott, Sasha Wood, Kirsty Clarke, Ryan Donkin

### Report

Advice of the Committee referenced above has been received and can be endorsed by Council.





## 8.7 Tocumwal Football Netball Club

<b>Author:</b>	<b>Recreation Officer, Christie Watkins</b>
<b>Strategic Outcome:</b>	IN. Our Infrastructure
<b>Strategic Objective:</b>	IN-C. Our community facilities are planned to meet community needs and enhance social connections
<b>Delivery Program:</b>	IN.5. Community facilities are planned and maintained to meet the needs of our growing population and promote maximum use
<b>Council's Role:</b>	<b>Asset Owner:</b> 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
<b>Appendices:</b>	1. Tocumwal Football Netball Club Lease (under separate cover)

### Recommendation

That Council considers the renewal of the expired lease for the Tocumwal Football Netball Club (TFNC).

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### Report

#### Purpose

This report seeks Council's decision on the need for a new lease for the Tocumwal Football Netball Club.

#### Background

The Tocumwal Football Netball Club (TFNC) has requested a new lease for the football building at the Tocumwal Recreation Reserve. There is an existing s355 Committee for the recreation reserve which considers and manages all other aspects of the Tocumwal Reserve.

TFNC held a 10-year lease for the football building, which expired on 30 June 2024. The use of a lease was inconsistent with the practice at the other council recreation reserves, who do not have individual leases for user groups, and all assets are all managed by a s355 Committee.

A couple of months ago TFNC were sent a draft copy of their Terms of Reference and draft Guidelines and offered the opportunity to transition to be a user group within the Tocumwal Recreation Reserve Committee of Management. The draft Terms and Guidelines are being prepared for all recreation reserves, halls, and committees to ensure that they are up to date and help create a more consistent approach.

TFNC declined the offer and would like to pursue a lease.



Under the previous lease TFNC were paying \$625.46 GST inclusive per annum in lease payments and are responsible for all maintenance associated with the building. The lease also requires TFNC to insure the building.

Council officers sought previous legal advice about the need for a lease. The advice received outlined that a lease is not required for Crown Land and a community facility and that they could form part of the existing committee.

#### Steps for Recreation Reserves

1. Plans of Management (Being prepared for Tocumwal but not adopted by NSW Government Crown Lands)
2. Terms of Reference and Guidelines – New up to date information, which is easier to understand.
3. Development of Master Plans – Works with the Committee and users to show how the sites can be developed.
4. Infrastructure/Design Plan consistent with a Master Plan – This is to ensure that projects are shovel ready and can apply for grants.

#### Legal / Statutory

Council have sought legal advice regarding the TFNC lease.

### Options

Officers have considered the intended strategy with how we will work with committees to manage the recreation reserves. There is no requirement on Council to agree to a lease.

- Do not enter into a new lease and inform TFNC they are required to be part of the established committee for the recreation reserve.

Or

- A solicitor prepares Licence Agreement which grants a non-exclusive right to use the premise/building for TFNC, but that all costs for preparing the agreement be at the total expense of TFNC.

Or

- A solicitor prepares a new lease for the TFNC for the building only, but that all costs for preparing the lease be at the total expense of TFNC. The lease is not to be signed until the Plan of Management has been adopted by council and endorsed by Crown Lands NSW



## 8.8 Vermont St and Golf Course Rd intersection - traffic calming

<b>Author:</b>	<b>Director Infrastructure, Gary George</b>
<b>Strategic Outcome:</b>	IN. Our Infrastructure
<b>Strategic Objective:</b>	IN-B. We can move through our shire, and to other places with ease
<b>Delivery Program:</b>	IN.1. Improve the road network to ensure safety, and connectivity.
<b>Council's Role:</b>	<b>Asset Owner:</b> 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 <b>Service Provider:</b> The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Vermont St and Golf Course Road - Traffic Assessment (under separate cover)</li><li>2. Snell Rd - Scope and High Level Estimate</li></ol>

### Recommendation

That Council

1. Place on hold the Vermont Street traffic calming project to allow for community consultation and the development of an infrastructure strategy catering for the future growth of Barooga.
2. Approve the reallocation of Local Roads and Community Infrastructure funding to the Snell Road Pavement and Drainage Repairs project, subject to approval by the Grants Funding Authority.

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### Purpose

The purpose of this report is to provide Council with an update on the Vermont Street/Golf Course Road intersection traffic calming project and to discuss an alternative.

### Summary

This report, based on investigation and design activities undertaken to date, recommend pausing Vermont Street/Golf Course Road project to allow for a broader understanding of objectives for the area to be determined.

To ensure grant funding associated with this project is spent within the required timeframe, the report proposes an alternative project: Snell Road Pavement and Drainage Repairs, currently programmed for 2025/2026, to address the urgent ongoing drainage issues.



## Background

Council has allocated funding for this project under Part B of the Local Roads and Community Infrastructure Program Round 4 (LRCIP R4), with approved funding totalling \$506,177. It is noted that Part B provides funding for eligible road construction projects.

At the May 2024 Council Meeting a report was submitted regarding the construction of a roundabout on Vermont Street, Barooga. Based on the report, Council made the following resolutions:

### 8.15 Vermont Street Barooga Roundabout

**Resolved** OCM 120/24

Moved: Cr John Taylor

Seconded: Cr Sarah McNaught

That Council

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

CARRIED

A subsequent report was presented to Council on 7 August 2024 as detailed below:

### 8.10 Vermont St and Golf Course Rd Intersection Traffic Calming

**Resolved** OCM 188/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council note the report.

CARRIED

It is noted this report is provided as a mid-point to confirm further direction. Traffic assessments have been undertaken on concept designs for traffic calming options. Detailed design and the development of a communications plan will be based on completion of the detailed design for a preferred option.

In line with the Council resolution, a Traffic Assessment Report (Appendix 1) was commissioned. The scope of the report was to:

- detail possible traffic calming options; and
- undertake traffic analysis of the intersection for both a roundabout and traffic calming options.

Concept designs (attached as Appendix 1) have been developed for the Options.



### Preferred Option - Raised Intersection

This option is based on raising the entire intersection. The engineering estimate for this option is \$857,710 (which includes \$200,000 for pavement reconstruction).

The raised pavement for the entire intersection will provide continuity to the traffic turning movement for longer vehicles (i.e. in cases where the longer vehicles are making the right turn)

Cost Breakdown:

Description	Estimate (ex GST)
Project and Contract Management	\$117,750
Traffic Management	\$78,500
Survey & Final Design	\$52,500
Road Pavement	\$200,000
Concrete Works	\$132,625
Drainage	\$117,100
Street Lighting	\$20,000
Other Works	\$60,735
Contingency	\$78,500
<b>Total</b>	<b>\$857,710</b>

### Traffic Assessment

The traffic assessment indicates that the Vermont Street/Golf Course Road intersection currently operates under “excellent operating conditions,” characterized by a very low Degree of Saturation (DoS). As a result, a roundabout is not necessary to maintain or improve traffic flow at this intersection.

The design options aim to reduce vehicle speeds at the intersection, but the assessment shows only a minimal increase in DoS, with the intersection still performing at an excellent level. To ensure that safety and operational objectives are fully met, the consultant prepared a Safe Intersection Sight Distance (SISD) analysis and completed a SIDRA analysis for all options, as provided in Appendix 1.

The report suggests that implementing these traffic calming measures will bring minimal or no significant operational benefits or improvements to the intersection.

### Financial

Given the engineering assessments undertaken to date, there is a likely funding gap on the project for \$360,000.

Should Council wish to proceed with the development of the Project, additional funding options could be:

- Pavement Repairs: approx. \$330,000 under Regional Emergency Road Repair Fund (RERFF) and Road 2 Recovery (R2R).



- Lighting: approx. \$20,000 under Stronger Country Communities Fund Round 5 (SCCF R5).

### Discussion

Council undertook significant investigation and design activities to support the development of traffic calming measures at the Vermont Street and Golf Course Road Intersection. Outcomes from the activities highlight that there is no discernible improvement in traffic safety or capacity from the concept designs.

It is also noted that Council anticipates a significant increase in pedestrian usage of the area, and that community related infrastructure (such as pedestrian improvement) are not eligible under the LRCI grant.

Given the current understanding of both the project and possible growth of the adjacent areas, Council Officers note that the proposed project may not align with the overall direction proposed for Barooga and as such recommend to Council to pause development of the project. Once further project objectives are understood, Council would seek funding under later funding opportunities.

It is noted that the LRCI funding will still be expended on eligible works within the funding timeframes of completion by 30 June 2025. As such, it is recommended that Council nominate a project that is “shovel ready”.

Council has planned the reconstruction of Snell Road between Arramagong Street - Mckinley Court and Kamarooka Street – Chomley Close. Council Officers have sought preliminary advice from the funding authority to nominate the Snell Road project in place of the Vermont Street and Golf Course Road intersection project. This project is “shovel ready” and is currently proposed for delivery in the 25/26 FY Capital Program.

### Snell Road Pavement and Drainage Repairs Project

The scope of works for this project complies with the requirements of the grant and proposed works for Snell Road aim to improve drainage and pavement conditions, targeting the section between Arramagong St - Mckinley Ct and Kamarooka St – Chomley Cl. With the current grant of \$506,000, council will be able to achieve the following scope:

- Reconstruction of existing sealed road pavement
- Installation of kerb and gutter (K&G)
- Installation of new stormwater pits and pipework’s
- Sealing the new pavement with a two-coat seal

An engineer’s estimate is attached in Appendix 2.

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

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



## Issues and Implications

### Policy

Report for information.

### Legal / Statutory

Report for information.

### Community Engagement / Communication

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

### Human Resources / Industrial Relations (If applicable)

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

## Risks

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

### 1. Financial

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

### 2. Reputation (positive)

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



## Conclusions

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

**Option 1:** Council may resolve to proceed with the Vermont Street/Golf Course Road Traffic Calming project. Once further project objectives are understood, council would seek funding under later funding opportunities.

**Option 2:** Council may choose to pause the Vermont Street project and approve the Snell Road Pavement and Drainage Repairs as an alternative, contingent upon approval by the funding body.





Scope of works - Snell Road - Pavement & Drainage works

- 1 Installation of 508 m new kerb and channel Arramagong St - Mckinley Ct and Kamarooka St - Chomley Cl.
- 2 Installation of 5 drainage connections connecting to the exiting stormwater line.
- 3 Reconstruction of pavement 425m length between Kamarooka St - Chomley Cl.
- 4 Sealing the new pavement with a two-coat seal

High Level Estimate - Snell Road - Pavement & Drainage works

Item	TYPE	chg start	chg end	length	width	depth	qty	QTY	rate	amount	
							m2	t =2.2x1.1			
Pavement Base	DGB20	215	640	425	6.5	0.15	2762.5	6685.25	32	\$88,400	
Pavement Sub -Base	DGS20	215	640	425	6.5	0.15	2762.5	6685.25	28	\$77,350	
2 Coat Seal				425	6.5		2762.5		15	\$41,438	
Kerb & Channel Base	DGB20	215	640	425	0.8	0.10	34	82.28	32	\$2,633	
Kerb and Channel Drainage				508			508		200	\$101,600 \$70,000	
Preliminary works -											
Survey & Design										\$30,000	
Traffic Control										\$20,000	
										Sub Total	\$431,420
Contingency										10%	\$43,142
										Sub Total	\$474,563
Project mangement										10%	\$47,456
										TOTAL	\$522,019



## 8.9 Tocumwal and Barooga Flood Study

<b>Author:</b>	<b>Director Community and Development, Andrew Fletcher</b>
<b>Strategic Outcome:</b>	EN. Our Environment
<b>Strategic Objective:</b>	EN-A. Our environment and natural habitats are protected, and biodiversity thrives
<b>Delivery Program:</b>	EN.1. Protect and enhance biodiversity, including our natural environment, waterways, native flora and fauna
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Draft Stakeholder Engagement Plan (under separate cover)

### Recommendation

That Council resolve to place the Tocumwal Barooga Flood Study on Public Exhibition for a period of 28 days.

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*This report has been prepared by Michael Eddie, Consultant Project Manager (Curry PM)*

### Report

The purpose of this report is to seek a resolution from Council to place the draft Tocumwal Barooga Flood Study on Public Exhibition as part of the process leading to the adoption of the Final Tocumwal Barooga Flood Study.

### Background

By agreement dated 11 November 2019, Council secured funding from the NSW Department of Planning, Industry and Environment for the Tocumwal Barooga Floodplain Risk Management Study and Plan (**FRMS&P**).

In September 2020, Council contracted with WMA Water to complete the FRMS&P. The completion date was 3 March 2022.

Council acknowledges that concurrent upstream studies impacted the availability of data for the Tocumwal Barooga study, to a point where the Flood Study component could not be completed until early 2024. Since that time, the Consultant has not met any agreed timelines, with the Flood Study only now complete in draft.



## Funding

The milestone requirements of the grant are:

1	Data Collection & Review	Complete
2	Community Consultation, Hydrology & Hydraulics Analysis, Model Calibration & Validation	Complete
3	Design Flood Modelling, Draft & Final Flood Study Reports	26/07/2024
4	Consultation and Floodplain Management Options Assessment	25/10/2024
5	Draft & Final Floodplain Risk Management Study and Plan Reports	28/02/2025

Given the delays from the performance of the Consultant, it is not possible to complete the FRMS&P by the funding end date of 28 February 2025. Council's request for an extension of time to this date has been rejected by the funding authority.

With agreement from the funding authority, Council is now targeting completion of milestone 3 Design Flood Modelling, Draft and Final Flood Study Reports by 28 February 2025.

Considering the funding under this grant not supporting the completion of the FRMS&P, Council has applied for a grant under the 2024-25 Floodplain Management Program to complete the FRMS&P. Council's application has been placed on the Reserve List, with activation from the Reserve List contingent on completion of the Flood Study (milestone 3) by 28 February 2025 (that is, prior to opening of the 2025-26 funding round on 1 March 2025).

## **Completion of the Flood Study**

The following steps are proposed to enable completion of the Flood Study by 28 February 2025:

Council resolves to place the Draft Flood Study on Public Exhibition	04 December 2024
Public Exhibition	06 January to 04 February 2025
Review comments and update Flood Study report	05 February to 19 February 2025
Flood Risk Management Committee meeting to review and recommend adoption of the Flood Study	By 26 February 2025
Notification to the funding body of completion of the Flood Study	By 28 February 2025
Council resolves to adopt the Flood Study	March Ordinary meeting

## **Stakeholder Engagement**

The attached draft Stakeholder Engagement Plan is included as an appendix to this report.



## Flood Study Outcomes

The Flood Study presents the results of detailed investigations into both Murray River and local runoff flooding conditions, focusing on flooding impacts to the townships of Tocumwal and Barooga.

The study has drawn on flood records for the Murray River dating back to 1867. Of particular importance to the study has been data for floods which occurred in 1975, 1993, and 2016.

Hydrologic and hydraulic computer modelling has been used to generate detailed flood mapping for a range of varying size floods. This includes the 1% annual exceedance probability (AEP) flood, commonly referred to as the 1 in 100 flood. The 1% AEP flood has a probability of occurrence in any given year of 1%.

Notable findings from the study for Barooga are that the Murray River generally does not impact the township in events up to a 5% AEP flood. The Seppelts levee, upstream of Barooga is overtopped in the 1% AEP, allowing more significant flow to enter the Barooga Cowal.

Local runoff flooding can impact isolated areas but generally does not result in widespread inundation.

At Tocumwal, Murray River flooding more broadly impacts the town beginning in the 2% AEP event, most notably through the localised depression through town. The town levee system generally prevents ingress of Murray River floodwaters at the levees' location up to and including the 1% AEP event, with inundation entering through other locations such as through the Barooga Cowal and from the broad Murray River floodplain downstream. Local runoff flooding at Tocumwal impacts developed areas in events as frequent as the 2% AEP and impacts broad undeveloped areas to the north of town.

The study has produced a range of outputs that will assist all stakeholders in understanding the current flood risk across the study area, enable future development planning to consider flood risk, assess and develop potential flood mitigation measures and inform emergency management planning (in collaboration with the NSW SES).

## 8.10 2023-24 Annual Financial Statements

<b>Author:</b>	<b>Finance Manager, Genevieve Taylor</b>
<b>Strategic Outcome:</b>	CL. Our Civic Leadership
<b>Strategic Objective:</b>	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
<b>Delivery Program:</b>	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. FA1692 Berrigan Shire Council Engagement Closing Report 2024.pdf (under separate cover)</li><li>2. Annual_Financial_Statements-GPFS-2024.pdf (under separate cover)</li><li>3. Annual_Financial_Statements-SPFS-2024.pdf (under separate cover)</li><li>4. Annual_Financial_Statements-SS-2024.pdf (under separate cover)</li></ol>

### Recommendation

That Council, not having received any submissions in relation to its 2023/24 Annual Financial Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2023/24 Annual Statements and the Report on the conduct of the Audit

### Report:

The Council adopted the draft Financial Statements for public exhibition and referred them to the Auditor General of New South Wales for audit, at its ordinary meeting held on Wednesday 16 October 2024.

On 17 October 2024, the Audit Office of New South Wales provided to the Council:

- audit opinions for the General Purpose and Special Purpose Financial Statements,
- the Report on the Conduct of the Audit and
- the Engagement Closing Report.

The report on the conduct of the audit summarises the Council's financial results, makes comparisons to previous years and identifies and explains variations. It also comments on the Council's financial performance and key balance sheet items.

In the opinion of the Auditors, all ratios remain satisfactory with the exception of:

1. Own Source Operating Revenue ratio. This ratio demonstrates that Council is reliant on external funding sources such as grants.

2. Operating Performance ratio. Historically Council has met this ratio each year however with the increasing costs of depreciation and the impairment of assets, Council has fallen short the last two years.

The report on the Conduct of the Audit also contains the General Purpose Audit Report and the Special Purpose Audit report. These are statutory reports and importantly both have been issued without any qualification. The General Purpose Report relates to the consolidated financial accounts while the Special Purpose Report relates to the Council's designated business units being water supplies and sewerage services.

The Engagement Closing Report details findings relevant to Councillors in their role as overseeing the governance of Council. It includes a list of items that will be raised in the Final Management Letter.

The public exhibition period closed at 12:00am Friday 8 November 2024. No submissions were received. The Council can now complete the statutory process for finalising the accounts by adopting the above recommendation.

A copy of the relevant reports can be viewed on [the Council website](#).

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## 8.11 Renaming of Tocumwal WAAAF Creek Walk

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	CO. Our Community
<b>Strategic Objective:</b>	CO-B. We have a vibrant, inclusive, and creative community life
<b>Delivery Program:</b>	CO.7. Our community groups are supported.
<b>Council's Role:</b>	<b>Asset Owner:</b> 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
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Support Letter Rotart Tocumwal NSW from Airforce Association NSW (under separate cover)</li><li>2. Remaining of Tocumwal WAAAF Creek Walk RSL NSW (under separate cover)</li><li>3. Kerry Davies Letter Berrigan Shire (under separate cover)</li></ol>

### Recommendation

That Council, regarding the proposed name change of the Tocumwal WAAAF Creek Walk to the National WAAAF Memorial Creek Walk

1. engage with the Tocumwal community on the proposed name change, and
2. provide a report with the results of the engagement to a future meeting, for consideration.

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### Purpose

This report puts forward for consideration a request from the Tocumwal Rotary Club to rename the Tocumwal WAAAF Creek Walk to the National WAAAF Memorial Creek Walk.

### Summary

Council has been approached by Tocumwal Rotary Club to consider renaming the Tocumwal WAAAF Creek Walk to the National WAAAF Memorial Creek Walk.

Tocumwal Rotary Club have obtained support in advance from RSL NSW and the Australian Air Force Association for the name change. There does not appear to be any legal impediment to council renaming the walk.

Council may, if it wishes, rename the walk as per Tocumwal Rotary Club's request. Alternatively, it could consult further with the local community on the name change.



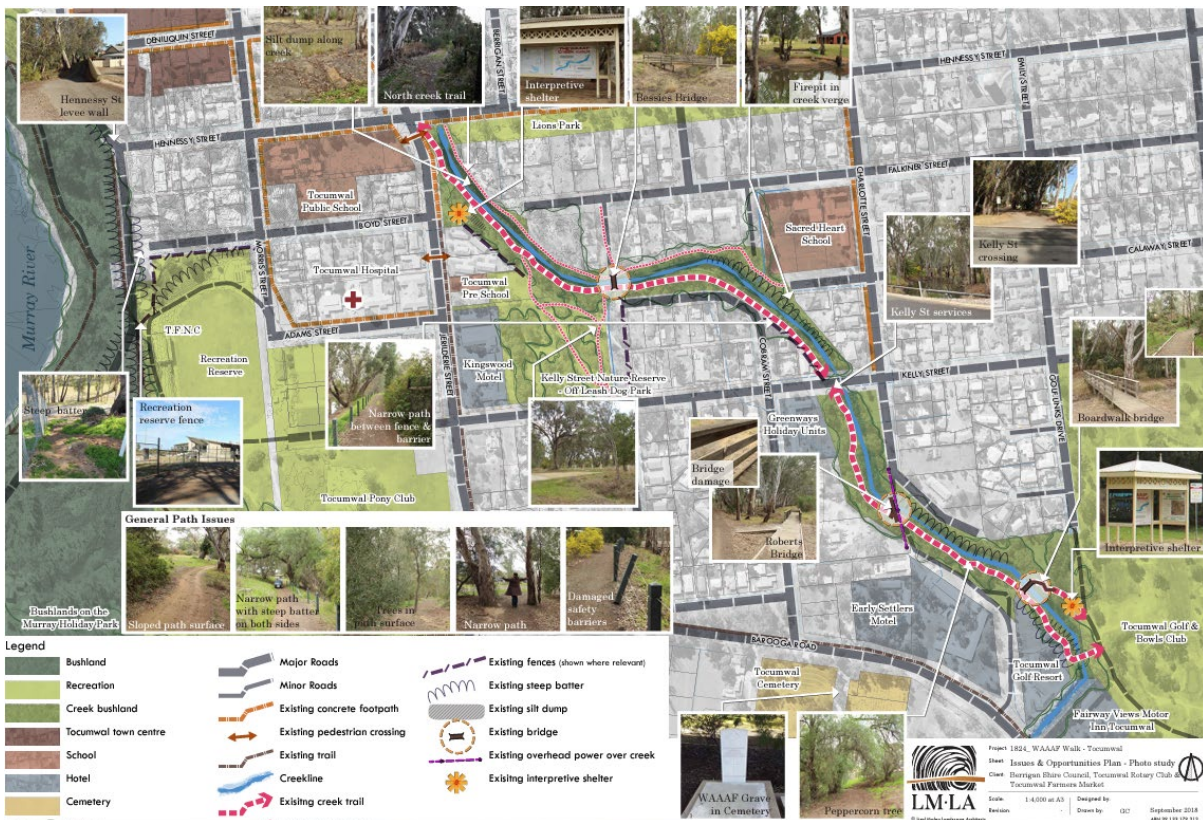
## Background

The Tocumwal WAAAF Creek Walk is a shared pathway linking the Tocumwal town centre to Club Tocumwal. The path follows the Barooga Cowl (“the creek”) – a natural waterway and an important part of Tocumwal’s urban drainage system – and is surrounded by remnant native bushland.

The path is named for the Women’s Auxiliary Australian Air Force (WAAAF), a branch of the Australian armed services during World War II. The WAAAF served alongside RAAF personnel WAAAF personnel were prominent at RAAF Base Tocumwal during World War II, serving in a range of roles with the aim of freeing up men to serve in combat roles and overseas.

The path along the creek was a short cut for personnel walking from RAAF Base Tocumwal (which included the site of Club Tocumwal) to the town centre for dances, films, shopping, and other activities.

Care, control and management of the WAAAF Creek Walk is the responsibility of council. The path itself crosses various Crown reserves.



For many years, Council has partnered with Tocumwal Rotary Club to maintain and develop the walk and in 2019, Rotary and council jointly funded the drafting of a concept plan for its future development.

Implementation of this master plan has seen council, in partnership with Rotary, install:

- a monument to WAAAF personnel on the corner of Hennessey and Jerilderie St
- Interpretative signage along the walk, highlighting the role played by the WAAAF in the defence of Australia in WWII and their specific ties to RAAF Base Tocumwal.





- Wayfinding signage and street furniture along the walk.
- Refurbishment of the shelters at either end of the walk

Council is in the process of replacing two of the three pedestrian bridges crossing the creek along the walk and has applied for a grant for design work for an additional shared cycle/pedestrian bridge linking Calaway St and Cobram St adjacent to Sacred Heart School.

This work has rejuvenated the walk and established it as a tourist attraction in its own right. It complements other local attractions such as the Tocumwal Aviation Museum and the Tocumwal War Cemetery and attractions such as the Murray River and Tocumwal Foreshore to Club Tocumwal.

Research by Tocumwal Rotary Club has established that the Tocumwal WAAAF Creek Walk is the only monument in Australia specifically dedicated to the Women's Auxiliary Australian Air Force. On that basis Tocumwal Rotary have suggested the walk could be become the "national" memorial for the WAAAF. A letter requesting council consider this change is attached to this report.

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

- [Tocumwal WAAAF Creek Walk Concept Plan](#)

### **Issues and Implications**

#### **Policy**

Council's [Naming of Community Facilities and Public Places policy](#) should inform decision making on this matter.

The general principle around the policy is below:

*When naming or renaming roads, streets and public places the Council will take into account the following principles:*

- *Portray the appropriate physical, historical, or cultural character of the area/place concerned,*
- *Consistency with the overall interest, values, and expectation of the Berrigan Shire community.*
- *Consideration of existing indigenous place names and the area's indigenous heritage,*
- *Consistency with the relevant legislation and Geographical Naming Board principles*

The proposal is consistent with this principle.

#### **Financial**

There is no direct cost related to the renaming of the walk.

Over time, council may wish to update signage and tourism collateral. This could be done immediately, over time or at the end of the useful life of the documentation/signage. The cost is not expected to be significant.

Council would use the renaming as an opportunity to work on branding for the attraction. This would come at an additional cost. If council wished to pursue this option, staff would need to come back with a proposal.



**Legal / Statutory**

The name “Tocumwal WAAAF Creek Walk” does not appear to be a formal name established by the Geographical Naming Board of NSW and there does not appear to be a requirement for council to seek GNB approval for a new name. However, council can pursue this path if they wish.

Advice obtained from the Department of Veterans Affairs and the Australian War Memorial indicates there is no legal requirement to seek approval from any organisation to dedicate a memorial as the “National Memorial”.

If council does approve the name change, it should update the various war memorial registers including:

- Australian War Memorial Places of Pride - <https://placesofpride.awm.gov.au/>
- NSW War Memorials Register - <https://www.warmemorialsregister.nsw.gov.au/>
- Monument Australia - <https://monumentaaustralia.org.au/>

**Community Engagement / Communication**

Tocumwal Rotary Club have obtained approval for the proposed name from:

- The Australian Air Force Association
- The Returned and Services League of Australia

Evidence of this approval is attached to this report.

The Naming of Community Facilities and Public Places policy does not oblige council to consult with the community before renaming a facility. Instead, council should consider the context of the proposal when determining if consultation is required.

If council chooses to consult, this could be in conjunction with any requirements of the Geographical Naming Board of NSW.

**Human Resources / Industrial Relations (If applicable)**

There may some impact on staff time if council wishes to consult with the local community about the name change. This will depend on the level of consultation.

**Risks**

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

**1. Financial**

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



There is no direct expense associated with the renaming. However, if council wished to use the renaming to rebrand the walk and market it as an attraction it would need to allocate funding for that purpose.

## 2. Reputational

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

There may be some local attachment or affection for the existing name in Tocumwal. This could be mitigated through community consultation.

## 3. Positive

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

The renaming of the walk as the “National” memorial could be the springboard to its development as a key local attraction. There is potential for increased recognition for Tocumwal and the role of the WAAAF in World War II, both locally and by visitors.

## Options

1. Council can rename the walk as proposed and update the relevant registers.

A suitable resolution would be:

*That council:*

1. *rename the Tocumwal WAAAF Creek Walk, the National WAAAF Memorial Creek Walk, and*
  2. *update all relevant registers and database with the new name.*
2. Council could consult with the local community about the proposed change and consider that feedback at a later meeting - **recommended**
  3. Council could retain the existing name.



**9 NOTICES OF MOTION/QUESTIONS WITH NOTICE**

Nil

**10 CONFIDENTIAL MATTERS**

Nil

**11 MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE**

**12 COUNCILLOR REPORTS**

**12.1 Mayor's Report**

**12.2 Verbal Reports from Delegates**

**13 CONCLUSION OF MEETING**

The next Ordinary Council Meeting will be held on Wednesday 22 January 2025 from 4:30pm in the Council Chambers, 56 Chanter Street, Berrigan.

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