



ORDINARY COUNCIL MEETING

Wednesday 17 July, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



Agenda

Our Vision

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

COMMUNITY STRATEGIC PLAN

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

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

The Community Strategic Plan can be found here:

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

RISK MANAGEMENT POLICY & FRAMEWORK

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

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

The Risk Management Policy & Framework can be found here:

[Risk Management Policy and Framework](#)



Ordinary Council Meeting

Wednesday 17 July, 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 17 July, 2024 when the following business will be considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	6
2	ACKNOWLEDGEMENT OF COUNTRY	6
3	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS.....	6
3.1	Apologies/Leave of Absence	6
3.2	Applications for Leave of Absence	6
3.3	Attendance Via Audio-Visual Link	6
4	CONFIRMATION OF PREVIOUS MINUTES	7
5	DISCLOSURES OF INTERESTS.....	7
6	MAYORAL MINUTE(S).....	7
	Nil	
7	REPORTS OF COMMITTEES.....	7
	Nil	
8	REPORTS TO COUNCIL.....	8
8.1	Development Determinations for the Month of June 2024	8
8.2	Correspondence Incoming and Outgoing - June to July 2024.....	13

8.3	RAMJO Water Position Paper - Finalised.....	15
8.4	Council Action Report	16
8.5	Caretaker period - 2024 local government elections.....	17
8.6	Biosecurity Quarterly Report	19
8.7	DS Kendall Breach of Contract - Update	22
8.8	Murray Regional Tourism Board - Update	26
8.9	Riverina Regional Library Deed of Agreement	32
8.10	Southern Riverina Drought Resilience Plan.....	33
8.11	Request to waive service charges - Assessment 1537	38
8.12	Re-roofing of Council Buildings - Tender T14-23-24	44
8.13	Finance - Accounts	48
8.14	Planning Proposal - Amend the zoning and lot size map at 1 Bruton Street, Tocumwal.....	54
8.15	Green Waste Vouchers	64
8.17	Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management	70
8.18	Tocumwal Memorial Hall Reserve Crown Land Plan of Management	73
9	NOTICES OF MOTION/QUESTIONS WITH NOTICE.....	76
	Nil	
10	CONFIDENTIAL MATTERS.....	77
10.1	Public Liability matter.....	77
10.2	CEO Performance Review 2023-2024	77
11	MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE	78
12	COUNCILLOR REPORTS	78
12.1	Mayor’s Report	78
12.2	Verbal Reports from Delegates	78
13	CONCLUSION OF MEETING.....	78

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



KARINA EWER
CHIEF EXECUTIVE OFFICER



1 OPENING OF MEETING

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

Confidential matters of Council will not be audio recorded.

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

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil



4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 19 June, 2024 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 3 July, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil



8 REPORTS TO COUNCIL

8.1 Development Determinations for the Month of June 2024

Author:	Administration Support - Building & Planning, Kelly Milich
Strategic Outcome:	EC. Our Economy
Strategic Objective:	EC-A. An economy characterised by growth, diversification, and a skilled workforce
Delivery Program:	EC.3. Ensure sufficient and appropriate land is zoned for business and industrial purposes.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council receive and note this report.

Report

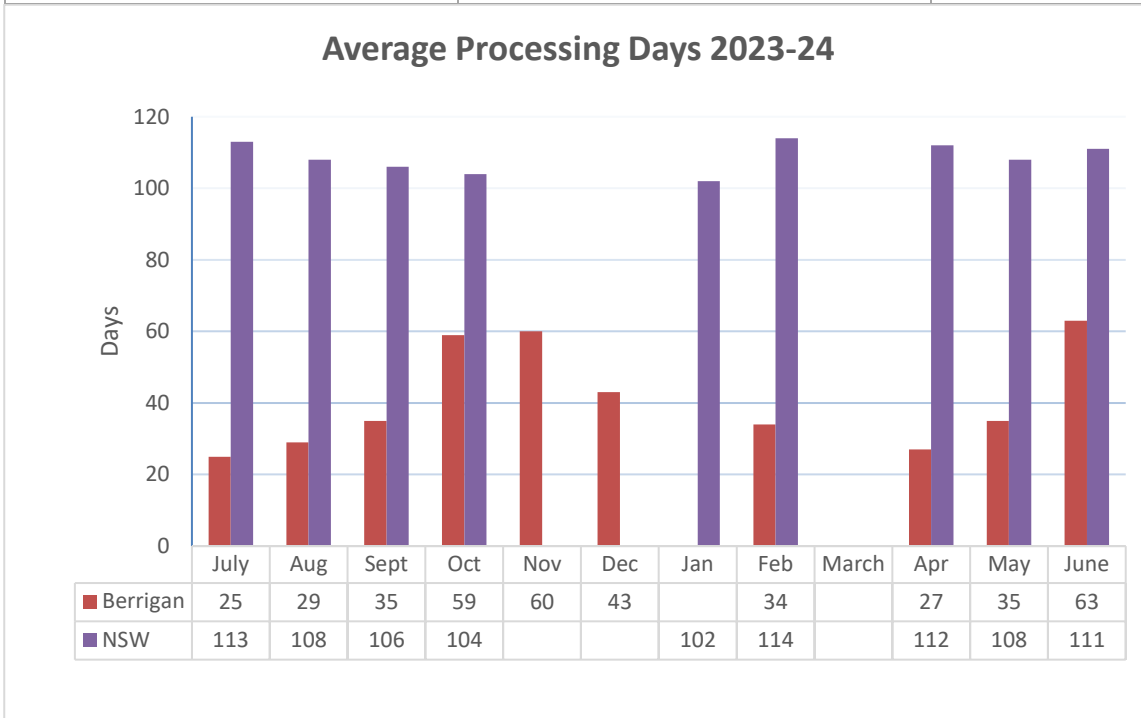
APPLICATIONS DETERMINED FOR JUNE 2024

Application	Proposal	Property	Status	Work Value
69/24/DA/D1	BV Dwelling & Attached Garage	22 Lewis Crescent, FINLEY NSW 2713	Approved	\$578,415
99/24/DA/D1-M	BV Dwelling & Attached Garage	62 Tessier Drive, TOCUMWAL NSW 2714	Approved	\$467,600
36/23/DA/D5-M	Storage Shed	1 Hamilton Street, FINLEY NSW 2713	Approved	\$76,000
95/24/DA/D5	Garage	21 Golf Course Road, BAROOGA NSW 3644	Approved	\$49,700
101/24/DA/D5	Residential Shed	37 Hadley Street, TOCUMWAL NSW 2714	Approved	\$45,000
102/24/DA/D5	Residential Shed	8 Kamarooka Street, BAROOGA NSW 3644	Approved	\$8,800
110/24/DA/D5	Residential Storage Shed	95 Snell Road, BAROOGA NSW 3644	Approved	\$18,500
79/24/DA/D9	2 Lot Subdivision	3109 Mulwala-Barooga Road, BAROOGA NSW 3644	Approved	\$35,000
82/24/DA/D9	11 Lot Subdivision	91-99 Finley Street, FINLEY NSW 2713	Approved	\$50,000
98/24/DA/D6	Additions to Dwelling	100 Wollamai Street, FINLEY NSW 2713	Approved	\$233,624



Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (June 2024)	NSW (June 2024)
Average time taken to determine a Development Application ¹	63	111



Newly appointed officers are being trained to process and assess applications. There have also been staff shortages within the Council, which has required some staff to temporarily change roles to assist. The new staff and roles will hopefully create greater efficiencies, in line with the improvement ideas from the Building and Planning Service Review.

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



APPLICATIONS PENDING DETERMINATION AS AT 30/06/2024

Application No.	Date Lodged	Description	Property Location
54/24/ACT/ZF	03-06-2024	WATER METER CONNECTION	62 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot29//DP1250358)
25/24/CD/PC	03-06-2024	INGROUND FIBREGLASS SWIMMING POOL	8 BEVERLEY PLACE, BAROOGA NSW 3644 (Lot59//DP1123204)
105/24/DA/DM	04-06-2024	ADDITIONS TO MEDICAL CENTRE & CONSTRUCTION OF NEW COMMUNITY CENTRE	60 SCOLLAR STREET, FINLEY NSW 2713 (Lot1//DP1236476)
106/24/DA/DM	04-06-2024	TREE REMOVAL	33 KELLY STREET, TOCUMWAL NSW 2714 (Lot1363//DP1296216)
107/24/DA/D9	04-06-2024	125 LOT SUBDIVISION	112 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP1108495)
55/24/ACT/ZG	06-06-2024	MINOR SEWER WORKS FOR DWELLING ADDITIONS	100 WOLLAMAI STREET, FINLEY NSW 2713 (Lot221//DP1056415)
56/24/ACT/ZG	07-06-2024	MINOR SEWER WORKS	8 HILLSON STREET, TOCUMWAL NSW 2714 (LotA//DP358840)
76/24/CC/C1	11-06-2024	STORAGE SHED	1 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot3//DP1274032)
57/24/ACT/ZG	11-06-2024	PLUMBING WORKS	42 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot228//DP752296)
26/24/CD/PC	11-06-2024	INGROUND FIBREGLASS SWIMMING POOL	53 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1257753)
108/24/DA/D5	12-06-2024	RESIDENTIAL SHED	52-54 MURRAY STREET, TOCUMWAL NSW 2714 (Lot72//DP1254608)
77/24/CC/C1	12-06-2024	RESIDENTIAL SHED	52-54 MURRAY STREET, TOCUMWAL NSW 2714 (Lot72//DP1254608)
109/24/DA/D9	12-06-2024	250 LOT SUBDIVISION	BURMA ROAD, TOCUMWAL NSW 2714 (Lot32//DP778129)
58/24/ACT/ZJ	12-06-2024	SEPTIC TANK	93 BAXTERS ROAD, FINLEY NSW 2713 (Lot79//DP752283)
110/24/DA/D5	12-06-2024	RESIDENTIAL STORAGE SHED	95 SNELL ROAD, BAROOGA NSW 3644 (Lot4//DP1131416)
78/24/CC/PC	13-06-2024	BV DWELLING	336 LOGIE BRAE ROAD, FINLEY NSW 2713 (Lot78//DP752297)
79/24/CC/C1	13-06-2024	INDUSTRY SHED	16-22 JERSEY STREET, TOCUMWAL NSW 2714 (Lot50//DP752296)



80/24/CC/C1	13-06-2024	OFFICE & AMENITIES	16-22 JERSEY STREET, TOCUMWAL NSW 2714 (Lot50//DP752296)
81/24/CC/PC	13-06-2024	DWELLING	8-14 FLYNN STREET, BERRIGAN NSW 2712 (Lot20/2//DP3329)
50/24/RA/R4	13-06-2024	VEHICLE CROSSOVER	47 LEWIS CRESCENT, FINLEY NSW 2713 (Lot38//DP1281778)
59/24/ACT/ZV	17-06-2024	WOOD FIRE PIZZA OVEN	46 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot3//DP310733)
60/24/ACT/ZG	17-06-2024	PLUMBING TO SHED & WATER METER	2 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot2//DP1274032)
61/24/ACT/ZF	17-06-2024	REMOVAL OF WATER METER	4 BARKER STREET, TOCUMWAL NSW 2714 (Lot1/30//DP758981)
27/24/CD/PC	19-06-2024	INGROUND FIBREGLASS SWIMMING POOL	68 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot3//DP270154)
62/24/ACT/ZJ	19-06-2024	SEPTIC TANK	43 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot34//DP270154)
111/24/DA/DM	24-06-2024	DOUBLE GARAGE, UPGRADE TO ALFRESCO AND RENOVATION WORKS	58 VERMONT STREET, BAROOGA NSW 3644 (Lot16//DP584047)
63/24/ACT/ZF	25-06-2024	WATER METER CONNECTION	38 FALKINER STREET, TOCUMWAL NSW 2714 (Lot2//DP1284625)
112/24/DA/D1	25-06-2024	BV DWELLING & ATTACHED GARAGE	33 KELLY STREET, TOCUMWAL NSW 2714 (Lot1363//DP1296216)
113/24/DA/D5	26-06-2024	RESIDENTIAL STORAGE SHED	34 BARINYA STREET, BAROOGA NSW 3644 (Lot1//DP252193)
114/24/DA/D5	26-06-2024	PATIO	17 WILLIAM STREET, FINLEY NSW 2713 (Lot115//DP261753)
115/24/DA/D5	28-06-2024	RESIDENTIAL SHED	25A SNELL ROAD, BAROOGA NSW 3644 (Lot1//DP1283212)
116/24/DA/D9	28-06-2024	6 LOT SUBDIVISION	75-77 SNELL ROAD, BAROOGA NSW 3644 (Lot10//DP1138900)



OTHER CERTIFICATES ISSUED FOR JUNE 2024

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	JUN	Year Total	JUN	Year Total	JUN	Year Total	JUN	Year Total	JUN	Year Total	JUN	Year Total
BAROOGA	6	63	0	1	0	0	0	0	0	0	1	2
BERRIGAN	10	46	0	8	0	8	0	6	0	0	0	2
FINLEY	10	94	0	6	0	3	0	3	0	0	0	0
TOCUMWAL	9	111	1	2	0	3	0	2	0	0	0	6
TOTAL	25	305	1	17	0	14	0	11	0	0	1	10



8.2 Correspondence Incoming and Outgoing - June to July 2024

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council’s ongoing viability and maximise value for money for ratepayers.
Council’s Role:	<p>Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council</p> <p>Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign</p>
Appendices:	<ol style="list-style-type: none"> All Incoming Correspondence (under separate cover) All Outgoing Correspondence (under separate cover)

This report is for information only.

Report

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

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

Incoming

DATE	FROM	TO	TYPE	RESPONDED DATE
13 June 2024	The Hon Prue Cr MP	Darriera Turley	Letter – Responses to relevant LGNSW Motions	N/A
14 June 2024	State Library	Karina Ewer	Letter – Rules of providing library service	N/A
19 June 2024	Barooga Public School	Mayor Julia	Letter – Invitation to Launch of Landscaping Master Plan	21 June 2024
1 July 2024	The Hon Paul Scully MP	Councillors	Planning Portal Progress	N/A



4 July 2024	The Hon Paul Scully MP	Mayor Julia	Housing Accord	N/A
9 July 2024	Sally Dale, Valuer General	Karina Ewer	NSW Valuation Redistribution	N/A

OUTGOING

DATE	FROM	TO	REGARDS	TYPE
14 June 2024	Mayor Julia	Dr Graeme Emonson	Appointment as Chair Administrator Moira Shire	Letter
14 June 2024	Mayor Julia	The Hon Rose Jackson MP	Opposition to The Murray Darling Basic Plan and Water Buy Backs	Letter
14 June 2024	Mayor Julia	The Hon Tanya Plibersek MP	Opposition to The Murray Darling Basic Plan and Water Buy Backs	Letter
21 June 2024	Mayor Julia	Barooga Public School	Attendance at launch event	Letter



8.3 RAMJO Water Position Paper - Finalised

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	EN. Our Environment
Strategic Objective:	EN-B. We work together to reduce our shire's carbon footprint
Delivery Program:	EN.3. Mitigate the impacts of climate change through renewable energy and water conservation measures and encourage sustainable living
Council's Role:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	1. FINAL Water Position Paper - as at 16052024 (under separate cover)

This report is for information only.

Report

Attached to this document at appendix 1 is the finalised Riverina and Murray Joint Organisation, Water Position Paper 2024. The finalised document was adopted by RAMJO at the May Board meeting held in Corowa.

The paper is provided for your information.



8.4 Council Action Report

Author:	Executive Assistant, Keelan McDonald
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Outstanding Council Action Items (under separate cover)2. Completed Council Actions from 19.06.2024 - 11.07.2024 (under separate cover)

Recommendation

That Council receive and note this report.

Report

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

The following reports have been generated from your information:

- Outstanding Council Actions as of 11.07.2024
 - Completed Council Actions from 19.06.2024 – 11.07.2024
-



8.5 Caretaker period - 2024 local government elections

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc)
Appendices:	1. Berrigan Shire Council - 2024 Election caretaker provisions (under separate cover)

Recommendation

That Council note this report.

Report

This report is to inform the Council of its obligations leading up to the local government elections scheduled for September 2024.

Like Commonwealth and State Governments, Council is expected to assume a caretaker role during the election period. The reason for this action is to ensure major decisions are not made which would limit or bind the actions of an incoming Council during the declared period.

These arrangements are made to allow Council to maintain its operations at the required service level during the election process, particularly during what is referred to as the 'caretaker' period.

In addition, the arrangements are also made to ensure the Councillors and staff do not use resources inappropriately in the lead up to the election and during the election caretaker period, as per the provisions of the Model Code of Conduct for Local Councils in NSW.

The Council's caretaker provisions are attached as an appendix to this report.

There are two periods referred to in these provisions:

1. **The caretaker period** - restricts the Council's ability to make decisions. This period starts from four weeks before the election day - i.e., **Friday, 16 August 2024**.
2. **The regulated period** - restricts the display of electoral matter. This period starts from 40 days before the election day - i.e., **Monday, 5 August 2024**.



Decision making

[Clause 393B of the Local Government \(General\) Regulation 2021](#) restricts Council (or its delegate) from making decisions on the following matters during the caretaker period.

- Entering a contract or undertaking a commitment greater than \$150,000
- Determining a development application for which Council has received at least 25 submissions, other than where delaying a decision would result in a deemed refusal.
- Appointing, re-appointing or removing a General Manager (other than an acting or temporary appointment)

Other than these matters, Council retains full decision-making power until the election date.

Publishing and communications

Part 11, Division 9A of the *Local Government (General) Regulation 2021* restricts the display of electoral matter during the regulated period. Electoral matter is defined widely as:

- material intended or calculated, or likely to affect, or is capable of affecting, the result of any election held or to be held, or that is intended or calculated, or likely to influence, or is capable of influencing, an elector in relation to the casting of his or her vote at any election and
- the name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

This restriction should be broadly interpreted to refer to documents produced for the purpose of communicating with the community. The Marketing, Communication and Engagement Coordinator and I will monitor all communication to ensure compliance with the regulations.

Council resources

Clause 8.17 of the Berrigan Shire Council Code of Conduct states:

You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

The prohibition includes the use for election purposes of any mobile phone, laptop and email address provided to Councillors by the Council.



8.6 Biosecurity Quarterly Report

Author:	Director Strategic Planning and Development, Andrew Fletcher
Strategic Outcome:	EN. Our Environment
Strategic Objective:	EN-A. Our environment and natural habitats are protected, and biodiversity thrives
Delivery Program:	EN.1. Protect and enhance biodiversity, including our natural environment, waterways, native flora and fauna
Council's Role:	Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc)
Appendices:	Nil

This report is for information only.

Report

The purpose of this report is to provide an update in relation to Weed Action Plan and other Biosecurity actions being undertaken within the Shire.

Weed Action Plan

The NSW Weeds Action Program is a NSW Government initiative introduced to reduce the impact of weeds under the NSW Invasive Species Plan and the NSW Biosecurity Strategy. The Weed Action Program provides funding to local government for weeds. Eligible activities include:

- early detection of high-risk weeds through inspections and surveillance of high-risk sites and pathways,
- responding to biosecurity emergencies,
- eradication and containment of high-risk weeds and
- increasing the capacity of the community to identify, report and manage weeds.

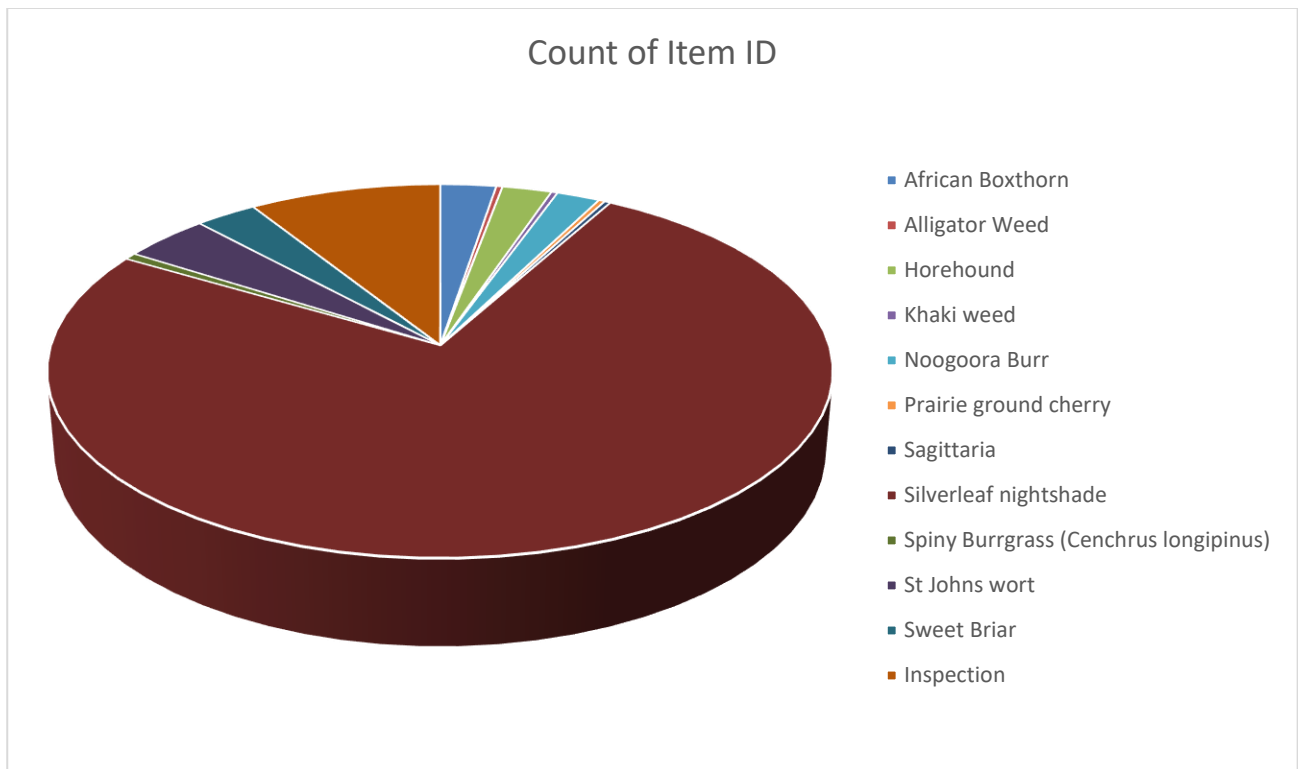
The Biosecurity team report this information to the NSW Department of Primary Industries. The team this year (FY 23/24) has undertaken the following:

- Roads, reserves and waterways sprayed in accordance with the Weed Action Program.
- 1,600kms of road control/weed spraying.
- 31 High-risk sites inspected.
- 1,200 kms of road inspections.
- 120km Waterways inspected (Murray River and MIL Channels).



- A Hudson Pear found in Tocumwal will be removed/eradicated.
- Council has been reimbursed \$62,000 by the NSW Government (grant) for the work undertaken in the financial year of FY 23/24.
- On going sprayed for Broadleaf Weeds in the parks.
- Some spraying on the creek walks in Tocumwal.
- Works/spraying at the Tocumwal Aerodrome.

The Weed Action Plan below illustrates the invasive species which have been eradicated and/or controlled. The total at present is 344 infestation points, with Silverleaf nightshade accounting for 259 which is about 78% of the weeds we are controlling within the Shire.



Row Labels	Count of Item ID	Count of Activity ID
African Boxthorn	9	9
Alligator Weed	1	1
Horehound	8	8
Khaki weed	1	1
Noogoora Burr	7	7
Prairie ground cherry	1	1
Sagittaria	1	1
Silverleaf nightshade	259	259
Spiny Burrgrass (Cenchrus longipinus)	2	2
St Johns wort	14	14
Sweet Briar	10	10
Inspection	31	1
Grand Total	344	314



Pest Control

The Biosecurity team officers are also responsible for managing pest control.

The Biosecurity team have undertaken rabbit inspections around the Shire over the last three months and will run a big baiting program over the summer period.

Wombats are potentially the next concern officer may have to address, with 6 being removed recently from Tocumwal.

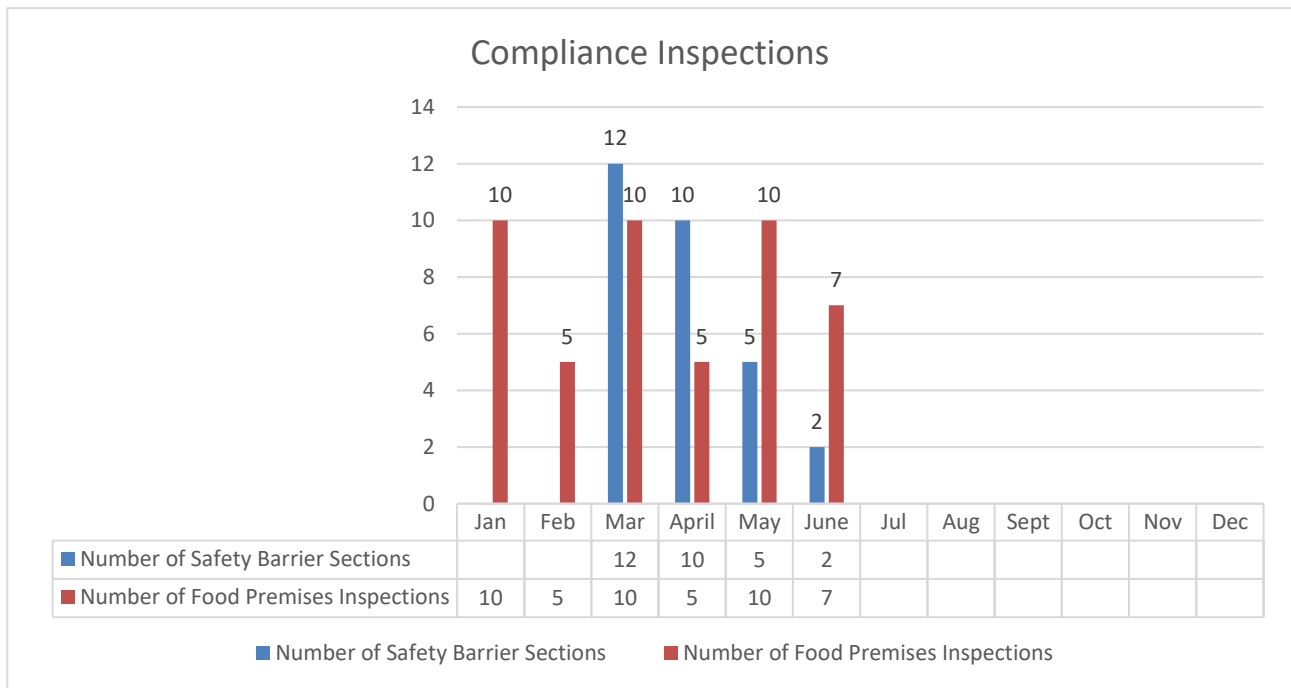
Compliance Inspections

Council is required to undertake mandatory inspections throughout the Shire in relation to food premises and safety barriers associated with swimming pools and spas.

To ensure Council is meeting its obligations, the Biosecurity and Compliance team have an agreed process (and the relevant I.T. support) in inspecting the 75 registered food premises and to issue compliance certificates for the 500+ pools within the Shire.

In relation to food inspections, officers have adopted a proactive approach (previously an officer reacted based on any complaint – due to lack of qualified staff). Officers hand delivered an information flyer to all food premises (75) within the Shire and took the time to explain the rules and requirements. This year (FY23/24) it was determined not to charge for food inspections. All premises will be inspected in this financial year.

The table below illustrates the number of inspections that have been undertaken this annual year.





8.7 DS Kendall Breach of Contract - Update

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-B. Our community is informed and engaged in decision-making
Delivery Program:	CL.3. Enhance communication channels between the council and residents.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Berrigan ex-gratia 1806242. Statewide Mutual Mayor's Response

Recommendation

That Council receive and note this report.

Report

Council is aware of the issue created by the implementation of the three bin system which led to council's current waste management provider, DS Kendall Pty Ltd claiming Council has breached the contract and claiming compensation

I worked with our solicitors and theirs to find a settlement acceptable to both parties. A Deed of Release has been signed to that effect and the payment made.

At the same time, council received advice from our insurers that they believed we would be covered for any claim made against Council under either our Public Liability Insurance or our Councillors and Officers Liability Insurance. Council made a claim with its insurers and this was unfortunately refused. I then wrote to the Board of Statewide Mutual requesting special consideration of our claim.

In their most recent report, the Board resolved to make an ex-gratia payment from the Scheme to Berrigan Shire in the sum of \$75,000 for a "loss experienced which was not covered by the scheme wordings." Further, their member update noted:

"In considering Berrigan's case the Board were conscious of it being a member since inception, an active participant in the Scheme's risk program as well as being net contributors to the Mutual, with amazingly low loss ratios on both the liability and property mutuals. This assistance highlights the strength of the Mutual and the advantages of being long term members of the Scheme."

The letter received from the Statewide Mutual Board is included at appendix 1. A letter of thanks was sent to the Board from Mayor Julia given the importance of the payment and the fact it did not have to make the payment.

This payment means council's out of pocket expenses for the claim of breach of contract has been reduced to \$20,000. That sum will be taken from any surplus expected from the end of year budget finalisation.



Council's active engagement with the risk program having a full and updated risk register and regularly completing all improvement plans has contributed specifically to this outcome and I thank Michelle Koopman for her work in this area as it has provided us an outcome that may not have been possible through an alternate provider.

This matter will be included in the legal reports section of our Annual Report.



18 June 2024

The General Manager
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

ABN 69 009 098 864
One International Towers, 100 Barangaroo
Ave, Sydney, NSW, 2000
Tel +61 2 9320 2700
Direct +61 2 9320 2726
Mobile +61 413 134 082
Email Naamon.Eurell@jlta.com.au
www.statewidemutual.com.au

By email

Attention: Ms Karina Ewer

Dear Madam,

We refer to Berrigan Shire Council's (Berrigan) letter dated 6 May 2024 requesting the Statewide Mutual Board of Management consider a discretionary payment to offset the financial loss sustained by Berrigan because of the breach of contract claim made by DS Kendall Waste Services.

The matter was considered by the Board of Management at its meeting on 6 June 2024 and a determination was made to contribute \$75,000 toward the financial loss sustained.

The Board considered Berrigan's long-term commitment to Statewide Mutual, its favourable claims history and commitment to the risk management claim along with the financial duress caused by this loss.

In its considerations, the Board was also satisfied the claim was dealt with correctly and fell outside the cover available under the Statewide Mutual's Public Liability and Professional Indemnity wording.

In the coming days payment will be made directly to Berrigan's bank account by Electronic Funds Transfer.

We thank Berrigan Shire Council for its ongoing support of the Scheme and please do not hesitate to contact me should you wish to discuss the matter further.

Kind Regards,

Naamon Eurell
Executive Officer



Office of the Mayor

Ref: JCM23-24:33

26 June 2024

The Board
Statewide Mutual
One International Towers, 100 Barangaroo Avenue
Sydney NSW 2000

Via email: naamon.eurell@jlta.com.au

Dear Chair and Board Members

Ex-gratia Payment – Berrigan Shire Council

I write in response to your letter dated 18 June 2024 informing council of the ex-gratia payment to be made to Berrigan Shire Council due to the breach of contract claim made by DS Kendall Waste Services.

Council would like to thank you for your support in this matter. We understand our claims history and commitment to risk management informed your decision.

Your commitment to Council underpins the importance of small councils like ours remaining members of Statewide Mutual.

I thank you again for your consideration in this matter.

Yours faithfully

Dr Julia Cornwell McKean GAICD
MAYOR

Berrigan Shire Council

56 Chanter Street, Berrigan NSW 2172
 (03) 5888 5100 www.berriganshire.nsw.gov.au



8.8 Murray Regional Tourism Board - Update

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	EC. Our Economy CL. Our Civic Leadership
Strategic Objective:	EC-B. A destination with a strong tourism sector and a resilient, innovative agricultural industry CL-C. A community where collaborative efforts enhance development and service delivery
Delivery Program:	EC.7. Market the shire as a tourist destination, highlighting the unique rural character, natural environment, culture, and lifestyle CL.7. Actively participate in regional bodies to advance shared action for our region
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	<ol style="list-style-type: none">1. June 2024 Murray Regional Tourism Council CEO Update Key Strategic Projects2. Murray River Road Project and Product Manual (under separate cover)3. Murray Sunsets Results

This report is for information only.

Report

Council continues to support Murray Regional Tourism and as part of their commitment to Council, they are now providing quarterly updates as to the activities and projects they are working on in our area and across the region.

Attached to this report is:

- Murray Regional Tourism - Key Strategic Items update
- Murray River Road Presentation
- Murray Sunsets Marketing Campaign Overview

Should Councillors have any questions regarding any of these documents, please let me know and I will endeavour to have answers either at the July Ordinary Council meeting, or will share them with councillors via email afterwards.





June 2024,

Council Partner, Chief Executive Officers Update



Key Strategic Items

Murray River Adventure Trail (Stage 1) - Implementation	<ul style="list-style-type: none"> Implementation is being undertaken by Parks Victoria. The project has faced delays with resource challenges. Further advice to update stakeholders sought from PV project sponsor
Murray River Adventure Trail (Stage 2 & 3) – Concept Design	<ul style="list-style-type: none"> TRACT contracted as the delivery partner Project is underway, and on track for completion by March 2024.
MRT 2024-2027 Strategic Plan	<ul style="list-style-type: none"> Completed.
MRT FY24/25 Annual Plan	<ul style="list-style-type: none"> Draft in development, will be provided to Council CEOs by end of June
ATE 2024	<ul style="list-style-type: none"> Completed over 75 buyer appointments. Over subscribed with meetings and we had excellent operators included from across the region. (ATE Product Manual Attached)
VEP Transition	<ul style="list-style-type: none"> Completed.
Advocacy	<ul style="list-style-type: none"> Cross Border Commissioner meetings- advocating STO alignment (further support for the Murray) Cross border forum – presented to delegates from both States on the key issues affecting tourism Airline Advocacy (post Bonza) for more capacity into Mildura & Albury with all airline CEO's. Austrade, Thrive 2030 Strategy, Micro Brewery/ Distillery challenges.
Investors	<ul style="list-style-type: none"> MRT are continuing ongoing meetings with brokers and potential investors about opportunities across the Murray. There are significant properties for sale across the Murray and some of them offer excellent value to investors.
MRT Industry & Stakeholder CRM	<ul style="list-style-type: none"> Commenced implementation
Visit The Murray	<ul style="list-style-type: none"> Consumer website CX redesign- in progress 8 weeks to finalise.

Region Wide items that Sharon (Industry & Local Government Lead) and Georgia (Marketing & Digital Lead) are working with your teams on:

First Nations Tourism Development Project	<ul style="list-style-type: none"> This project is 75% complete, and will be supported next financial year to further this emerging regional strength Yet to be completed - Visit The Murray – Consumer website First Nations Content
International Product Development Project	<ul style="list-style-type: none"> This project is 75% complete. Yet to be completed - Visit The Murray – Consumer website International Product Content
Marketing	<ul style="list-style-type: none"> Murray Sunsets, Completed- results attached. Mates of the Murray Winter Campaign, in market at of this week.
MRAT Stage 2 & 3	<ul style="list-style-type: none"> Supporting the consultation and engagement program, in market in June
Ag Vic	<ul style="list-style-type: none"> Moira & Campaspe Councils successful with Ag Vic Event Funding, events in August.
DJSIR / DNSW	<ul style="list-style-type: none"> Funding opportunities support & review for Events, Infrastructure

Key Dates & Events for your Tourism Managers:

Top Tourism Town Awards:

VIC Towns: Support votes to our three nominated destinations. Mildura, Koondrook & Echuca
<https://www.vtic.com.au/toptourismtown/2024finalists/>

Tourism Manager Forums:

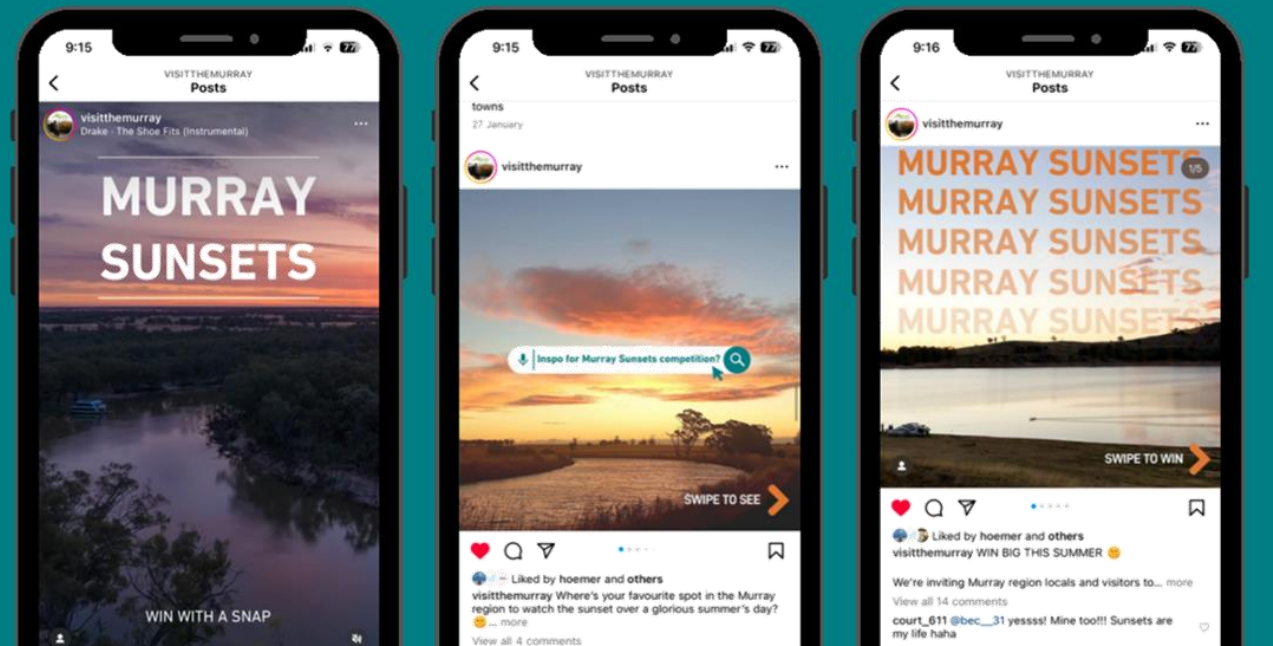
Murray Regional Tourism: 26th June, ONLINE.



MURRAY SUNSETS RESULTS

Overview

- Using peak season to increase awareness of the whole Murray Region amongst locals and visitors
- Our target demographic was locals, industry operators and VFF
- We used boosted posts and targeted all towns and regional cities from our region.





MURRAY SUNSETS RESULTS

Evaluation

Average time on site for the blog on visitthemurray.com.au
>30 seconds

32 seconds

832 followers
9% growth

Increase in new followers to @visitthemurray Instagram page >8%

Number of Instagram stories with @visitthemurray tagged

As of 1/3/24 it was 123

Visitors to the campaign blog

199

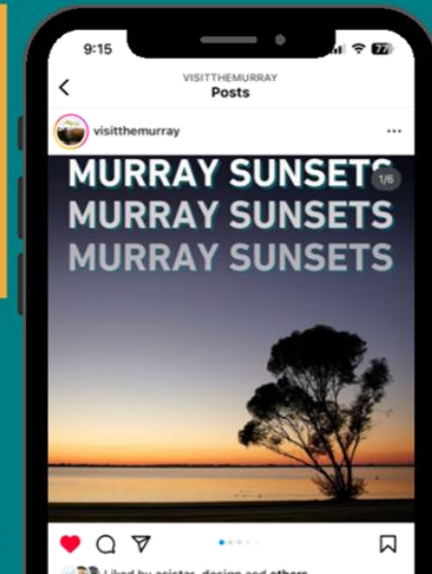
INSTAGRAM RESULTS

\$1.7k across 7 ads
9% Growth

77.1k Reach
(Up 265% compared to previous 90 days)

335,940k Impressions

Top Performance **31/12/23**
Highest performing post
24.3k Reach
48.2k Impressions
75 Followers from that post

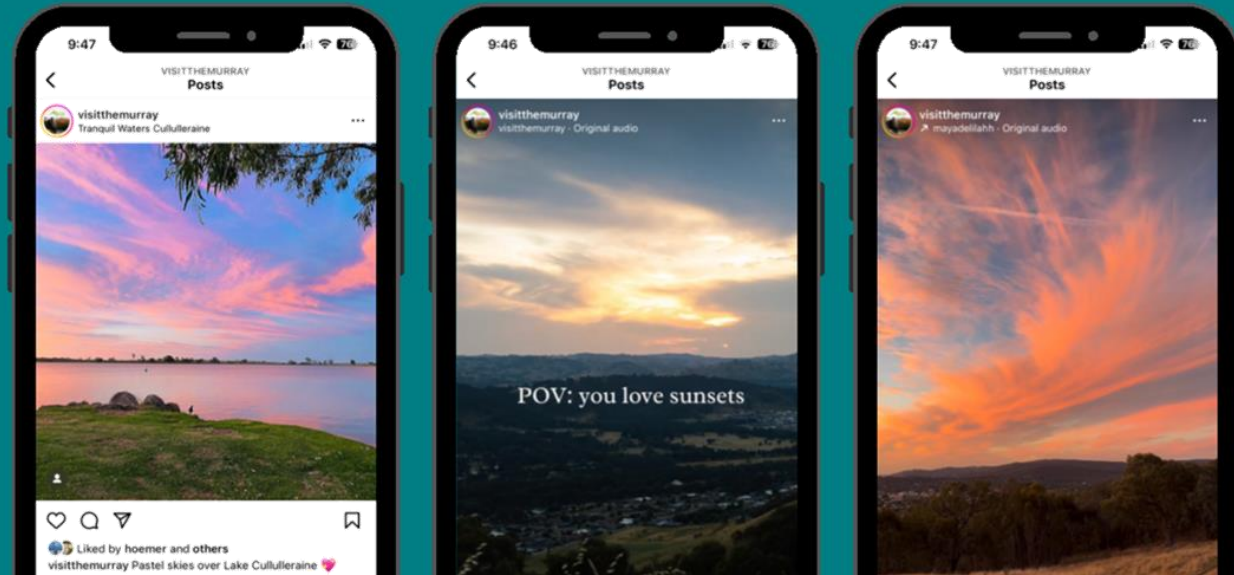




MURRAY SUNSETS RESULTS

Key Learnings

- Informative and striking content thrived.
- Consistent reposting prompted more people to participate.
- Boosted content worked for us as we didn't need behavioural specification or to drill down past targeted areas.
- It was a great low-cost awareness campaign and something that can be built upon in future years.





8.9 Riverina Regional Library Deed of Agreement

Author:	Director Strategic Planning and Development, Andrew Fletcher
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	1. RRL Deed of Agreement 2022-2026 (under separate cover)

Recommendation

That Council authorises its Seal to be affixed to the Riverina Regional Library Deed of Agreement in the presence of two signatories authorised to affix the Seal, being the Mayor and CEO, pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

Report

Council is aware of the process undertaken to move the management of our libraries to the Riverina Regional Library (RRL) group. The move will have no effect on the community and means Council will still provide the facilities and staff to attend to the operations of our library services. What we will not need to do is source a library manager.

The alignment with RRL will expand our service through increased access to library materials and support.

As part of finalising that agreement, the RRL Board endorsed the attached RRL Deed of Agreement at its 19 June 2024 Extra Ordinary Meeting.

The adjusted Deed of Agreement includes Berrigan Shire Council into the membership and revised some clauses in accordance with legal advice.

The agreement is signed under common seal by the Mayor and CEO and as such requires a resolution of council.

The new Agreement is attached at Appendix 1 for council's consideration and authorisation.



8.10 Southern Riverina Drought Resilience Plan

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	EN. Our Environment CL. Our Civic Leadership
Strategic Objective:	EN-B. We work together to reduce our shire's carbon footprint CL-C. A community where collaborative efforts enhance development and service delivery
Delivery Program:	EN.3. Mitigate the impacts of climate change through renewable energy and water conservation measures and encourage sustainable living CL.5. Build partnerships with state agencies, businesses, and non-profits
Council's Role:	Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. Regional Drought Resilience Planning_Updated 26062024 (under separate cover)2. Region response to CSIRO Review (under separate cover)3. Berrigan Shire Public Exhibition Feedback (under separate cover)4. MRSB Submission (under separate cover)5. Murray Valley Adaptive Road Map (under separate cover)6. System Capacity Limits Final (under separate cover)7. Murray River Public Exhibition Feedback (under separate cover)

Recommendation

That Council adopt the Southern Riverina Drought Resilience Plan noting CSIRO and community feedback and how that has been included in the finalised document.

Purpose

As per council's resolution at its May Ordinary Meeting, the Southern Riverina Drought Resilience Plan has been placed on public exhibition for community comment.

Public exhibition of the document occurred simultaneously across the communities of Murray River, Edward River and Federation Shires.



The finalised document, updated with the feedback from both the CSIRO and community feedback is provided at Appendix 1.

Summary

Initial CSIRO Feedback has been included at appendix 2. That feedback was included in the document that went to public exhibition where relevant and is provided here for information only. The responses to CSIRO regarding their feedback is included in that document.

Community feedback is attached at appendices 3 to7 with 4-6 being the one submission.

Community feedback has been addressed as per the summary below:

Page No	Alteration
Page 3	Reference to transportation / transmission losses has been added to include a definition that includes “losses experienced where water is moved between water providers or through the natural system, including the effects of physical restraints such as the Barmah Choke.
Page 11	Under “Other regional document including...” the Murray Valley Adaptive Road Map (Appendix 4-6 of this report) has been referenced
Page 19	At the end of the third paragraph, a sentence has been added – “It is therefore imperative this Plan considers the implications of drought on our Victorian counterparts who form part of this diverse community.”
Page 33	Under “Diversification for Resilience” the following highlighted words have been added – Recognition of the importance of mixed farming (both crops and livestock), and alternative drought tolerant production options and access to possible tourism options , were emphasised as essential tools....”
Page 34	Under Built Infrastructure and Technology Improvements <ul style="list-style-type: none">Water Resource Management – was changed to: ...the construction of water reservoirs and efficient water infrastructure, and the use of recycled water where possible are key considerations for both water security and sustainability. Clear advocacy interventions should also be developed to continue to resist water buy back options, push for water capture and off river storage infrastructure, and work with the Commonwealth Environmental Water Holder to release essential water during significant or extended drought periods.
Page 37	Under “Problem Statement” – at the end of that section added: As our communities border Victoria, Drought Resilience Plans should consider the impact on those communities are part of our own community. Both NSW and Victorian Cross Border Commissions support always asking “the Border question”: that is, how might the plans and actions we implement here, affect the Victorian part of our community?”
Page 43	Number 8 – After “Capitalise on possible opportunities for renewable energy (wind farms / solar developments) in the region. We have deleted what was after this



	sentence and added: “Councils should work together to develop consistent Community Benefit Frameworks to ensure investment in the regions they build, are managed in a way that ensures their commitment to the region long term, and provides positive outcomes to the region.”
Page 45	Under “Other Actions” – edited as per the below: 1. Continue to advocate to State and Federal Governments to provide input to water policies that which reflect the issues and concerns of their region and ensures policies implemented at both levels consider the costs social and economic impacts to community, particularly where water buy backs are concerned. Strong advocacy for complimentary improvements such as investments in improved water infrastructure and changes to water management practices are considered. 8. Advocate for emergency water allocations being unlocked (through holders such as the Commonwealth Environmental Water Holder) during drought....
Page 47	Under “Priority Action” Secure on-going funding to support a regional climate change co-ordinator across the four LGA’s, including consideration of our Victorian communities , on a shared service basis.
Page 65	In the references, the links provided in the MRSG Submission (appendices 4-6 of this report) are included.

Background

Berrigan Shire were successful in accessing \$560,000 for the development of the Southern Riverina Drought Resilience Plan and the development of an Implementation Plan, including some initial activities outlined in the Implementation Plan. To this time \$210,000 has been provided for the development of the plan as per the funding agreement. That money has been paid to the consultants who delivered the project (GHD Consultants).

\$350,000 is therefore remaining for the development of the implementation plan and engaging with the commencement of delivery.

For Council to receive the rest of the funding, each council must adopt this plan. The Plan is then submitted to the Minister of Agriculture, Fisheries and Forestry for their approval. Once approved, the fifth milestone is reached and the milestone of \$300,000 will be paid.

Milestone 6 is the provision of the final implementation report, including evidence of works completed. That payment will be for \$50,000.

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

Community Strategic Plan – EN – Our natural assets are protected and enhanced for future generations.

EN.3 – Mitigate the impacts of climate change through renewable energy and water conservation measures and encourage sustainable living.



Issues and Implications

The implementation plan development will take ongoing work from me as the Chair of the Project Control Group, however the other councils are well engaged and willing to support the work.

Policy

Climate Change Risk Assessment and Adaptation Plan

Financial

Nil cost to Council other than my time.

Legal / Statutory

Nil

Community Engagement / Communication

The implementation plan will require community engagement across all four council areas

Human Resources / Industrial Relations (If applicable)

CEO time and possible assistance from the communications teams of each of the four councils

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

Given the federal investment in this project, it is unlikely council funds will be required to undertake initial implementation at least. Ongoing costs will be considered once the implementation plan is finalised.

2. Natural Environment

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



E	Low	Low	Medium	Medium	High
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Climate changes are already impacting the area. Within recent years we have experienced both the Millennium Drought and the prolonged flood of 2022. Preparing for the inevitability of these types of events will be assisted by these types of documents but cannot prevent all impacts that may occur.

3. Community

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

Negative reaction of the community is judged to be of low risk. There may however be positive outcomes as the implementation plan and delivery of the initial activities become apparent to the region as a whole.

Options

1. Adopt the Southern Riverina Drought Resilience Plan as presented
2. Adopt the Southern Riverina Drought Resilience Plan with further requests for changes (noting these will need to be considered by the rest of the councils involved)
3. Do not adopt the Southern Riverina Drought Resilience Plan, noting this may lead to a request to refund the monies provided to date.

Conclusions

The Southern Riverina Drought Resilience Plan is an important document for the region as it provides a document from which all councils can solidify their intention to work together when preparing for, experiencing and recovering from drought. The document will provide all councils with the ability to source future funding opportunities as they arise, particularly during drought declarations etc.



8.11 Request to waive service charges - Assessment 1537

Author:	Revenue Officer, Samantha Henderson
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.1. Improve Council processes to make doing business with Council easier.
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program. Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council advise the owners of Assessment 1537 that the service charges levied against their assessment in 2023-24 are lawfully charged and will not be waived and charges will continue to be made against this assessment as per legislation and Council policy.

Purpose

The Council is asked to consider a request from a ratepayer to waive annual service charges assessed on her property following an assessment split.

Summary

One of the co-owners of Assessment 1537 has requested Council waive the service charges applied to that assessment. The assessment was created after a minor change in ownership which required Valuation NSW to split the previously amalgamated holding into two assessments.

Once the assessment was created, Council staff followed policy and levied service charges as per legislation and Council policy. To retain public confidence in the fairness of the rating system, Council's rates and charges should be consistent, transparent, and predictable.

The owners argue the split makes no substantial difference to the underlying service provided to the property, which they consider is still effectively one property despite the change in ownership status.



Background

On Wednesday, 3 July 2024, Council staff met with a co-owner of 97 Tocumwal St, Finley regarding a supplementary rate notice she received in April 2024. This notice included new services changes for water, sewer, stormwater and uncollected domestic waste.

Until recently, 97 Tocumwal St was made up of two parcels:

- Lot 156 DP752299, and
- Lot 157 DP752299.

In early 2024, the owners of the lots, including the co-owner approached Council, to transfer an interest in Lot 156 to a company called Duvbob Pty Ltd. On the transfer of this interest, the two lots were no longer owned by the same people and therefore the Valuer-General cannot treat them as one assessment for the purposes of valuation.

Section 26 of the *Valuation of Land Act 1916* allows for treating adjoining parcels as one assessment (valuation) as shown below:

*(1) Where several parcels of land adjoin, **are owned by the same person**, (my emphasis) and where no part is leased, they shall be included in one valuation, unless the Valuer-General otherwise directs: Provided that any such parcels of land shall be valued separately if buildings are erected thereon which are obviously adapted to separate occupation.*

(2) Where several parcels of land adjoin, are owned by the same person and are all let to one person, they shall be included in one valuation, unless the Valuer-General otherwise directs.

(3) This section does not apply to land which is required, by section 27B, to be separately valued or included in one valuation.

Valuation NSW consistently interpret this section as requiring ownership for each parcel to be **exactly the same** –down to the names spelled exactly the same on the title.

As the two parcels are owned by different people, Valuation NSW split the assessment and issued new valuations. When Council received the new assessments and valuation, the revenue team issued supplementary notices for both assessments.

On the notice for the new assessment, Council also included a pro-rate charge for services, including water supply, sewer service, stormwater management and uncollected domestic waste. This was in line with the requirements of the *Local Government Act 1993* and Council's Statement of Revenue Policy. In effect, the owners of the property are now paying two sets of service charges for an area of land where previously one charged one set was charged when only one owner was recorded as having interest in the properties.

In June, the co-owner contacted the Council objecting to the assessment being split and asking Council to re-amalgamate them. Council staff advised the ratepayer Council was not the authority responsible for amalgamating or splitting assessments for valuation purposes and they should contact Valuation NSW as the responsible authority.

In July, the co-owner came back to Council asking Council to remove the additional service charges on the newly created assessment. Council staff advised the co-owner the changes were applied to the new assessment in line with Council policy, and they did not have delegated authority to waive those charges. This would need to be done via a resolution of the Council.



The co-owner claims ownership will revert to the original owners by the end of 2024/25 and the lots will be able to be re-amalgamated.

The co-owner has not claimed hardship as a driver for the request. Their argument is that they are paying for additional services that are not actually provided for and that the sole reason of a minor ownership change on one parcel should not affect both parcels.

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

Council's Statement of Revenue Policy is included in its annual Operational Plan.

Issues and Implications

Council is required to raise revenue via service charges to fund those services and to retain community confidence, this is done via a consistent and transparent process.

Policy

Council's service charges are set in line with Council's [User Fees and Charges Policy](#). The policy includes the general principle.

Where legally possible, the Council intends to charge users for the provision of all goods and services it provides.

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where the other specific fee and charge setting principles apply.

The [Statement of Revenue Policy](#) sets out how Council apply service charges to properties.

The policy states, for each rateable assessment:

Sewer - *In accordance with the provisions of Section 535, 501 and 552 of the Local Government Act 1993, a special rate or charge relating to sewerage will be levied on all rateable land confined within the area shown on each of the Town Sewer Supply areas except:*

- i) *Land which is more than 75 metres from a sewer of the Council and is not connected to the sewer.*
- ii) *Land from which sewerage could not be discharged into any sewer of the Council.*

Stormwater - *Under the provisions of Section 535 of the Local Government Act 1993, Council has resolved to levy a Stormwater Management Services Charge in accordance with Sections 496A of the Local Government Act, and clause 125A and clause 125AA, of the Local Government (General) Regulation 2005*

This charge will be applicable for each non-vacant urban property, or all eligible properties for which the works or service is either provided or proposed to be provided.

Water supply - *In accordance with the provisions of Section 501, 502, 535 and 552 of the Local Government Act 1993, Council has resolved that water supply charges be levied on all properties that:*



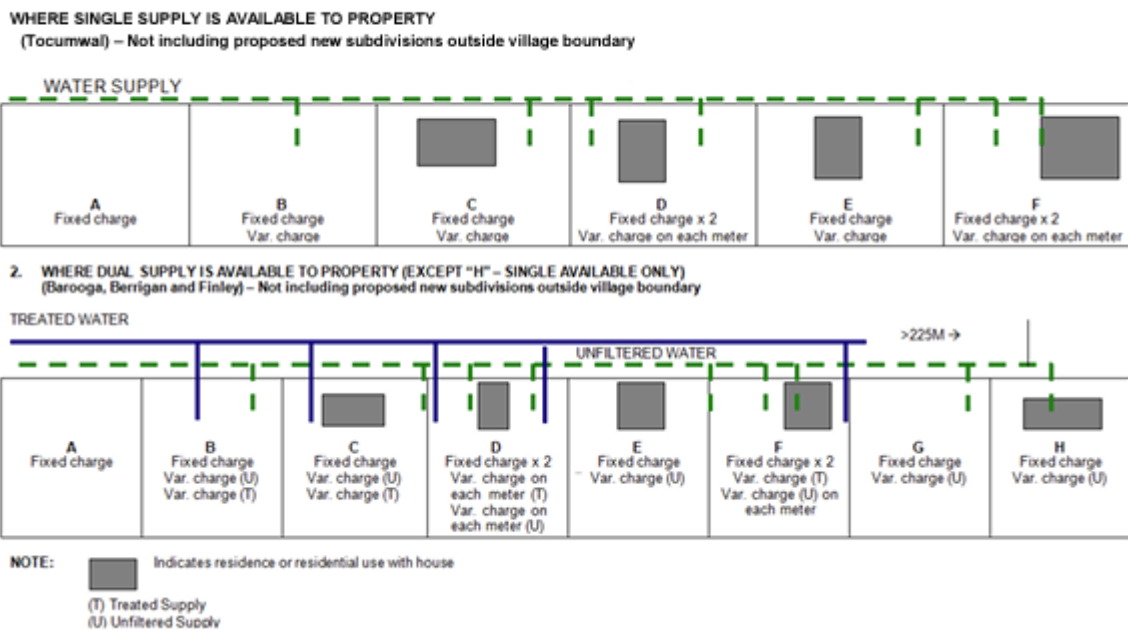
- i) Land that is supplied with water from a water pipe of the Council; or
- ii) Land that is situated within 225 metres of a water pipe of the Council, whether the land has a frontage or not to the public road (if any) in which the water pipe is laid, and confined within the area shown on each of the Town Water Supply areas, even though the land is not actually supplied with water from any water pipe of the Council;

subject to, water being able to be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to Council’s main.

Domestic Waste Management (DWM) - Berrigan Shire Council intends to make the following charges for levying in 2022-2023 to meet the reasonable costs associated with the collection, disposal and recycling of waste in accordance with Sections 496, 501 and 504 of the Local Government Act 1993.

The table below is from the Statement of Revenue Policy and identifies how Council assesses water access (fixed) charges. The new assessment would be considered “Dual Supply – A” in the table.

Appendix B –Water supply charging



Financial

The additional service fees charged to the new assessment for the period 1 April to 30 June 2024 are:

Service	Amount
Sewerage	\$154.62
DWM (uncollected)	\$16.21
Stormwater	\$6.23
Water	\$150.59
TOTAL	\$327.85

Charges to be levied in 2024/25



Service	Amount
Sewerage	\$649.00
DWM (uncollected)	\$72.00
Stormwater	\$25.00
Water	\$631.00
TOTAL	\$1,377.00

Legal / Statutory

[Section 496 of the Local Government Act 1993](#) states “A council **must make and levy** an annual charge for the provision of domestic waste management services for **each parcel of rateable land** for which the service is available.” (my emphasis)

[Section 496A of the Act](#) and [clause 125A of the Local Government \(General\) Regulation 2021](#) authorise Council to levy a Stormwater Management charge on urban land categorised for rating purposes as residential or business, unless the land is vacant.

Note – it appears the new assessment (which is vacant) has had the Stormwater Management Charge levied illegally by Council. This will be addressed.

[Section 501 of the Act](#) authorises Council to make annual charges for water, sewer, drainage and waste management for each parcel of rateable land for which the service is provided or proposed to be provided.

Community Engagement / Communication

Co-owner appears to be representing the owners as a collective in this instance and all communication with the owners has been through the co-owner.

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

While the financial loss of waiving the charges is low, a general principle of not charging service charges on vacant lots would expose the Council to a significant financial loss and/or increase the burden on occupied lots where fees would need to rise to cover the cost.



Council has indicated it wants to encourage development on vacant land and charges such as these meet that aim.

2. Reputational

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

There is a risk the community could see the waiving of these charges as preferential treatment for this ratepayer.

In general, to retain community confidence, Council rates and charges should be predictable, consistent and in line with legislation and Council policy.

Options

1. Council can waive the additional charges levied on Assessment 1537 in 2023/24 and proposed to be levied in 2024/25. This would cost Council \$1,704 in 2024/25.
2. Council can advise Co-owner that it is unwilling to waive these charges on the basis the charges were lawfully levied in line with legislation and policy.
3. Council can defer a decision to a later meeting and request further information from management.

Conclusions

Council staff have considered the request from the co-owners and feel Council staff have followed procedures in accordance with all relevant policies and levied service charges as per legislation and Council policy. On this basis, staff recommend this request be denied. Council should note the Stormwater Management Charge will be removed from the new assessment during this process.



8.12 Re-roofing of Council Buildings - Tender T14-23-24

Author:	Director Strategic Planning and Development, Andrew Fletcher
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-A. We're healthy and well with equitable access to services CO-B. We have a vibrant, inclusive, and creative community life
Delivery Program:	CO.1. Deliver initiatives, facilities and services to advance health and wellbeing priorities CO.3. Support recreation, sporting and health pursuits. CO.7. Our community groups are supported.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council:

1. Award T14-23-24 to Rayzor Roofing and Plumbing for the value of \$702,702.00 excl. GST
2. Authorises its Seal to be affixed to the above contracts in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021.

Purpose

The purpose of the report is to confirm Council's approval to award tender number T14-23-24 for re-roofing five Council buildings.

Summary

Council prepared and sought tender submissions in April 2024 to re-roof five Council buildings:

- Berrigan Memorial Hall (97 Chanter Street, Berrigan 2712)
- Berrigan Recreation Reserve (3 Stafford Street, Berrigan 2712)
- Berrigan CWA Hall (36-38 Chanter Street, Berrigan 2712)
- Finley Senior Citizens Hall (78 Denison Street, Finley 2713)
- Tocumwal Memorial Hall (50-54 Deniliquin Street, Tocumwal 2714)

Following the closure of the tender, an evaluation was undertaken by panel members. The panel members followed the relevant process, including determining if there was any conflict of interest (none declared) and undertook an assessment. The tender valuation assessments are a confidential attachment.



The evaluation panel found that there were five conforming tender submissions which met all aspects of the Request for Tender.

Based on applying the relevant criteria and considering all views and knowledge, there were two submissions that were either closely scored or even. As the outcome remained unclear, the panel reassessed the short list tenders and were satisfied that an appropriate result had been achieved.

Background

Council have allocated money from LRCIP Round 4 funding to re-roof the five Council buildings.

The tender was evaluated as per the Council's Procurement Policy by the following panel members:

1. Council's Director Strategic Planning & Development
2. Council's Interim Director Infrastructure
3. Council's Building Inspector/Asset Maintenance Officer

Following the closer of the tender, an evaluation was undertaken by panel members. The panel members followed the relevant process, including determining if there was any conflict of interest (none declared) and undertook an assessment. The tender valuation assessments are a confidential attachment.

The evaluation panel found that there were four conforming tender submissions which met all aspects of the Request for Tender.

Based on applying the relevant criteria and considering all views and knowledge, there were two submissions that were either closely scored or even. As the outcome remained unclear, the panel reassessed the short list tenders and were satisfied that an appropriate result had been achieved.

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

The works assist Council with Delivery Program action:

- CO.1. Deliver initiatives, facilities and services to advance health and wellbeing priorities
- CO.3. Support recreation, sporting and health pursuits.
- CO.7. Our community groups are supported

Issues and Implications

Policy

Council has complied with its Tender Policy.

However, Council needs to be aware that there is a real cost in managing projects. Although not addressed in the policy, it is considered appropriate that Council allocate an additional 15% of the total cost as project management. This would be communicated to the funding body for LRCI.

Financial

There is no funding gap or financial implications on the Council.

It is recognised that one of the tenders was cheaper, however the tender did not address the refitting of the services and there were major disparities in cost (when compared to all tenders). It is also highly likely that an officer would have to project manage, as this is not the companies sole or main business purpose and/or the project may not be delivered to the required standard (cost variations).

The unspent Council budget for the re-roofing can be relocated into an agreed/defined project for 24/25.



Legal / Statutory

Council has complied with its obligations under the Local Government Act 1993, the Local Government (General) Regulation 2021 and the NSW Local Government Tendering Guidelines.

Community Engagement / Communication

The projects will improve the existing facilities that are used by the community. The roofs were known to create concerns/problems and the users sought that they be repaired.

The roofs will take 2 to 6 weeks to complete and approximate dates have been provided subject to the award of the tender. When the tender has been awarded, officers and the company will work with the user groups.

Human Resources / Industrial Relations (If applicable)

The works will be done by employees and internally project managed by the appointed company. Councils Building Inspector(s) will be involved and help project manage.

Risks

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

1. Financial

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

The budget allocated from the LRCI grant is appropriate for the project.

2. Positive Reputation

	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

Options

1. Award the contract for tender number T14-23-24 as recommended.
2. Do not award the contract as recommended and appoint the next preferred option.



3. Do not award the contract as recommended and do not complete the works. This would require Council to alert the funding authority and reallocate the budget.

Conclusions

It is recommended that Council award:

- T14-23-24 to Rayzor Roofing and Plumbing for the value of \$702,702.00 excl. GST.
-



8.13 Finance - Accounts

Author:	Finance Manager, Genevieve Taylor
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	1. Berrigan_Monthly Report_June 2024.pdf (under separate cover)

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2024,
- b) confirm the accounts paid as per Warrant No. 06/24 totaling \$4,679,515.88 and
- c) note the report on investments attached.

Purpose

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

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 June 2024 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 June 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 June 2024, totaling \$4,679,515.88 and will be submitted for confirmation of payment as per Warrant No. 06/24
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),



- iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) Council's cash and investment portfolio increased by \$7,903,525.80 since May, this increase is largely due to the 85% of the 24/25 Financial Assistance Grant being paid in advance. Funds have also decreased by \$1,166,102.18 compared to the same period last year.

Statement of Bank Balances as at 30 JUNE 2024

Bank Account Reconciliation

Cash book balance as at 01 JUNE 2024	\$ 16,698,215.77
Receipts for JUNE 2024	\$ 10,579,736.53
Term Deposits Credited Back	\$ -
	\$ 27,277,952.30
<i>Less Payments Statement No 06/24</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) Payroll	\$ 753,822.90
Electronic Funds Transfer (EFT) Creditors	\$ 1,837,482.33
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 68,210.63
Total Payments for JUNE 2024	\$ 4,679,515.88
Cash Book Balance as at 30 JUNE 2024	\$ 22,598,436.42
Bank Statements as at 30 JUNE 2024	\$ 22,598,436.43
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 JUNE 2024	\$ 22,598,436.43

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	4.75%	26/09/2024	\$ 2,000,000.00	BBB+
Defence Bank Limited	WATER	138/18	365	5.25%	11/01/2025	\$ 2,090,003.47	BBB
NAB	GENERAL	155/23	368	5.30%	30/09/2024	\$ 5,000,000.00	AA-
NAB	GENERAL	156/24	368	5.25%	10/06/2025	\$ 2,000,000.00	AA-
WESTPAC	SEWER	144/19	352	4.95%	1/10/2025	\$ 2,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	5.28%	30/09/2024	\$ 2,000,000.00	AA-
						\$ 19,090,003.47	

Total Funds Held at 30 JUNE 2024

\$41,688,439.90

Genevieve Taylor

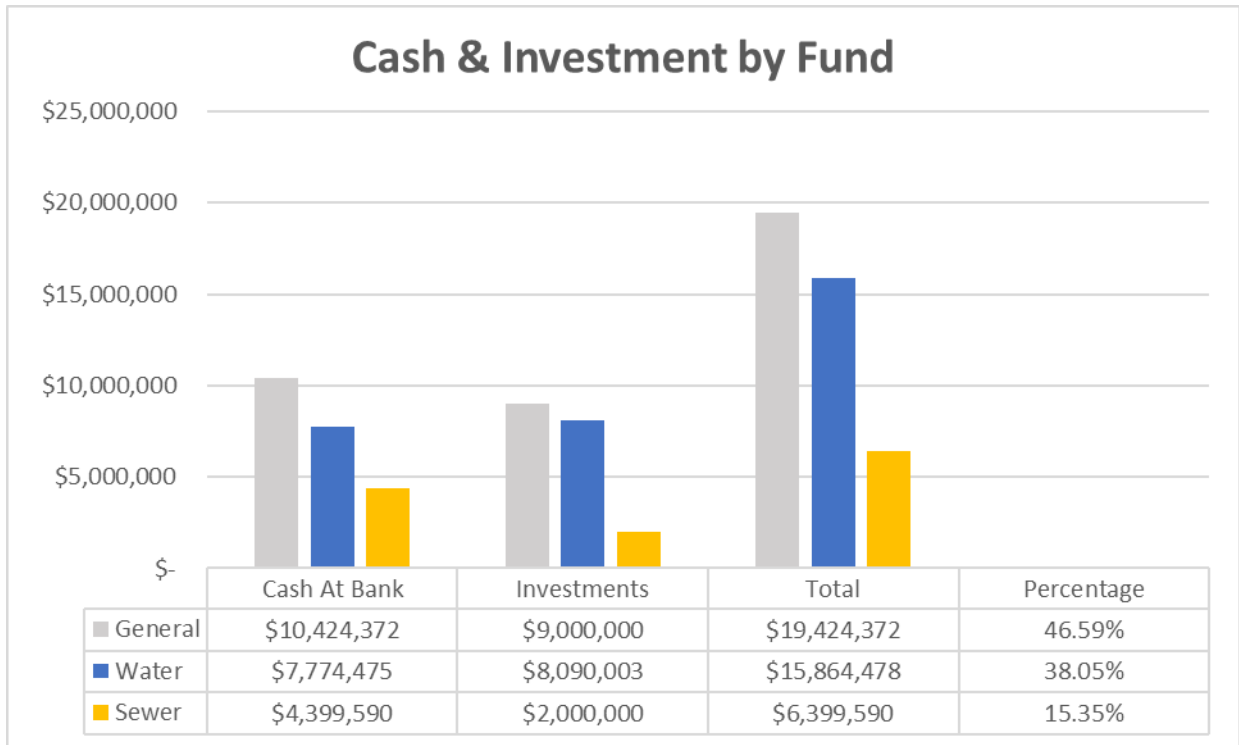
Genevieve Taylor - Finance Manager

*The Council also receives an additional 0.25% commission

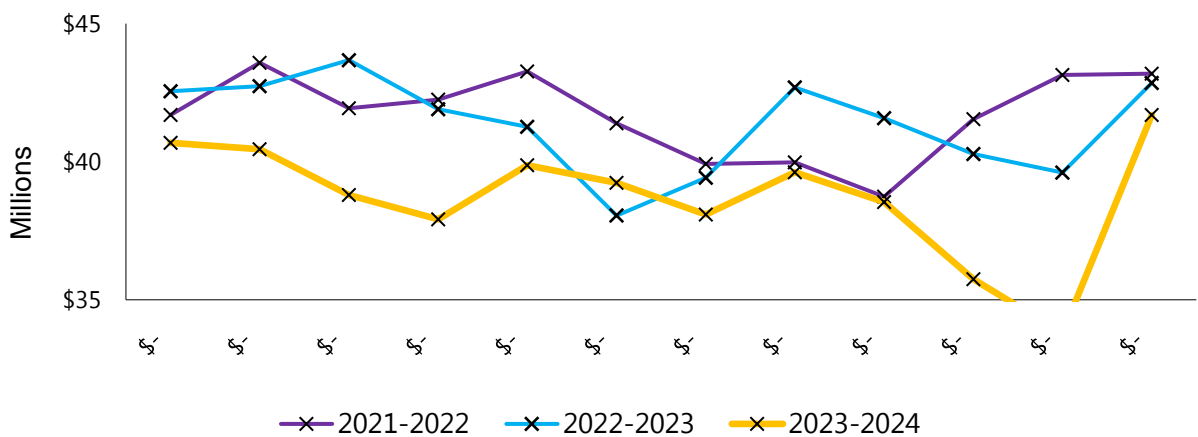
**The Council also receives an additional 0.20% commission



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

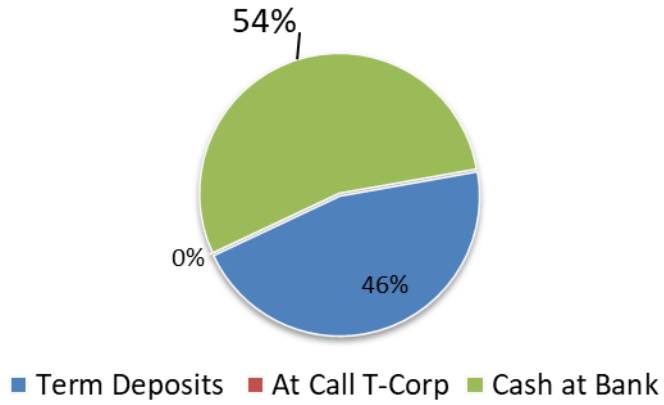


Total Cash and Investments

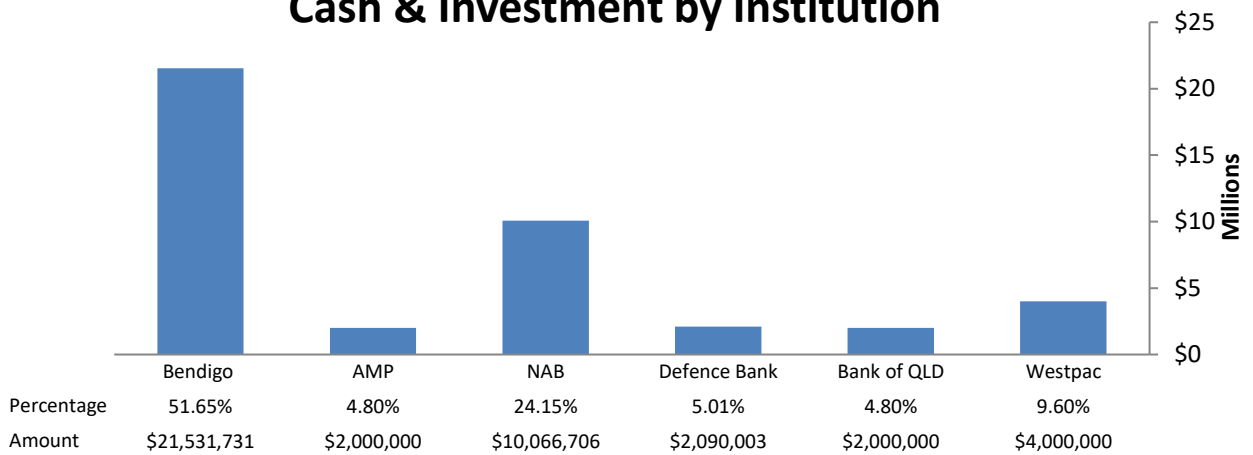




Cash & Investment by type

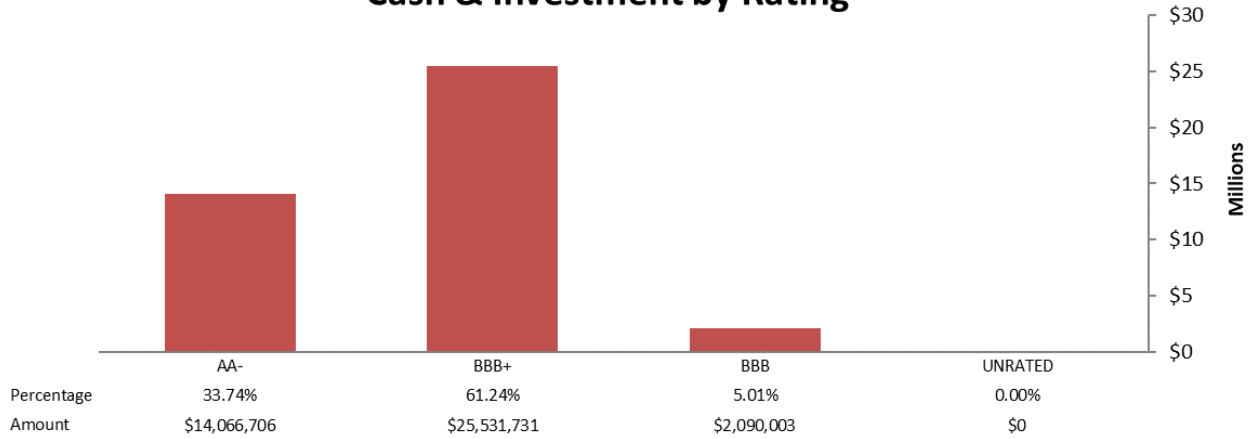


Cash & Investment by Institution





Cash & Investment by Rating



Current Financial Institution	Term Deposits Invested / Reinvested			Maturity Date
	Term (Days)	Amount	Interest Rate	
NAB	368	\$2,000,000.00	5.25%	10/06/2025

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

Outstanding Borrowings:

The Council has outstanding borrowings of \$6,008,779 as of 30 June 2024. This includes both external borrowings (\$3,433,810) and internal borrowings from Council's Sewer Fund (\$2,574,969). Council has not yet drawn down on any new borrowings in the 23/24FY.



Please see below Council's current borrowings:

Institution	Fund Borrowing	Purpose	Loan Amount	Interest Rate	Opening Balance @ 30.06.2023	Principal	Interest	Closing Balance @ 30.06.2024
NAB	General	LIRS Drainage Loan	\$1,630,000	4.26%	\$306,392	\$191,080	\$9,408	\$115,312
ANZ	General	LCLI Lewis Cr/Fin Park Loan	\$1,000,000	2.32%	\$715,756	\$96,548	\$15,583	\$619,208
NAB	Water	LCLI Barooga WTP	\$4,000,000	1.48%	\$3,086,813	\$387,523	\$43,063	\$2,699,290
Sewer Fund	General	General Fund	\$1,000,000	1.48%	\$811,577	\$96,308	\$12,011	\$715,269
Sewer Fund	Water	Finley WTP	\$2,600,000	1.48%	\$2,110,101	\$250,401	\$31,230	\$1,859,700
		TOTALS	\$10,230,000		\$7,030,639	\$1,021,860	\$111,296	\$6,008,779



8.14 Planning Proposal - Amend the zoning and lot size map at 1 Bruton Street, Tocumwal

Author:	Director Strategic Planning and Development, Andrew Fletcher
Strategic Outcome:	EN. Our Environment
Strategic Objective:	EN-C. Robust planning systems support the liveability of our shire
Delivery Program:	EN.5. Plan for the availability of diverse and affordable housing EN.6. Our public spaces and residential developments are designed to support health, safety, and connection. EN.7. Developers provide positive social and environmental contributions
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc)
Appendices:	1. Premise Australia PP-2024-989.pdf (under separate cover)

Summary

Applicant:	Premise Australia
Owner:	Peter and Jennie Cullen
Proposal:	Amend Land Zoning Map and Lot Size Map within the Berrigan Local Environmental Plan 2013
Location:	1 Bruton Street, Tocumwal

Division:

In Favour:

Against:

Recommendation

That Council:

1. adopt Council Officer's recommendation and submit Planning Proposal PP-2024-989 to the Department of Planning, Housing and Infrastructure for Gateway Determination,
2. direct Council Officers to initiate the negotiation of a draft Infrastructure Agreement and
3. direct Council Officers that an Infrastructure Agreement must be signed prior to the LEP Amendment being finalised.



Legislation behind Planning Proposal

Under the *NSW Local Environmental Plan Making Guideline August 2023* this is a proponent-initiated Planning Proposal and a *standard* Planning Proposal for a Local Environmental Plan (LEP) amendment. The Planning Proposal seeks an amendment to change the planning controls for a specific site, consistent with the adopted Berrigan Shire Strategic Framework and District Plans. Council is the Local Plan Making Authority (LPMA) and can withhold finalisation of the LEP amendment until it is completely satisfied.

By way of background, there are 6 key stages in any Planning Proposal (*the current stage is highlighted in blue):

Stage 1- Pre-lodgement

Stage 2- Council to support or reject the Planning Proposal

Stage 3- Gateway Determination. Submit Planning Proposal to the Department, who confirm any administrative requirements.

Stage 4- Post Gateway. Conditions prior to public exhibition.

Stage 5- Public exhibition and Assessment

Stage 6- Finalisation. The Department will make recommendations to the Minister.

The applicant has prepared the Planning Proposal (Appendix 1) which follows the guidelines in the [Local Environmental Plan Making Guideline – August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline-august-2023)

Purpose

The purpose of this report is to determine if the Planning Proposal should be submitted to the Department for Gateway Determination.

The LEP amendment put forward is consistent with the Berrigan Local Environmental Plan 2013 (LEP) and policy direction in the Berrigan Shire Strategic Framework and District Plans (LEP review September 2023). The proposal is consistent with the lot sizes and the introduction of a new residential zone (R1 – General Residential). Furthermore, it is consistent with the Planning Proposal which Council endorsed in 2021.

It is important to note that in the event Council do not support the Planning Proposal, the applicant can request an independent Planning Panel evaluation on whether the Planning Proposal should be sent to the Department for Gateway Determination.

Background

The Planning Proposal is a refinement of Planning Proposal PP-2023-606 which in 2023 was rejected at the Gateway by the (then) Department of Planning and Environment (DPE). The previous Planning Proposal, PP-2023-606 sought three changes to the LEP:

- 1) To rezone an 8.8ha area located in the southern half of the land from R5 - Large Lot Residential, to RU5 - Village Zone, and, update the Land Zoning Map 004A of the LEP from 5,000sqm to 600sqm in area minimum lot size accordingly.
- 2) To keep the northern part of the land as R5 - Large Lot Residential.



- 3) Subdivide the land into two lots thereby creating a delineation between RU5 and R5 zoned land with the view to providing a better planning outcome than having a single lot with two different zones.

The previous Planning Proposal, PP-2023-606 was submitted to Council in 2021 for the rezoning and at the Council Meeting on 2 August 2023, Council approved and subsequently endorsed the proposal. However, on 29 September 2023 it was rejected at the Gateway stage based on the following seven (7) issues:

- 1) Rational and data to support the rezoning given the timing inconsistency with the Berrigan Land Use Strategy 2018 and lack of information provided to support the demand and context for the proposal.
- 2) Reflection that the Planning Proposal effects part lot 6.
- 3) Removal of Riverina Murray Regional Plan 2036 references and assessment and update to Riverina Murray Regional Plan 2041.
- 4) Accurate anticipated lot yield (given DCP controls in place for interface of RU5 and R5 zoned land).
- 5) Revised assessment against Ministerial Direction 4.4 and 5.3 (currently noted as 'not applicable').
- 6) Land use conflict assessment with nearby sewerage treatment plant, airport facility, and rural land interface.
- 7) Accurate Planning Proposal timeline.

The Planning Proposal now being considered seeks to amend the LEP by rezoning the land from R5 - Large Lot Residential, to R1 – General Residential, but also address the reasons for the Department's refusal.

Planning Proposal - Land

The subject land is known as 1 Bruton Street, Tocumwal is 35 hectares in area and is described as part Lot 6 DP1275427.

On 10 May 2022 Council approved a two-lot subdivision (Development Consent ref 134/22/DA/D9). If the two lots are certified it will ensure that the zoning boundaries align with lot boundary, which was one of the three changes to the LEP included in Planning Proposal PP-2023-606. If certified it would change the lot numbers so that the second parcel of land would be referred to as Lot 2 of DP1275427.



Figure 1: Subject Land

Planning Proposal

This Planning Proposal seeks the following:

- 1) To rezone the land to R1 – General Residential and reduce the minimum lot size from 5,000sqm to 450sqm consistent with the adopted Strategic Framework.
- 2) Update the LEP in the following ways:
 - o Update the Land Zoning Map from 5,000sqm to 450sqm in area for the minimum lot size.
 - o Update the Land Use Table to introduce the R1 – General Residential (given that the LEP does not currently include an R1 zone).

Key differences between the 2 Planning Proposals

Previous Planning Proposal (PP-2023-606)	This Planning Proposal (PP-2024-989)
To keep the northern part of the land as R5 - Large Lot Residential.	Rezone the entire land to R1 – General Residential
To rezone an 8.8ha area located in the southern half of the land from R5 - Large Lot Residential, to RU5 - Village Zone	



Update Land Zoning Map 004A of the LEP from 5,000sqm to 600sqm in area minimum lot size.	Update Land Zoning Map Sheets LZN_004A and Lot Size Map Sheets LSZ_004A of the LEP from 5,000sqm to 450sqm in area minimum lot size. Update the Land Use Table to introduce the R1 – General Residential (given that the LEP does not currently include a R1 zone).
Subdivide the land into two lots thereby creating a delineation between RU5 and R5 zoned land with the view to providing a better planning outcome than having a single lot with two different zones.	Not required. - Development Consent 134/22/DA/D9
No changes to the Berrigan LEP instrument in terms of planning controls or specific clauses or provisions.	No changes to the Berrigan LEP instrument in terms of planning controls or specific clauses or provisions. Updated reports to reflect Ministers Directions and reference documents.

Legislation

This section sets out relevant legislation and provides a response to each.

Environmental Planning and Assessment Act 1979

Section 1.3 objectives support the Planning Proposal, in particular these objectives:

- (c) *To promote the orderly and economic use and development of land*
- (d) *To promote the delivery and maintenance of affordable housing*

Berrigan Local Environmental Plan 2013

Section 1.2 support of this proposal, in particular:

- 2(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Berrigan in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development*
- (d) to promote the efficient and equitable provision of public services, infrastructure and amenities*



State Environmental Planning Policies (SEPP)

These are silent on the prospect of rezoning from the R5 (Large Lot Residential) zone to an RU5 (Village) or R1 (General Residential) zone.

Direction 25 of the Riverina Murray Regional Plan 2036 supports growth away from the Murray River Environs.

Direction 25: Build housing capacity to meet demand

25.2 Facilitate increased housing choice including townhouses, villas and apartments in regional cities and locations close to existing services and jobs.

25.4 Locate higher-density development close to town centres to capitalise on existing infrastructure and to provide increased housing choice.

And so it is considered to be supportive of the Planning Proposal.

Other constraints

Flooding – There is no known flooding of the subject land.

Bushfire – The subject land is not identified as having bushfire risk. When residential subdivisions about rural land, there is always some risk of grassland fire at the edges. At the subdivision stage, the submitted subdivision design will be required to provide an adequate buffer to the east adjoining residential zoned land.

Contamination - There is no known contamination of the subject land. Similar to bushfire, this can be interrogated at the subdivision stage as per Council's Contaminated Land Policy.

Infrastructure – The subject land is adjacent to existing urban infrastructure including reticulated sewer, mains water, and electricity. It is anticipated that infrastructure will be needed to service the future housing on the land, with or without this Planning Proposal. While Council could withhold final approval of any LEP amendment until an infrastructure agreement is signed it is advantageous to initiate conversations with all key stakeholders as soon as practicable.

At the subdivision stage, a development contributions plan would be included as a condition on any Development Consent, to ensure that the developer fairly contributes to the upgrade / expansion of critical infrastructure, in a timely manner.

Obstacle Limitation Surface (OLS) Mapping – The Planning Proposal and any subsequent subdivision of the land will not have any impact on the OLS within the LEP. At a development application stage, an assessment will be made against the height restriction consideration of the Tocumwal Aerodrome.

Berrigan Shire Local Strategic Planning Statement 2020

Planning Priority 1 – Agriculture and Agribusiness

The Planning Proposal does not include removal of any RU1 Land. The RU1 land to the east is also identified as future urban land in the adopted Berrigan Shire Framework and District Plans.

Planning Priority 2 – Enabling Infrastructure



An Infrastructure Agreement is recommended to provide for any augmentation of infrastructure with the developer.

Planning Priority 3 – Transport and Logistics

No impact.

Planning Priority 4 – Visitor Economy

No impact.

Planning Priority 5 – Urban Amenity

As the population of Tocumwal gradually increases and more subdivisions are approved, pressure will be placed on Council infrastructure. An Infrastructure Agreement should be signed prior to this LEP amendment being finalised (Stage 6).

Planning Priority 6 – Protect and Enhance Cultural and Natural Environmental Assets

No impact.

Berrigan Land Use Strategy 2018

The Strategy provides a Strategic Land Use Strategy for the Berrigan Shire to reflect Council's vision and aspirations in a land use planning context. It outlines the land demand/release strategy and preferred areas for urban growth for each of Council's four main settlements. It nominates preferred areas of growth as short, medium or long term. Medium term areas are not expected to be required in the next 20 years.

While the Strategy is not definitive about population growth, the adopted Framework supports there being a steady growth in Tocumwal over 15 years (from 2018).

The Strategy identifies the subject land as **Investigation Area 1** with a staging of **medium term** and states that developing the southern portion of the land will provide a *logical expansion of the existing village area*.

The Planning Proposal is consistent with the Strategy.

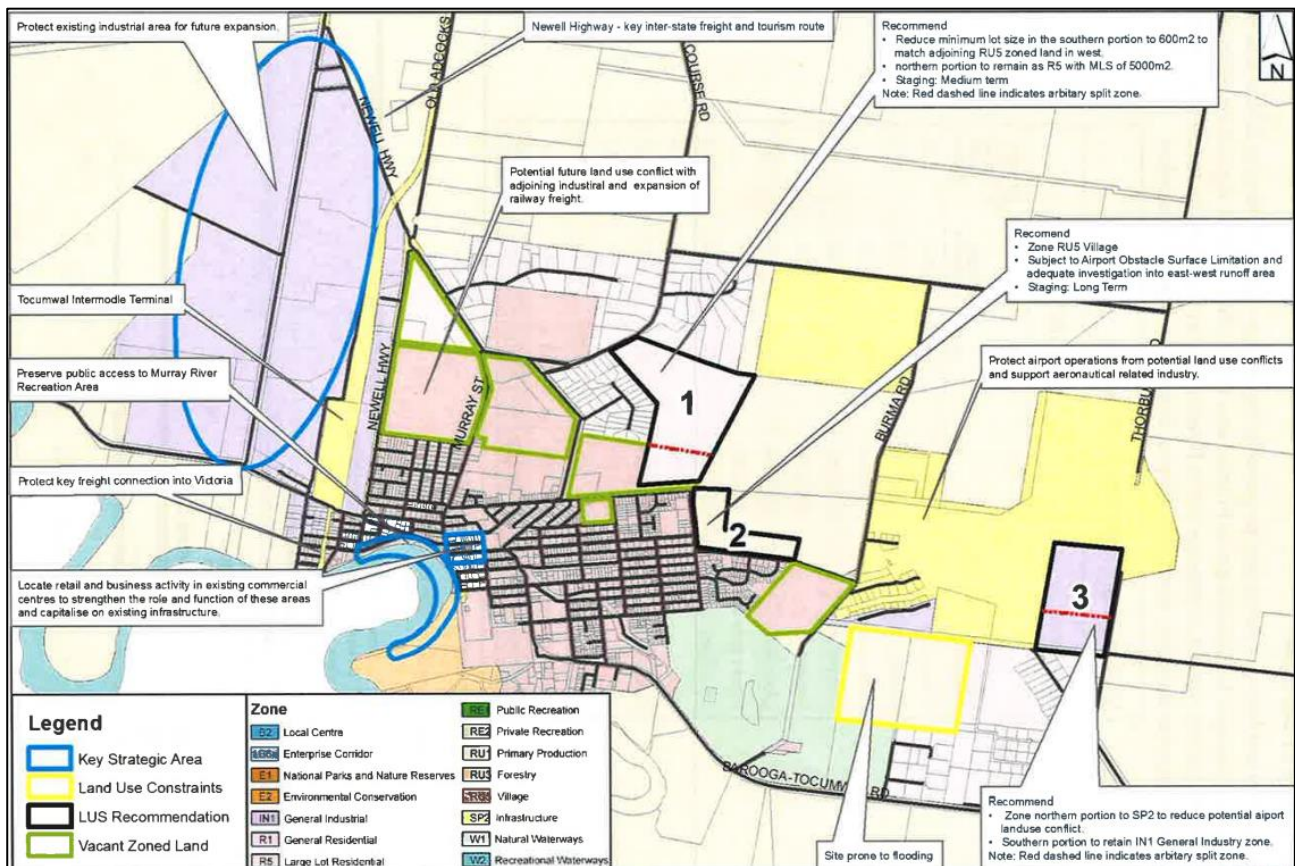
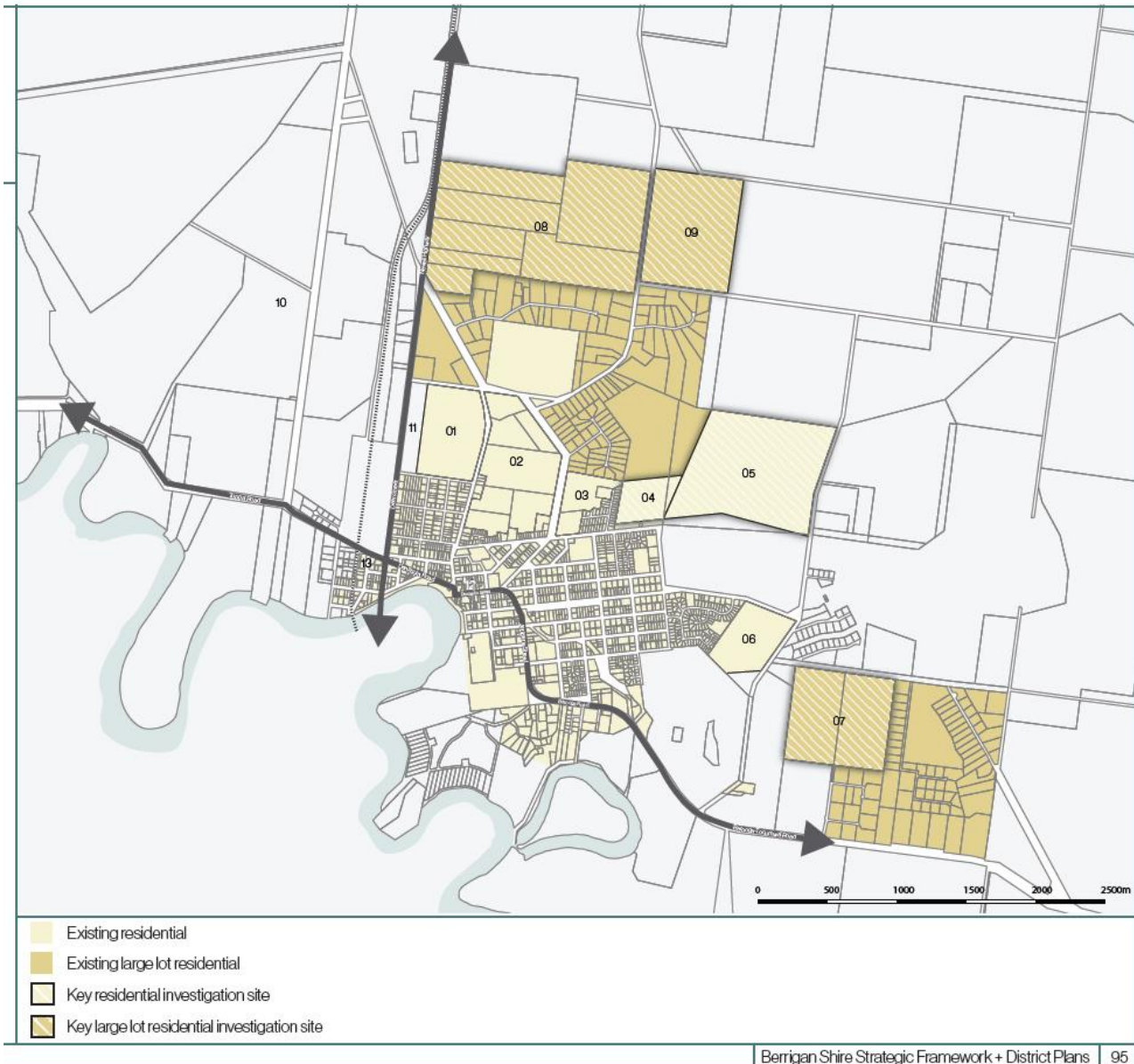


Figure 2: extract from the Berrigan Land Use Strategy 2018

Berrigan Shire Strategic Framework and District Plans - September 2023

The Planning Proposal directly supports the adopted Berrigan Shire Strategic Framework and District Plans (the strategy) which acknowledge pressure on land use, amenity and services around the four townships; a high demand for housing in the four townships; and a suitability of minimum lot sizes due to single person households, smaller family units, one parent families and an ageing population.

The draft Tocumwal District Plan identifies the subject land as 'Site No. 04' in the Tocumwal-Residential Investigation Sites, which has a medium-term timeframe and a constraint of airport noise and safety from the Tocumwal airport. The Planning Proposal is consistent with the strategy.



Conclusion

For the following two reasons, it is recommended that Council support the Planning Proposal's amendment to the LEP:

The Planning Proposal has support under the LEP and relevant policy outlined in this report.

The Planning Proposal duly addresses the seven (7) reasons for rejection of the previous Planning Proposal:

- 1) It references the endorsed Berrigan Shire Strategic Framework and District Plans (September 2023) (Strategic Framework), endorsed at the Berrigan Shire Council meeting of 30 March 2024, and references the adopted Strategic Framework, by:
 - o making reference to a "R1 General Residential Zone";
 - o making reference to a minimum lot size of 450sqm (instead of 600sqm);



- providing an updated discussion on 'demand' for smaller lots within the Berrigan Shire; and
 - providing justification for the 'advanced timing' (in other words, justifying short term rather than medium term)
- 2) It references the land as Lot 6 DP1275427.
 - 3) It references the correct plan and not the Riverina Murray Regional Plan.
 - 4) It provides anticipated lot yield figures based on the concept subdivision layout plans, noting that there is now no interface between RU5 and R5 zoned land, as this Planning Proposal proposes a change from proposed RU5 to proposed R1.
 - 5) It addresses Ministerial Directions 4.4 and 5.3.
 - 6) It provides a land use conflict assessment.
 - 7) It proposes a new timeline for the Planning Proposal.

Recommendation

1. Support the Officer recommendation to send the Planning Proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination.
2. Support the Officer recommendation to send the Planning Proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination, and, direct Council Officers to initiate a draft infrastructure agreement with the developer for infrastructure upgrades and financial contributions, and, direct Council Officers that an Infrastructure Agreement be signed prior to the LEP Amendment being finalised.
3. Set aside one or both recommendations.

Appendix 1

Planning Proposal prepared by Premise Australia



8.15 Green Waste Vouchers

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	IN. Our Infrastructure CL. Our Civic Leadership
Strategic Objective:	IN-B. Our hidden infrastructure works and meets the needs of our community CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	IN.3. Strive to deliver best practice waste, water, sewerage and stormwater. CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council

1. immediately implement a voucher system for green waste disposal at Berrigan Shire waste management facilities for the 2024/25 and 2025/26 financial years. The voucher system is to provide three (3) vouchers per residential assessment in Berrigan Shire each financial year with each voucher permitting free disposal of one (1) cubic metre of waste.
2. direct the Chief Executive Officer to undertake and present a review of the effectiveness of the voucher system and green waste charges before proposing any continuation of the voucher system past 2025/26.

Purpose

This report puts forward a proposal for Council to put in place a temporary voucher system for the disposal of green waste at Council's waste management facilities.

Summary

At its ordinary meeting held on 19 June 2024, Council directed I report on the feasibility and cost of introducing a tip voucher system for green waste taken to Council's waste management facilities.

Introduction of a voucher system is feasible although it may take up to a month to implement. There are options for Council to consider but the most straightforward method is to mail each owner of a residential assessment physical vouchers.



The cost of putting this system in place is approximately \$10,000 - excluding staff time.

The other cost Council should consider is foregone revenue. This is estimated to be approximately \$45,500. This assumes the quantity of green waste received at Council is not reduced by the introduction of organics kerbside collection.

The introduction of a voucher system is contrary to previous Council custom and practice and Council's User Fees and Charges Policy. It is also inconsistent with prudent financial management.

There is evidence of community dissatisfaction with the introduction of green waste charges and a temporary voucher system may alleviate concerns, especially in current economic conditions.

Rather than the introduction of a voucher system, Council may wish to consider a simple deferral of the charge for 12 months.

Background

New charge

Council has implemented a new charge for disposal of green waste – largely garden waste – at its waste management facilities. Disposal of green waste by Berrigan Shire residents on a “non-commercial” basis was previously free of charge.

Note: Council already charged for disposal of green waste by commercial entities such as lawn and garden maintenance businesses.

The new charge was put in place for two major reasons.

- **Consistency with Council's User Fees and Charges Policy**

Treatment of green waste disposed at Council waste management facility is an expense to Council. Council can either subsidise this cost from general revenue or pass the cost on to the resident who generated the waste.

Council's [User Fees and Charges Policy](#) states:

Where legally possible, the Council intends to charge users for the provision of all goods and services it provides.

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where the other specific fee and charge setting principles apply.

The policy does allow for Council to subsidise charges in limited cases where an overriding social objective (equity, access, third-party benefit) applies.

- **Ensuring equity for residents covered by the Council's new organics kerbside collection service.**

From 1 July 2024, Council implemented a new organics kerbside collection service as part of the Halve Waste initiative. This was in response to a NSW Government mandate to implement organics collection by 30 June 2025.



The new organics service has been charged at the full cost of recovery to residents in the collection area in line with Council's user fees and charges policy.

Council considered it to be unfair to expect residents with the organics kerbside collection to have to pay for disposal while allowing other residents to dispose of green waste for free.

Green Waste charges for 2024/25 are shown in the table below.

Charge	Unit	Fee (incl. GST)
Residential Waste (Within Berrigan Shire)	Cubic metre	\$13.00
Commercial Waste (Within Berrigan Shire)	Cubic metre	\$24.00
Waste (Outside Berrigan Shire)	Cubic metre	\$30.00

Note: A cubic metre is approximately the size of a standard box trailer.

Cost

In response to a Notice of Motion by Cr Hannan, Council made the following resolution at its ordinary meeting on 17 June 2024.

That Council, noting the introduction of a new charge for green waste disposal at Council's waste management facilities,

1. *Direct the Chief Executive Officer to prepare a report for the ordinary Council meeting scheduled to be held on Wednesday, 17 July 2024 considering:*

(a) The feasibility of implementing a system providing three vouchers per annum for each residential rate assessment in Berrigan Shire. Each voucher would entitle the holder to dispose of one (1) cubic metre of green waste.

(b) The likely cost to Council of providing this service, noting it is unlikely all vouchers would be used.

CARRIED

When determining the cost to Council, Council should consider what is meant by "cost".

Council already accepts and treats green waste at its facilities. This comes at a cost to Council – including wages, plant and machinery, treatment, cartage etc. Council has not treated green waste by burning for many years, instead it is turned into mulch.

At present this cost is already borne entirely by ratepayers. As such, there is no additional cost to Council in establishing a voucher system – other than the cost of issuing the vouchers themselves.

Council has missed including the vouchers in its 2024/25 rates notices so this would require a separate mailout. An estimate to mail a letter on paper and three vouchers on perforated cardboard to all residential assessments is **approximately \$10,000**. Other options include:

- issuing electronic vouchers – similar to the Service NSW voucher system – however Council staff have not had an opportunity to investigate this.
- asking residents to apply to Council for vouchers and then mail only to applicants.

The more significant "cost" to Council is income foregone.



Note: Council has not budgeted for any revenue from green waste this financial year.

Council projects to receive 3,500 cubic metres of residential green waste in 2024/25. At \$13 per cubic metre, this equates to **approximately \$45,500**. Of course, the introduction of the organic kerbside collection may see less green waste taken to Council's facilities.

While Council can create a model to measure the impact of vouchers with a range of assumptions, I think it is reasonable to assume most of the green waste received will be paid for using a voucher. On that basis, Council could assume it will receive no revenue from green waste for 2024.

Proposal

Council was an early proponent of full-cost recovery from its waste management operations. This is consistent with a prudential approach to managing the long-term cost of operating, maintaining and rehabilitating its waste management facility.

Similarly, Council has resisted previous calls for tip vouchers. This was based on both prudent financial management and maintaining the "user pays" principle.

Once a voucher system is introduced, even if only for a temporary period, it may be politically difficult for future Councils to remove.

An alternative to consider is for Council simply to remove the Green Waste charge and reassess an introduction in 2025/26. This would be administratively simpler, address the immediate concerns and not create a precedent for issuing vouchers.

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

Council does not have an overarching Waste Management strategy or plan. Having a strategy in place would assist Council when considering its charging structure.

I recommend Council develop a waste management strategy over the next 18 months.

Issues and Implications

Policy

Council's [Waste Collection and Disposal Policy](#) is currently under review to reflect the new kerbside collection arrangements. The current policy is silent on the matter of vouchers.

Council's User Fees and Charges policy provides guidance on setting service charges.

Financial

The cost to Council is approximately \$10,000 to prepare and distribute vouchers.

Foregone revenue is estimated to be approximately \$45,500.

Legal / Statutory

User fees and charges are set by Council under the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.



Community Engagement / Communication

Council has received formal and informal requests for a voucher system from the community. There is a sense Council has increased the charge for its kerbside collection and this is a “double-dip”.

No matter what decision Council makes, it will need to consider how to communicate this decision to the community.

Council may also need to consider if it wishes to refund any green waste charges made between 1 July and any Council decision to issue a voucher or otherwise.

Human Resources / Industrial Relations (If applicable)

There have been some incidences of abuse directed at Council staff relating to the introduction of the new green waste charge.

Introduction of a voucher system or delaying the implementation of a fee, may prevent further incidences.

Risks

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

1. Financial

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

The introduction of a tip voucher scheme has little immediate financial impact. As a departure from the user pays principle however it has the potential to have a detrimental effect on Council’s waste management budget over time.

2. Reputational

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

The introduction of a charge for green waste has created a moderate level of discontent, especially when combined with the introduction of the organic kerbside collection.



The non-introduction of a voucher system has the potential to heighten discontent in that people may assume council made the wrong call in implementing the three-bin system early.

3. Natural environment

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

Council is aware of some minor instances of illegal dumping of green waste in the lead up to the introduction of the new charge. It should be noted these instances were prior to the implementation of the relevant fee.

Council has an obligation to rehabilitate its waste management facilities at the end of their useful lives and revenue from waste management should be used to fund this work.

Options

1. Council can implement its proposal as set out in its resolution at the June Council meeting, i.e., issue three (3) green waste vouchers to each residential assessment in Berrigan Shire. There is also opportunity for Council to vary the scope of the voucher system if it wishes.
2. Council can maintain the principle of “user pays” and not introduce a voucher system. This would be financially responsible but will obviously be unpopular.
3. Alternatively, Council could defer the introduction of residential green waste charges for 12 months. This would avoid the costs and administrative complexity of a voucher system while still providing some immediate relief for residents disposing of green waste.

An alternative resolution could be “That Council defer the introduction of the fee for non-commercial disposal of green waste at Council’s waste management facilities by Berrigan Shire residents until 1 July 2025.”



8.17 Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	EN. Our Environment CL. Our Civic Leadership IN. Our Infrastructure
Strategic Objective:	EN-A. Our environment and natural habitats are protected, and biodiversity thrives CL-B. Our community is informed and engaged in decision-making IN-C. Our community facilities are planned to meet community needs and enhance social connections
Delivery Program:	EN.2. Enhance public access and amenities at natural attractions like the Murray River and Finley Lake. CL.4. Strengthen community engagement and participation in decision-making. IN.5. Community facilities are planned and maintained to meet the needs of our growing population and promote maximum use
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc) Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	1. Tocumwal Foreshore Reserve Plan of Management - Draft for Crown Lands review (under separate cover)

Recommendation

That Council:

1. receive and note the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management and
2. refer the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management to Crown Lands (Department of Planning, Housing and Infrastructure) for approval to proceed to public exhibition,



3. delegate authority to the Chief Executive Officer to revise the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management in accordance with any direction received from Crown Lands, prior to placing the plan on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days and
4. bring the final version of the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management to a future Council meeting for consideration and adoption pursuant to section 40 of the LG Act in accordance with 3.23(6) of the *Crown Land Management Act 2016*.

Report

The [Crown Land Management Act 2016](#) required Council to develop and adopt a formal Plan of Management for each Crown Reserve under Council management.

The process for preparing a Plan of Management is set out below.

Step 1	Drafting the PoM <ul style="list-style-type: none">○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	Notifying the landowner and seeking Minister's consent to adopt <ul style="list-style-type: none">○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act.○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM.○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	Community consultation <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none">○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	Adopting a PoM <ul style="list-style-type: none">○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM.○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowmland.nsw.gov.au) for record purposes.



Council staff, in partnership with an external consultant and other stakeholders, have been preparing a Plan of Management for Tocumwal Foreshore Reserve (Reserve 53211). Step 1 of the Plan of Management process is now complete. Step 2 is to send the Plan to Crown Lands to seek approval for public exhibition of the Plan. This can take up to six months to occur.

The draft Plan of Management is attached to this report.

Once Crown Lands and the Minister provide consent, the Plan is required to be on public exhibition for 28 days with submissions invited for a period of 42 days. Council can then adopt the plan as written or adopt with amendments. Significant changes to the plan will require Minister's consent.

Note: The nature of the Tocumwal Foreshore Reserve make the Plan of Management more complex than a standard statutory Plan.

The completion of this Plan should allow Council to now focus on preparation of Plans of Management for the remaining 36 Crown Reserves under Council management.



8.18 Tocumwal Memorial Hall Reserve Crown Land Plan of Management

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	EN. Our Environment CL. Our Civic Leadership IN. Our Infrastructure
Strategic Objective:	EN-A. Our environment and natural habitats are protected, and biodiversity thrives CL-B. Our community is informed and engaged in decision-making IN-C. Our community facilities are planned to meet community needs and enhance social connections
Delivery Program:	EN.2. Enhance public access and amenities at natural attractions like the Murray River and Finley Lake. CL.4. Strengthen community engagement and participation in decision-making. IN.5. Community facilities are planned and maintained to meet the needs of our growing population and promote maximum use
Council's Role:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc) Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	1. Tocumwal Memorial Hall Reserve Plan of Management - Draft for Crown Lands review (under separate cover)

Recommendation

That Council:

1. receive and note the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management,
2. refer the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management to Crown Lands (Department of Planning, Housing and Infrastructure) for approval to proceed to public exhibition,
3. delegate authority to the Chief Executive Officer to revise the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management in accordance with any direction received



from Crown Lands, prior to placing the plan on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days and

- bring the final version of the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management to a future Council meeting for consideration and adoption pursuant to section 40 of the LG Act in accordance with 3.23(6) of the *Crown Land Management Act 2016*.

Report

The [Crown Land Management Act 2016](#) required Council to develop and adopt a formal Plan of Management for each Crown Reserve under Council management.

The process for preparing a Plan of Management is set out below.

Step 1	Drafting the PoM <ul style="list-style-type: none">The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	Notifying the landowner and seeking Minister's consent to adopt <ul style="list-style-type: none">The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act.Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM.Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	Community consultation <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none">Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	Adopting a PoM <ul style="list-style-type: none">If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM.A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowmland.nsw.gov.au) for record purposes.



Council staff, in partnership with an external consultant and other stakeholders, have been preparing a Plan of Management for Tocumwal Memorial Hall Reserve (Reserve 150015). Step 1 of the Plan of Management process is now complete. Step 2 is to send the Plan to Crown Lands to seek approval for public exhibition of the Plan. This can take up to six months to occur.

The draft Plan of Management is attached to this report.

Once Crown Lands and the Minister provide consent, the Plan is required to be on public exhibition for 28 days with submissions invited for a period of 42 days. Council can then adopt the plan as written or adopt with amendments. Significant changes to the plan will require Minister's consent.



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil



10 CONFIDENTIAL MATTERS

Recommendation

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

10.1 Public Liability matter

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

10.2 CEO Performance Review 2023-2024

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



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 21 August 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

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