



ORDINARY COUNCIL MEETING

Wednesday 16 October, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



Agenda

Our Vision

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

COMMUNITY STRATEGIC PLAN

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

CO. Our Community

EC. Our Economy

EN. Our Environment

IN. Our Infrastructure

CL. Our Civic Leadership

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

RISK MANAGEMENT POLICY & FRAMEWORK

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

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

The Risk Management Policy & Framework can be found here:

[Risk Management Policy and Framework](#)



Ordinary Council Meeting
Wednesday 16 October, 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 16 October, 2024 when the following business will be considered:-

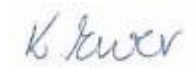
ITEMS OF BUSINESS

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).....	8
6.1	Mayoral Minute - Dialysis Services for Berrigan Shire.....	8
7	REPORTS OF COMMITTEES.....	9
	Nil	
7.1	Audit Risk and Improvement Committee - minutes.....	9
7.2	Local Traffic Committee - minutes	24
8	REPORTS TO COUNCIL.....	26

8.1	Local Water Utilities Final Report.....	26
8.2	Development Determinations for Month of Sept 2024	28
8.3	Correspondence Incoming and Outgoing July 2024 to October 2024	32
8.4	Councillor requests - September 2024	35
8.5	2025-26 Rate Peg.....	36
8.6	Code of Meeting Practice.....	38
8.7	Councillor Expenses and Facilities.....	43
8.8	Confirmation of designated persons.....	50
8.9	Code of Conduct and Procedures for the Administration of the Code of Conduct.....	54
8.10	Mayoral Alliance for the Pacific.....	56
8.11	Corporate Workshop Dates and Outline.....	61
8.12	CEO Annual Leave Request	65
8.13	Actions from previous meetings	66
8.14	Delegations	86
8.15	Exemption from Procurement Process Authorisation Request	94
8.16	Developer Concession - Ray Brooks Investments Development Projects.....	98
8.17	Planning Proposal PP2023 2603 92 Strathvale Road Berrigan.....	103
8.18	Section 355 Committees of Management	200
8.19	Tocumwal Preschool Reserve	203
8.20	2024 Financial Year Results (Late Covering Report).....	210
8.22	Finance - Accounts	217
8.23	2023-24 Annual Financial Statements (Late Covering Report)	223
8.24	T01-24-25 Annual Plant Hire Rates for 2024-25	224
8.25	Barooga raw water intake remediation works.....	227
8.26	Country Universities Centres Southern Riverina - Update.....	239
9	NOTICES OF MOTION/QUESTIONS WITH NOTICE.....	244
	Nil	
10	CONFIDENTIAL MATTERS.....	245
10.1	T13-23-24 Barooga WTP Sludge Lagoon.....	245
11	MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE	246
12	COUNCILLOR REPORTS	246
12.1	Mayor’s Report	246
12.2	Verbal Reports from Delegates	246

13 CONCLUSION OF MEETING..... 246

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.

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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

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

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 18 September, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS



6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Dialysis Services for Berrigan Shire

Author: Mayor, Julia Cornwell McKean

Appendices: Nil

Recommendation

That Council supports advocacy for a cross border approach to securing dialysis services closer to home for residents of Moira and Berrigan Shires, including the possibility of both permanent and mobile services.

Background

On 24 September 2024 the CEO and I met with Murrumbidgee Local Health District (MLHD) as part of our advocacy work regarding the Finley Hospital redevelopment. Part of that conversation turned to the fact renal services have been excluded from the redevelopment due to budgetary constraints.

I provided some information regarding a mobile dialysis service that I learnt about in Alice Springs. I further noted there is currently a campaign for dialysis services in Cobram.

The nearest renal care unit is either Shepparton or Deniliquin.

MLHD expressed enthusiasm to research further a cross border initiative including the possibility of a mobile dialysis service. I have since made some preliminary enquiries and there is significant interest including the possibility of donations from the community.

I have met with the group campaigning for permanent dialysis in Cobram and they are enthusiastic for a combined campaign.

We are organising a meeting with Moira Shire to garner interest before progressing this idea to the Cross Border Commissioners, health ministers and MPs etc.

I believe this advocacy work aligns with the Community Strategic Plan at CO.1.

CO. Our Community

An inclusive, resilient community with a strong sense of belonging and pride.

We're health and well with equitable access to services

CO.1 Deliver initiatives, facilities and services to advance health and wellbeing priorities

As such I feel this part of our health advocacy could be included in our Advocacy Strategy, currently being developed by the CEO.



7 REPORTS OF COMMITTEES

Nil

7.1 Audit Risk and Improvement Committee - minutes

Author:	Deputy Chief Executive Officer, Matthew Hansen
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) 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. Minutes- Audit Risk and Improvement Committee - 28.08.2024.pdf2. Minutes - Audit Risk and Improvement Committee - 08.10.2024

Recommendation

That the Council note and receive the minutes of the following audit risk and improvement committee meetings:

1. 28 August 2024
2. 8 October 2024

Purpose

The minutes of the following audit risk and improvement committee meetings are attached to this report.

- 28 August 2024
- 8 October 2024.

The meeting on 8 October specifically considered the annual financial statements before council's adoption and referral to external audit.

The meetings made the following recommendations to the council.



- **ARIC 07/2024** – That following consideration by the newly elected Council of the Risk Management Framework, including the Strategic Risk Register, that this matter be referred back to the Committee at the December 2024 ARIC meeting for a risk-based assessment to be made to inform the Strategic Internal Audit Plan.
- **ARIC 08/2024** – That Audit, Risk and Improvement Committee Meeting note the report on progress against action items resulting from the recommendations made by external audit in previous Management Letters.
- **ARIC 09/2024** – That Audit, Risk and Improvement Committee Meeting note the Quarter 3 Audit Action Progress Report on all Internal Audit action items, attached as Appendix 1 (**Note:** The progress report is also attached as an appendix to this report)
- **ARIC 10 /2024** – That Audit Risk and Improvement Committee (ARIC):
 - recommend to Council that it adopt the final Audited General Purpose and Special Purpose Financial Statements in the form that is submitted to it by the Auditors.
 - note that the final NSWAO ‘Closing Reports’ will be provided to Council at its Meeting to be held on 16 October 2024 and that these reports will be forwarded to the ARIC Committee Members ‘out of session’
 - note that at this stage there are no new audit management issues expected to be raised (in addition to those included in the NSWAO ‘Interim Management Letter’ which was considered by the Committee at its meeting on 28 August 2024).
 - extend its thanks to the Finance Manager (Genevieve Taylor), the staff involved and to the auditors for the timely preparation and presentation of the 2023/24 General and Special Purpose Financial Statements to the Committee and to Council. The Committee noted that the preparation and completion of the Financial Statements is undertaken within the confines of a very ‘manual finance system’ which adds to the complexity of such completion.

Recommendation **ARIC 10/2024** should be considered when council considers the adoption of the annual financial statements and formal referral to external auditors later at this meeting.



AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Wednesday 28 August, 2024
at 10:00am

MS Teams

Minutes



Audit, Risk and Improvement Committee Meeting

Wednesday 28 August, 2024

MINUTES

The Audit, Risk and Improvement Committee Meeting of the Shire of Berrigan held in the MS Teams, on Wednesday 28 August, 2024 when the following business was considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	4
2	ACKNOWLEDGEMENT OF COUNTRY	4
3	APOLOGIES.....	4
3.1	Apologies/Leave of Absence	4
3.2	Attendance Via Audio-Visual Link	4
4	DISCLOSURES OF INTERESTS.....	4
5	CONFIRMATION OF PREVIOUS MINUTES	4
	ARIC 11.1 ICT Update	5
	ARIC 12.2 Interim Management Letter 2023-24 Audit.....	5
6	VISITORS	5
7	ITEMS FOR DISCUSSION.....	5
	ARIC 7.1 Insurance Renewal	5
	ARIC 7.2 Risk Appetite Statement and Strategic Risk	6
	ARIC 7.3 Terms of Reference and Internal Audit Charter	6
	ARIC 7.4 Recordkeeping Monitoring Exercise - 2024	6
	ARIC 7.5 Excess Overtime	6
	ARIC 7.6 Staff Underpayment Finalisation.....	6



ARIC 7.7	2023-24 Operational Plan actions - update	6
ARIC 7.8	Strategic Internal Audit Plan	6
8	CONTROL FRAMEWORK	7
ARIC 8.1	Procurement Manual, Procedure and Credit Card Policy	7
9	EXTERNAL AUDIT AND ACCOUNTABILITY	7
ARIC 9.1	External Audit Management Letter action items - update	7
10	INTERNAL AUDIT	7
ARIC 10.1	Internal Audit action items - update	7
11	BUSINESS PROCESS IMPROVEMENT AND PREFORMANCE.....	7
ARIC 11.2	Update on Section 355 Committees of Management	7
ARIC 11.3	Policy review - update	8
12	GENERAL BUSINESS	8
ARIC 12.1	Finance - Accounts	8
ARIC 12.2	Interim Management Letter 2023-24 Audit.....	8
ARIC 12.3	Unrestricted Funds at 30th June 2024.....	8
ARIC 12.4	June 2024 Financial Results	8
13	CLOSE OF MEETING.....	8



Present:

Independent Members: Ms Linda MacRae (Chair); Mr Todd Bentey; Mrs Angela Urquhart

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy CEO), Tahlia Fry (Director Corporate Services), Michelle Koopman (Enterprise Risk Manager), Harin Perera (IT Project Manager) and Genevieve Taylor (Finance Manger).

1 OPENING OF MEETING

The Audit, Risk and Improvement Committee Meeting opened its meeting at 10:02am.

2 ACKNOWLEDGEMENT OF COUNTRY

Linda MacRae made an Acknowledgement of Country with the following statement:

“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

3.1 Apologies/Leave of Absence

Cr Renee Paine

3.2 Attendance Via Audio-Visual Link

All meeting participants attended via audio visual link.

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF PREVIOUS MINUTES

Resolved

That the minutes of the Audit, Risk and Improvement Committee Meeting held in the Council Chambers on Wednesday 22 May, 2024 were confirmed.



ARIC 11.1 ICT Update

Resolved

Harin Perera presented the ICT Modernisation Roadmap to ARIC.

That a report be provided to the next ARIC meeting advising of the process that Council has undertaken to ensure it meets the Government and Council's procurement guidelines relating to the decision to upgrade Council's ICT systems .

That an ICT update be provided, as a standing item, at each future ARIC meeting incorporating details of the status of the implementation of the ICT systems upgrade.

Harin Perera left the meeting at 10:42am.

ARIC 12.2 Interim Management Letter 2023-24 Audit

Dylan Murray and Nick Bell and Lawrissa Chan representing the NSW Audit Office (NSWAO) presented the 2023/24 NSWAO Interim Management Letter.

The Interim Management Letter was noted by the Committee . The Auditors advised that the preparation of the 2023/24 Financial Statements was 'on track' for consideration by the Committee during October 2024. The Auditors and Management to determine a suitable date for the Committee to meet to consider the 2023/24 Financial Statements.

Dylan Murray, Lawrissa Chan and Nick Bell left the meeting at 10:51am.

6 VISITORS

Dylan Murray, Lawrissa Chan and Nick Bell from the NSW Audit Office were in attendance for consideration of Item 12.2 (refer above)

7 ITEMS FOR DISCUSSION

ARIC 7.1 Insurance Renewal

ARIC request that the insurance report information be updated to remove any references that do not relate to the Berrigan Council.

The Committee expressed its concern at the significant cost to the Council for the annual insurance premiums which appear to be in excess of what could be expected for a Council of Berrigan's size.



ARIC 7.2 Risk Appetite Statement and Strategic Risk

ARIC note the report, with a request for an update to be received after the Council review.

The Committee expressed its thanks to Michelle Koopman (Enterprise Risk Manager) and Todd Bentley (Independent Member) for their work in preparing the draft 'Risk Appetite and Strategic Risk Statements'.

The Committee noted that this document will be subject to further review and refinement by Management and the new incoming Council (probably later in the calendar year).

ARIC 7.3 Terms of Reference and Internal Audit Charter

Recommendation

ARIC noted the report, with a 'Schedule of Responsibilities', that will form the basis of the Committee's annual workplan, to be considered at the December 2024 meeting.

ARIC 7.4 Recordkeeping Monitoring Exercise - 2024

ARIC noted the report.

ARIC 7.5 Excess Overtime

ARIC noted the report.

ARIC 7.6 Staff Underpayment Finalisation

ARIC noted the report.

ARIC 7.7 2023-24 Operational Plan actions - update

ARIC noted the report and it was suggested by the Committee that more context could be provided to the reader of this report if further information could be added to the comments section.

ARIC 7.8 Strategic Internal Audit Plan

Recommendation

That following consideration by the newly elected Council of the Risk Management Framework, including the Strategic Risk Register, that this matter be referred back to the Committee at the



December 2024 ARIC meeting for a risk based assessment to be made to inform the Strategic Internal Audit Plan.

8 CONTROL FRAMEWORK

ARIC 8.1 Procurement Manual, Procedure and Credit Card Policy

The Committee complimented the Staff on the completion of these Policies. It was noted that the Policies are in draft form and were still to be reviewed and refined by Management. There are some inconsistencies in the documents that require attention (such as GST inclusive/exclusive). Management will check for any inconsistencies during their review.

9 EXTERNAL AUDIT AND ACCOUNTABILITY

ARIC 9.1 External Audit Management Letter action items - update

Recommendation

That Audit, Risk and Improvement Committee Meeting note the report on progress against action items resulting from the recommendations made by external audit in previous Management Letters.

10 INTERNAL AUDIT

ARIC 10.1 Internal Audit action items - update

Recommendation

That Audit, Risk and Improvement Committee Meeting note the Quarter 3 Audit Action Progress Report on all Internal Audit action items, attached as Appendix 1.

11 BUSINESS PROCESS IMPROVEMENT AND PERFORMANCE

ARIC 11.2 Update on Section 355 Committees of Management

ARIC noted the report. The Committee expressed its concern that the WH&S requirements relating to Section 355 Committees of Management and other volunteers have not been addressed. WH&S issues were not included in the reports presented at the Meeting.



ARIC 11.3 Policy review - update

ARIC noted the report.

12 GENERAL BUSINESS

ARIC 12.1 Finance - Accounts

ARIC noted the report.

ARIC 12.2 Interim Management Letter 2023-24 Audit

Refer Page 5.

ARIC 12.3 Unrestricted Funds at 30th June 2024

ARIC noted the report.

ARIC 12.4 June 2024 Financial Results

ARIC noted the report.

13 CLOSE OF MEETING

Next Audit, Risk and Improvement Committee Meeting will be held on in October 2024 on a date to be determined by Management in conjunction with the Auditors.

There being no further business the closed the meeting at 12:13pm.



AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Tuesday 8 October, 2024
at 11:00am

MS Teams

Minutes



Audit, Risk and Improvement Committee Meeting
Tuesday 8 October, 2024
MINUTES

The Audit, Risk and Improvement Committee Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Tuesday 8 October, 2024 when the following business was considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	APOLOGIES.....	3
	3.1 Apologies/Leave of Absence	3
	3.2 Attendance Via Audio-Visual Link	3
4	DISCLOSURES OF INTERESTS.....	3
5	CONFIRMATION OF PREVIOUS MINUTES	3
6	VISITORS	4
7	EXTERNAL AUDIT AND ACCOUNTABILITY	4
	ARIC 7.1 2023-2024 Financial Statements.....	4
8	GENERAL BUSINESS.....	5
	Nil	
9	CLOSE OF MEETING.....	5



Present:

Independent Members: Ms Linda MacRae (Chair); Mr Todd Bentey; Mrs Angela Urquhart

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy CEO), Tahlia Fry (Director Corporate Services) and Genevieve Taylor (Finance Manger).

Dylan Murray, Nick Bell and Lawrissa Chan (NSW Audit Office - NSWAO).

Councillor Renee Brooker was in attendance.

1 OPENING OF MEETING

The Audit, Risk and Improvement Committee Meeting opened its meeting at 11:01am.

2 ACKNOWLEDGEMENT OF COUNTRY

Linda MacRae made an Acknowledgement of Country with the following statement:

“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

3.1 Apologies/Leave of Absence

Cr Renee Paine

3.2 Attendance Via Audio-Visual Link

All were in attendance via MS Teams.

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF PREVIOUS MINUTES

Resolved

That the minutes of the Audit, Risk and Improvement Committee Meeting held in the Council Chambers on Wednesday 28 August, 2024 were confirmed.



6 VISITORS

Councillor Renee Brooker was in attendance. The Chair welcomed Councillor Brooker to the meeting.

7 EXTERNAL AUDIT AND ACCOUNTABILITY

ARIC 7.1 2023-2024 Financial Statements

The following matters were discussed during consideration of this item:

- Nick Bell (RSD- NSWAO) advised of the following:
 - that the audit process was 'on track' for completion of the Financial Statements for submission to the Council Meeting to be held on 16 October 2024
 - that the NSWAO Audit 'Closing Reports' (including the final Management Letter) should be available for the Council Meeting on 16 October 2024 and for distribution to the ARIC members 'out of session'
 - that, at this stage, there has not been any new issues raised for inclusion in the proposed final Management Letter, in addition to the recommendations made in the Interim Management letter (which was considered by ARIC at its Meeting on 28 August 2024).
 - That there were some minor asset valuations queries outstanding – these would not effect the disclosures in the Financial Statements
- ARIC Committee Members raised the following matters, with appropriate management responses received:
 - Council's reliance on government grants (operating and capital) for its ongoing financial sustainability
 - Council's limited ability to raise additional revenue, given its rural nature and ongoing rate capping
 - Expenditure on employee costs and materials and services versus the budget for these items
 - Council's restricted and unrestricted cash position. This position requires constant monitoring and management.
 - Employee entitlements (shown as a liability) are not funded via a restricted cash reserve



- Asset management (new; renewal; replacement and maintenance) is a risk to Council
- The treatment of the Commonwealth Government Financial Assistance Grants (FAG) in advance – this has been an ongoing situation for many years
- In response to a question regarding the 'net GST receivable' amount of \$1.070M (disclosed in Note C1-4 Receivables of the Financial Statements) advice was provided that this amount related to net GST owing to the Council from the ATO (Australian Taxation Office) for a three month period resulting from a delay in the submission of the BAS Statements to the ATO for this period.

Recommendation:

- That Audit Risk and Improvement Committee (ARIC) recommend to Council that it adopt the final Audited General Purpose and Special Purpose Financial Statements in the form that is submitted to it by the Auditors.
- That ARIC note that the final NSWAO 'Closing Reports' will be provide to Council at its Meeting to be held on 16 October 2024 and that these reports will be forwarded to the ARIC Committee Members 'out of session'
- That the Committee note that at this stage there are no new audit management issues to be raised (in addition to those included in the NSWAO 'Interim Management Letter' which was considered by the Committee at its meeting on 28 August 2024).
- That ARIC extend its thanks to the Finance Manage (Genevieve Taylor), the staff involved and to the auditors for the timely preparation and presentation of the 2023/24 General and Special Purpose Financial Statements to the Committee and to Council. The Committee noted that the preparation and completion of the Financial Statements is undertaken within the confines of a very 'manual finance system' which adds to the complexity of such completion.

8 GENERAL BUSINESS

Nil

9 CLOSE OF MEETING

Next Audit, Risk and Improvement Committee Meeting on a date to be determined.

There being no further business the closed the meeting at 12:06pm.



7.2 Local Traffic Committee - minutes

Author:	Operations Manager - Transport, Darron Freund
Strategic Outcome:	IN. Our Infrastructure
Strategic Objective:	IN-B. We can move through our shire, and to other places with ease
Delivery Program:	IN.1. Improve the road network to ensure safety, and connectivity.
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	1. Local Traffic Committee Meeting Appendices - 15.08.2024.pdf (under separate cover)

Recommendation

Recommendation

That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 15 August 2024.

- LTC1.** Council approve the application made by BDDA to hold the Annual Christmas Night Market on Friday 6 December 2024 and temporary road closure of Chanter Street, Berrigan between the hours of 5:00pm – 11:00pm subject to: A Road Occupancy License to be obtained from Transport NSW for the event.
- LTC2.** Council approve the application made by Cobram Barooga Cycle Club to hold their 2024/2025 Race permit event each Sunday from 10:00am for the next twelve months.
- LTC3.** Council note the review of speed zone for Murray Street, Tocumwal. Reference No. R-4549 at Comprehensive review stage.

Background

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

The committee only advises the council on matters for which the council has delegated authority; being certain prescribed traffic control devices and traffic control facilities.



The council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected council must be referred directly to Transport for NSW or relevant organisations. Such matters must not be referred to the LTC.

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

Report

A copy of the business papers from the meeting held on Thursday 15 August 2024 are attached as Appendix 1.

Other items discussed in general business to note:

- Berrigan – Carpark beside 29 Chanter Street. Preliminary plan of carpark to be provided to Transport for NSW.
- Jerilderie Street, Berrigan – signs. TfNSW advised all installation work orders on currently on hold.
- Cnr Racecourse Road & The Rocks Road, Tocumwal – “B” sized signs installed, Reduce Speed sign installed, line marking redone.
- Murray Street, Tocumwal – Line marking redone.



8 REPORTS TO COUNCIL

8.1 Local Water Utilities Final Report

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	IN. Our Infrastructure
Strategic Objective:	IN-B. Our hidden infrastructure works and meets the needs of our community
Delivery Program:	IN.3. Strive to deliver best practice waste, water, sewerage and stormwater.
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. Water Utility Privatisation - Berrigan Shire Council Submission.pdf (under separate cover)2. 20240725-review-of-funding-model-for-local-water-utilities-final-report.pdf (under separate cover)

Recommendation

That Council receive and note this report.

Report

During the 2023/2024 Financial Year the NSW state government undertook a review of the funding models and delivery methods for Local Water Utility Providers.

Berrigan Shire Council made submission to this enquiry (Appendix 1) and was requested to attend a hearing of the Joint Select Committee in Wagga Wagga on 12 February 2024. Both then Mayor, Dr Julia Cornwell McKean and I attended the hearing.

The Final Report was handed down on 24 July 2024 (Appendix 2) and makes the following recommendations:

1. **Adopt funding principles for future NSW Government funding:** The report establishes clear funding principles to guide future NSW Government funding. These principles aim to ensure consistency, targeting and alignment with government objectives, providing a stable foundation for funding allocations.
2. **Use a strategic planning-led approach:** The review underscores the need for a better integrated, strategic planning-led approach for the LWU sector. Building on the Town Water Risk Reduction Program and Regulatory and Assurance Framework. This approach is crucial for better alignment of planning efforts at the state, regional and local levels. The NSW Government and every LWU should be able to effectively identify future challenges, set clear objectives and ensure that investments are efficiently prioritised and resources are used optimally.



3. **Develop a new LWU Investment Framework:** Central to our recommendation is the creation of a new LWU Investment Framework, which should include:
 - An LWU Funding Policy that provides clear guidelines for future funding allocations, ensuring consistency and alignment with government objectives.
 - A Sector Priorities Plan to help prioritize [sic] investments based on strategic needs and available resources, guiding the NSW Government's funding decisions.
 - A requirement for LWUs to demonstrate a pathway to achieve full cost recovery consistent with the National Water Initiative Pricing Principles. The Policy should also identify expectations and support pathways for councils to move their LWU businesses to capital structures appropriate for water utilities.
4. **Utilise Service Obligation (CSO) funding:** For those councils unable to achieve full cost recovery through user charges, the Review recommends the introduction of CSO payment mechanism to provide predictable and reliable NSW Government funding. This approach should incentivize [sic] efficient service delivery while ensuring affordability for regional communities.
5. **Improve regulation and standards:** The review calls for an improved approach to regulating water quality and environmental standards and a new water security standard. This involves ensuring that regulations are fit-for -purpose, addressing identified problems without imposing unnecessary burdens on LWUs. By refining these standards, we can ensure that LWUs meet necessary requirements while operating efficiently.

Council should note the above does have the potential to require increased service delivery obligations from Council under the Service Obligation area in particular.



8.2 Development Determinations for Month of Sept 2024

Author:	Administration Support - Building & Planning, Kelly Milich
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-A. We're healthy and well with equitable access to services
Delivery Program:	CO.1. Deliver initiatives, facilities and services to advance health and wellbeing priorities
Council's Role:	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

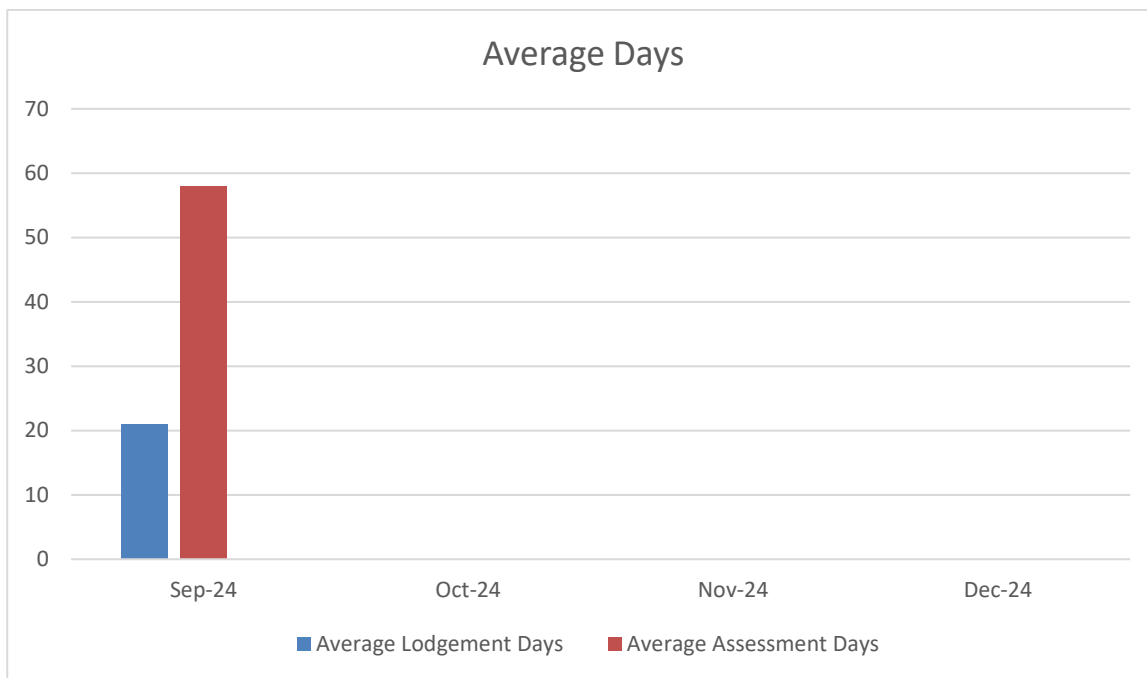
APPLICATIONS DETERMINED FOR SEPTEMBER 2024

Application	Proposal	Property	Status	Work Value
18/25/DA/D1	BV Dwelling & Attached Garage	23-24 Keogh Drive, TOCUMWAL NSW 2714	Approved	\$439,037
29/25/DA/D1	BV Dwelling & Attached Garage	25C Snell Road, BAROOGA NSW 3644	Approved	\$670,000
108/23/DA/D5	Carport	9 Arramagong Street, BAROOGA NSW 3644	Approved	\$9,642
8/25/DA/D5	Outbuilding	128 Racecourse Road, TOCUMWAL NSW 2714	Approved	\$11,200
14/25/DA/D5	Outbuilding	66 Honniball Drive, TOCUMWAL NSW 2714	Approved	\$10,181
15/25/DA/D5	Outbuilding	16 Quirk Street, FINLEY NSW 2713	Approved	\$14,900
16/23/CD/M5	Inground Fibreglass Swimming Pool	21 Anzac Avenue, TOCUMWAL NSW 2713	Approved	\$64,530



Key Performance Indicator – Development Assessment:

Average Lodgement Days - Berrigan	21
Average Assessment Days - Berrigan	58



The graph above shows the average number of assessment days using stats taken from the NSW Planning Portal on 8 September 2024. The Table illustrates the Planning & Development team are determining development applications under 60 days.

The Planning & Development team are aware of the 40 day statutory timeframe requirement for determining a development application. As a team, they continue to meet regularly and discuss new ways of working, in order for them to achieve the statutory requirement.



APPLICATIONS PENDING DETERMINATION AS AT 30/09/2024

Application No.	Date Lodged	Description	Property Location
27/25/DA/D3	03-09-2024	VERANDAH	31 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot44//DP1233177)
30/25/CC/C1	03-09-2024	x5 ACCOMMODATION UNITS	49-55 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot204//DP752274)
28/25/DA/D1	03-09-2024	BV DWELLING & ATTACHED GARAGE	(Lot2//DP1300596)
9/25/RA/R4	05-09-2024	VEHICLE CROSSOVER	5 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot6//DP1274032)
21/25/ACT/ZV	09-09-2024	WATER METER CONNECTION	22 LEWIS CRESCENT, FINLEY NSW 2713 (Lot30//DP1281778)
29/25/DA/D1	11-09-2024	BV DWELLING & ATTACHED GARAGE	25C SNELL ROAD, BAROOGA NSW 3644 (Lot3//DP1283212)
30/25/DA/D5	16-09-2024	CARPORT	15 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot2//DP863373)
23/25/ACT/ZJ	16-09-2024	INSTALLATION OF AWTS	WOOLSHED ROAD, FINLEY NSW 2713 (Lot89//DP752283)
24/25/ACT/ZG	16-09-2024	PLUMBING WORKS TO ADDITIONS	37 DENISON STREET, TOCUMWAL NSW 2714 (Lot41//DP833073)
31/25/CC/C1	16-09-2024	RESIDENTIAL STORAGE SHED	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)
31/25/DA/D5	25-09-2024	RESIDENTIAL STORAGE SHED	FRANKS ROAD, BAROOGA NSW 3644 (Lot6//DP1076143)
32/25/DA/DM	25-09-2024	RELOCATED DWELLING	74 QUICKS ROAD, BAROOGA NSW 3644 (Lot2//DP712556)
33/25/DA/D5	18-09-2024	CARPORT	9 BELLIS COURT, BAROOGA NSW 3644 (Lot26//DP740508)

OTHER CERTIFICATES ISSUED FOR SEPTEMBER 2024

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total
BAROOGA	7	18	0	0	0	0	0	0	0	0	1	1
BERRIGAN	3	19	0	0	0	1	0	0	0	0	1	1



FINLEY	5	15	0	1	0	1	0	1	0	0	0	0
TOCUMWAL	10	32	0	2	0	0	0	0	0	0	0	0
TOTAL	25	84	0	3	0	2	0	1	0	0	2	2



8.3 Correspondence Incoming and Outgoing July 2024 to October 2024

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-C. A community where collaborative efforts enhance development and service delivery
Delivery Program:	CL.5. Build partnerships with state agencies, businesses, and non-profits
Council's Role:	Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	<ol style="list-style-type: none">1. All Incoming Jul-Oct 2024 (under separate cover)2. All Outgoing Jul to Oct 2024 (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 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	TOPIC	RESPONDED DATE
18 July 2024	Albury City Council et al	The Hon Emma McBride	Albury Wodonga Hospital	N/A
26 July 2024	The Hon Rose Jackson MP	Mayor Julia	Water Buy Back	N/A
26 July 2024	Leeton Shire Council	Mayor Julia	Mayoral Alliance for the Pacific	Report to this meeting
30 July 2024	The Hon Tanya Plibersek	Mayor Julia	Water Buy Backs	N/A
8 August 2024	ICAC	Councillors	Integrity Issues relating to the 2024 NSW LG Elections	Sent to all Councillors at the time
13 August 2024	Grant Gleeson (Deputy Chair	Mayor Julia	FAGs Grants	N/A



DATE	FROM	TO	TOPIC	RESPONDED DATE
	NSW Grants Commission)			
16 August 2024	Country Mayors Association	Mayor Julia and Karina Ewer	Update	N/A
16 August 2024	Tocumwal Public School	Mayor Julia	Loss of Student Support Officer	Responses included below
23 August 2024	Adam Dansie (LGNSW)	Karina Ewer	Waste Tendering Amendment Regulation Consultation	N/A
27 August 2024	John Lane	Karina Ewer	Request for assistance – Nangunia Historical Day (loan of generator)	Response included below
30 August 2024	The Hon Ryan Park MP (Minister for Health)	Mayor Julia	Response regarding Finley Hospital and Tocumwal Ambulance	N/A
3 September 2024	The Hon Tanya Pliberseck MP	Mayor Julia	Consultation on the proposed new National Water Agreement	N/A
20 September 2024	Dept Planning, Housing and Infrastructure; Office of Local Government	Karina Ewer	Time Series Data Reporting	N/A
23 September 2024	Rural Fire Service	Mayor Julia and Karina Ewer	2024-25 Allocations – NSW Rural Fire Fighting Fund	N/A
23 September 2024	Finley Pony Club	Council	Certificate of Appreciation	N/A
26 September 2024	Dr Graeme Emonson PSM, Chair, Panel of Administrators,	Mayor Julia	Congratulations	N/A



DATE	FROM	TO	TOPIC	RESPONDED DATE
	Moira Shire Council			
26 September 2024	Graeme Kelly OAM, USU	Karina Ewer	Demand for Councils to acknowledge receipt of the handbook and sign they have understood their obligations and responsibilities	Refused to do as demanded. Cost Shifting as per Sustainability report.

OUTGOING

DATE	FROM	TO	REGARDS	TYPE
12 July 2024	Mayor Julia	The Hon Kristy McBain	Meeting 5 July 2024 (NGA)	Letter
16 July 2024	Mayor Julia	The Hon Tanya Plibersek MP	Water Buy Backs	Letter
8 August 2024	Mayor Julia	The Hon Chris Minns MP	Budget Outcomes (Finley Hospital and Tocumwal Ambulance)	Letter
8 August 2024	Mayor Julia	The Hon Ryan Park MP	Budget Outcomes (Finley Hospital and Tocumwal Ambulance)	Letter
9 August 2024	Mayor Julia	Brett Gillie	Tocumwal Connectivity Issues	Letter
30 August 2024	Karina Ewer	John Lane	Response to request for loan for generator	Letter
20 September 2024	Mayor Julia	Nicole Laker	Acknowledgement of Letter and update	Letter
20 September 2024	Mayor Julia	The Hon Prue Car MP	Advocacy for SSO	Letter



8.4 Councillor requests - September 2024

Author:	Customer Communications Coordinator, Kayleigh Nolen
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:	Nil

This report is for information only.

Report

This report is to provide the council with an update on councillor requests as per the councillor access to information and staff interaction policy.

This is the first report provided under this policy to coincide with the new term of council. In future, this report will be provided monthly.

Works Request Number	Logged Date	Closed Date	Fault/Request Type	Service Details	Progress Comments	Resolution Comments	Requested by
7906	08/12/2023	-	Drainage	Large potholes behind IGA Berrigan that may be caused due to lack of Drainage.	-	-	CEO
8755	25/09/2024	-	Damages	The sandbags have moved at Tocumwal jetty, and they are catching boats.	Assigned to field staff.	-	Cr Stringer
8737	18/09/2024	-	Kerbside Collection	Petition for the removal of waste collection in Honniball drive Tocumwal. Petition saved in Media of this request & Magiq.	Awaiting legal advice.	-	Cr Stringer

8.5 2025-26 Rate Peg

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. Information Paper - Rate pegs for NSW councils for 2025-26 - 1 October 2024.pdf (under separate cover)

This report is for information only.

Report

The Independent Pricing and Regulatory Tribunal (IPART) has announced the rate peg for 2025/26.

For Berrigan Shire Council, **the 2025/26 rate peg is 4.6%**.

Assuming Council chooses to take up the entire rate peg, this equates to a \$278,112 increase in ordinary rates revenue.

To put the increase in perspective, council's Emergency Services Levy (ESL) is now \$307,000 so in essence, council not only does not receive any of its rate increase, it needs to contribute a further \$28,888 from its general income to cover the cost of the ESL. This does not include the other cost shifting mechanisms council is subjected to. These matters will be discussed at a future date and are part of the larger Sustainability Report Karina is preparing.

The components of the rate peg for 2025-26 are:

- Base Cost Change (BCC) model to estimate the percentage change in terms of cost increases in council's business-as-usual costs, including employee costs, asset costs, and other operating costs. The BCC is 3.6% for 2025-26, which is lower than last year (3.9%),
- an adjustment of 0.6% for Berrigan Shire Council to allow council to catch up on some of the historical increases in the Emergency Services Levy (ESL) not captured in previous rate pegs when they were subsidised,
- a temporary adjustment of 0.8% for the costs of running the 2024 elections,
- an adjustment of 0.5% for the increase in superannuation guarantee payments from 11.5% in 2024-25 to 12% in 2025-26 and
- a population factor adjustment for COVID-19 impacted populations. The population factor for Berrigan Shire Council has remained at 0.0%.

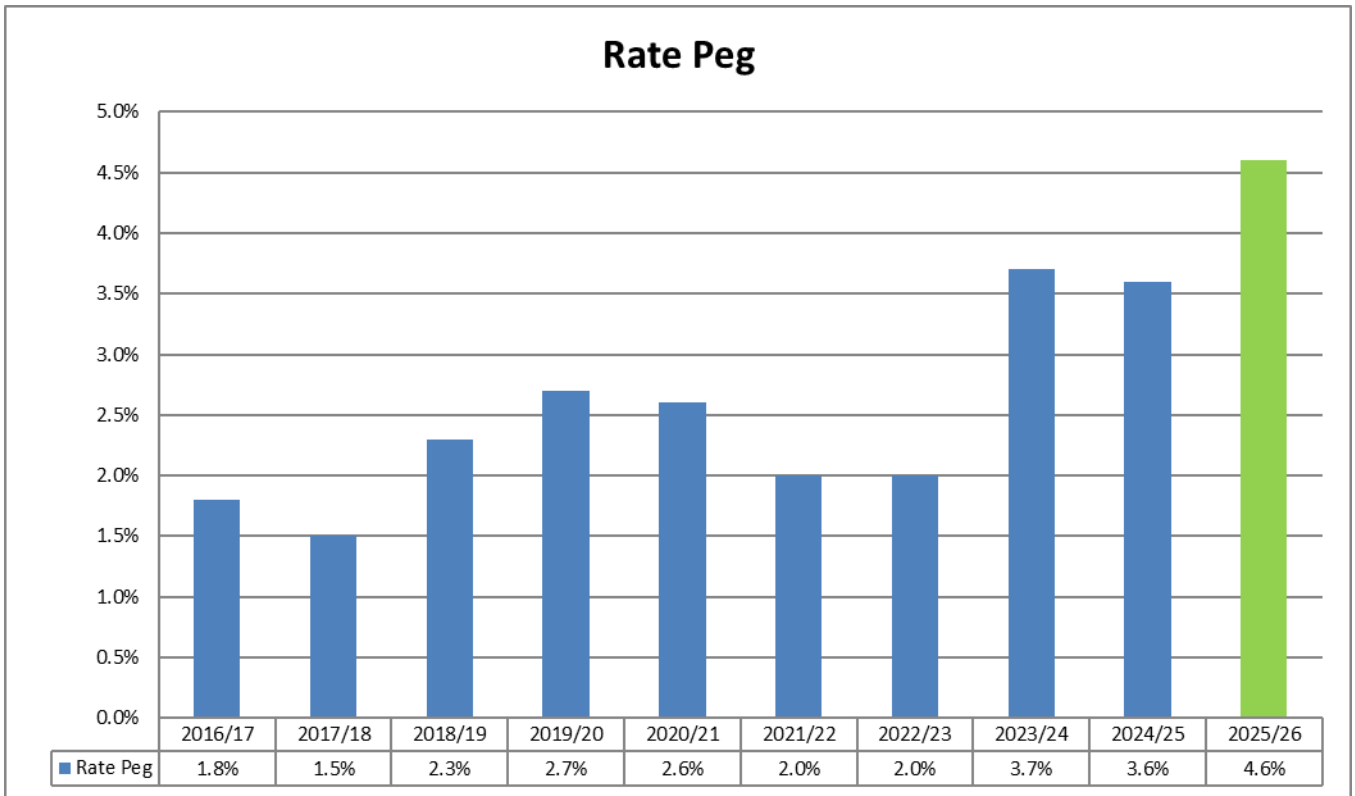
An information paper on the rate peg decision is attached for reference.

The rate peg determines the maximum percentage amount by which a council may increase its general income for the year. For Berrigan Shire, general income consists entirely of rates income. The rate peg does not apply to stormwater, waste collection, or water and sewerage charges.

The Council has discretion to determine how to allocate the rate peg increase between different ratepayer categories.

The 2022/23 rate peg was set at 0.9%. The Council applied for and was successful in obtaining a special rate variation to increase this to 2.0%.

The 4.6% increase is the largest annual increase since IPART have been responsible for setting the rate peg.





8.6 Code of Meeting Practice

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner CL-B. Our community is informed and engaged in decision-making
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. CL.4. Strengthen community engagement and participation in decision-making.
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. Model Code of Meeting Practice 2021 (under separate cover) 2. DRAFT - Berrigan Shire Council Code of Meeting Practice October 2024 (under separate cover)

Recommendation

That the Council:

1. adopt as a draft the Berrigan Shire Council Code of Meeting Practice as attached to this report,
2. place on public exhibition, this Draft Code of Meeting Practice with feedback to be presented along with a finalised draft document at the December Ordinary Council meeting for adoption and
3. fix the schedule for ordinary meetings of Council for the remainder of 2024 and for 2025 as follows.

Date	Venue	Time
16 October 2024	Berrigan Shire Council Chambers	9.00am
20 November 2024	Berrigan Shire Council Chambers	9.00am
4 December 2024	Berrigan Shire Council Chambers	1.00pm
22 January 2025	Berrigan Shire Council Chambers	9.00am
19 February 2025	Berrigan Shire Council Chambers	9.00am
19 March 2025	Berrigan Shire Council Chambers	9.00am
16 April 2025	Berrigan Shire Council Chambers	9.00am



21 May 2025	Berrigan Shire Council Chambers	9.00am
18 June 2025	Berrigan Shire Council Chambers	9.00am
16 July 2025	Berrigan Shire Council Chambers	9.00am
20 August 2025	Berrigan Shire Council Chambers	9.00am
17 September 2025	Berrigan Shire Council Chambers	9.00am
15 October 2025	Berrigan Shire Council Chambers	9.00am
19 November 2025	Berrigan Shire Council Chambers	9.00am
17 December 2025	Berrigan Shire Council Chambers	9.00am

4. fix the schedule for ordinary meetings of Council for the remainder of 2024 and for 2025 as follows.

01 Opening of Meeting

02 Acknowledgement of Country

03 Apologies and applications for leave of absence or attendance via audio-visual link by Councillors

04 Confirmation of previous minutes

05 Disclosures of Interest

06 Mayoral Minute(s)

07 Reports of Committees

08 Reports to Council

09 Notices of Motion / Questions with Notice

10 Confidential Matters

11 Motions without Notice / Questions without Notice

12 Councillor Reports

13 Conclusion of Meeting

Report

Under section 360 of the *Local Government Act 1993* (the Act), councils must adopt a Code of Meeting Practice (the Code) that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) prescribed by Part 10 of the *Local Government (General) Regulation 2021* within 12 months of the election.

A copy of the model code is attached at Appendix 1 to this report.

The Model Code provides a uniform set of meeting rules for councils across the State to help ensure more accessible, orderly, effective and efficient meetings. The code applies to all meetings of councils and committees of councils of which all members are councillors (committees of council).



Council committees whose members include persons other than councillors may adopt their own rules for meetings unless Council determines otherwise.

Council's adopted Code must not contain provisions that are inconsistent with the mandatory provisions of the Model Code.

Council's adopted codes may also incorporate the non-mandatory provisions of the Model Code and other supplementary provisions.

Councils are not required to adopt the non-mandatory provisions of the Model Meeting Code and can adapt them to meet their own needs.

A draft copy of a proposed Code of Meeting Practice is attached to this report for consideration.

Council must have adopted its own code within 12 months of the election. However, I feel it will be difficult going forward if council have not considered and adopted this document earlier as the previous Code otherwise remains in place.

The requirements of the Code of Meeting Practice apply to **all** meetings of the council and committees of council, where all members are councillors. In the case of Berrigan Shire Council, the Code will apply to ordinary and extraordinary meetings of the council only.

The Code is not required to be applied to the audit, risk and improvement committee nor the meetings of volunteer committees established under [section 355](#) of the *Local Government Act 1993*.

Options

The proposed Berrigan Shire Council Code of Meeting Practice selects the following options as set out in the Model Code of Practice as issued by the Office of Local Government.

1. not include clause 3.1 and adopt clause 3.2,
2. include at clause 3.10, that notices of motion are required to be with the Chief Executive Officer a minimum of 7 days prior to an Ordinary Council meeting,
3. include clause 3.12,
4. include clause 3.13,
5. not include clauses 3.33 to 3.38 (Pre-meeting briefings)
6. not include section 4 (public forums), noting the community will still be permitted to address the council prior to a meeting.
7. include clauses 5.14 and 5.15,
8. include clauses 5.16 to 5.30 with the exception of clause 5.24 which shall read as follows:

"A decision whether to approve a request by a councillor to attend a meeting of the council or committee of council by audio-visual link must be made by the chair of the meeting."
9. not include section 7 (Modes of address)
10. include clause 8.1 and not adopt clause 8.2,
11. include clause 9.10,
12. include clause 10.9,



13. not include clause 11.11,
14. include section 13,
15. require applications by the community to address council under the conditions of clause 14.11 to be received no later than 2 days prior to council's next ordinary council meeting,
16. for the purposes of clause 14.13, allow no more than 2 speakers to be permitted to make representations to council on any one matter.
17. for the purposes of clause 14.16, allow no more than 2 speakers to address Council,
18. for the purposes of clause 14.17, allow each speaker 3 minutes to make representations to Council,
19. include clause 14.20,
20. include clause 15.14 and not include clause 15.15 (only one of these clauses can be included)
21. include clause 15.16,
22. include clause 15.21 and 15.22,
23. include clause 16.2,
24. not include clause 17.10,
25. include clauses 17.12 to 17.20,
26. not include section 18 (time limits on meeting) and
27. not include clause 20.24,

Meeting dates

The Model Code of Meeting Practice allows space for the council to set and fix its meeting schedule. Previous councils have preferred not to set the meeting schedule in its code to allow it flexibility to amend its meeting dates as required by necessity. This can include leading up to and following the Christmas/New Year break or other key dates.

[Section 9 of the Act](#) requires the council to give notice to the public of the times and places of its meetings. To this end, a table of proposed meeting dates are set out for council consideration.

The proposed dates propose strategy and policy workshops (SPW) to be held on the first Wednesday of each month and its ordinary council meetings to be held on the third Wednesday of each month. The schedule of ordinary meetings has been provided in the motion. The council can, by resolution, modify these proposed dates at later meetings – provided it notifies the public of the revised details.

The previous council moved workshops to the evenings, commencing at 5.00pm. Staff understand the intention of this move; to allow for those with caring responsibilities to have family home for these meetings and to allow better community engagement. Council staff have however, found them difficult with councillors seeming more interested in getting out of the workshop than in engaging in discussion. Many hours of work go into preparation for each meeting.

The CEO is changing the format of the workshops to no longer provide reports, rather presentations and points for discussion. Council staff would hope that if council wish to have evening meetings, we



could make those the ordinary meetings. This would allow the community to come to Council meetings more regularly and provide the community engagement opportunity hoped for.

An option might be to hold ordinary meetings on an evening, day rotational basis.

Staff attending meetings at times after 5.00pm (other than the CEO and Directors) are on overtime penalty rates so it is important to consider the costs to council as a whole.

Order of business

The Model Code of Meeting Practice allows space for the council to set and fix its meeting schedule. Previous councils have preferred not to set the meeting schedule in its Code to allow it flexibility to amend the order of business as needed.

Where council chooses not to set the order of business inside the code it should be fixed by resolution.

The following order of business is proposed:

- 01 *Opening of Meeting*
- 02 *Acknowledgement of Country*
- 03 *Apologies and applications for leave of absence or attendance via audio-visual link by Councillors*
- 04 *Confirmation of previous minutes*
- 05 *Disclosures of Interest*
- 06 *Mayoral Minute(s)*
- 07 *Reports of Committees*
- 08 *Reports to Council*
- 09 *Notices of Motion / Questions with Notice*
- 10 *Confidential Matters*
- 11 *Motions without Notice / Questions without Notice*
- 12 *Councillor Reports*
- 13 *Conclusion of Meeting*



8.7 Councillor Expenses and Facilities

Author:	Deputy Chief Executive Officer, Matthew Hansen
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:	<ol style="list-style-type: none">1. Draft for 16 October Meeting Councillors Expenses and Facilities Policy.docx (under separate cover)2. OLG Guidelines -Councillor Expenses and Facilities 2009 (under separate cover)

Recommendation

That Council

1. adopt as a draft the Councillor Expenses and Facilities Policy attached as an appendix to this report and
2. place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 11 December 2024.

Purpose

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

Summary

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

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

A draft policy must be placed on public exhibition for 28 days before formal adoption by the council.

Attached as appendix 1 to this report is a proposed draft policy for consideration. It is substantially similar to the existing policy, with only minor amendments which include clarifying reimbursement for alcohol consumption while on council business, adjustment to caps for accommodation and meals and changes in electronic equipment provided such as phones and laptops.



Background

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

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

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

The aims of this policy are to:

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

Key principles and issues

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

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

Types of expenses and facilities provided to the Council

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



Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	<i>All conference attendance approved by mayor and deputy mayor. Conference report to be provided to Council for noting.</i>
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	<i>Travel arrangements must be approved by the chief executive officer. See Details for travel arrangements also General travel arrangements</i>
Accommodation	Actual up to daily limit	Actual up to daily limit	1. \$350 per night 2. \$300 per night 3. \$200 per night	1. <i>State Capital Cities and Canberra</i> 2. <i>Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour).</i> 3. <i>Country.</i>
Meals	Actual up to daily limit	Actual up to daily limit	1. \$150 per day 2. \$100 per day 3. \$100 per day	1. <i>State Capital Cities and Canberra</i> 2. <i>Regional Cities (e.g., Orange, Bathurst, Wollongong, Coffs Harbour).</i> 3. <i>Country</i> <i>Alcohol with a meal is a private expense unless specifically authorised by council resolution.</i>
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Chief Executive Officer.	<i>See Care and Other Related Expenses</i>
Attendance at non-Council functions	Cost of service provided	Actual	None	<i>No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.</i>
Care and Other Related Expenses	Personal care or childcare expenses up to four hours	Actual	\$150 daily \$4,000 annually	<i>See Special Requirement and Carer Expenses</i>
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	<i>See Spouse and Partner Expenses</i>
Professional development	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor		\$5,000 per year per Councillor	<i>With the express permission of the councillors involved The chief executive officer may re-allocate unspent professional development allowance between councillors.</i>



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

Council can adjust or modify any of these items before adoption of the policy as a draft. Council may also add a new category of expense for reimbursement.

Management have been approached to consider reimbursement for the costs of placing pets into care when attending conferences and the like.

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

- Code of conduct
- Operational plan

Issues and Implications

Policy

- Communication Devices and the Internet Policy



- Motor Vehicle Policy

Financial

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

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

Legal / Statutory

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

Additionally, s252 provides that:

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

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

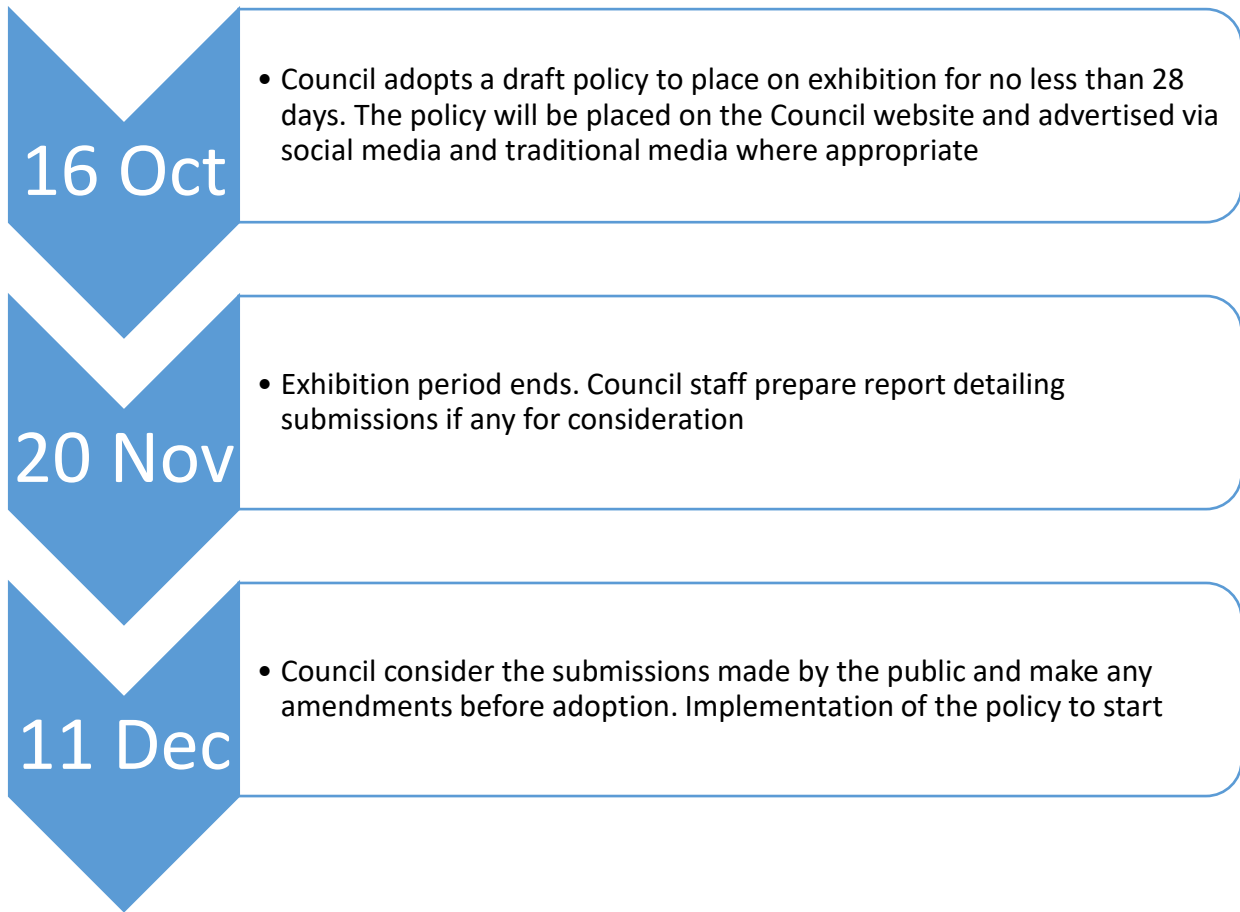
- 1) *A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.*
- 2) *Before adopting or amending the Policy, the Council must consider any submissions made within the time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

The Office of Local Government has issued guidelines under s23A of the *Local Government Act 1993* which is attached as an appendix to this report

Community Engagement / Communication

As detailed above, Council must place its draft Councillor Expenses and Facilities on public exhibition for 28 days and call for public submissions.

At a minimum, this includes publishing the draft policy on Council's website.



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



2. Reputational

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

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

3. Legal

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

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

Options

1. Council may adopt the policy attached as a draft for public exhibition – **recommended**.
2. Council may adopt an amended policy as a draft for public exhibition.
3. Council may refer the policy back to management for further amendment before bringing the amended policy back to council for adoption. Note that council must adopt a revised policy within 12 months of their election.



8.8 Confirmation of designated persons

Author:	Deputy Chief Executive Officer, Matthew Hansen
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:	Nil

Recommendation

That Council formally identify the following positions and occupants as designated persons as defined in the Berrigan Shire Council Code of Conduct

Chief Executive Officer	Karina Ewer
Deputy Chief Executive Officer	Matthew Hansen
Director Infrastructure	Gary George
Director Strategic Planning and Development	Andrew Fletcher
Director Corporate Services	Tahlia Fry
Enterprise Risk Manager	Michelle Koopman
Finance Manager	Genevieve Taylor
IT Project Manager	Harin Perera
Assets and Engineering Manager	Ramesh Shrestha
Operations Manager - Transport	Darron Freund
Manager Sustainability	Vageesh Nonavinakere
Assets and Engineering Manager	Ramesh Shrestha
Biosecurity and Compliance Coordinator	Matt Wooden
Building and Planning Manager	Sarah Griffith
Building Surveyor (Contract)	Michael Foley



Town Planner	Noureen Wajid
Building Surveyor/Facilities Maintenance	Chris Koschel
Trainee Building Surveyor/Facilities Maintenance	Josh Allen
Noxious Weeds and Public Safety Officer	Brendan Toll
Audit Risk and Improvement Committee member	Linda McRae
Audit Risk and Improvement Committee member	Angela Urquhart
Audit Risk and Improvement Committee member	Todd Bentley

Report

This report is for Council to formally identify the “designated persons” within its organisation structure required to complete a written Return of Interest as per the Berrigan Shire Council Code of Conduct (the Code).

Background

Below is a table with recommended positions and office holders to be classified as “designated persons” along with a justification.

The Risk Management and Internal Audit guidelines for local government in NSW deem members of the Audit Risk and Improvement Committee as designated persons.

Position	Office holder	Justification
Chief Executive Officer	Karina Ewer	Cl 4.8(a)
Deputy Chief Executive Officer	Matthew Hansen	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Infrastructure	Gary George	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Strategic Planning and Development	Andrew Fletcher	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Corporate Services	Tahlia Fry	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team. Responsible Accounting Officer
Finance Manager	Genevieve Taylor	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Responsible Accounting Officer



Position	Office holder	Justification
Enterprise Risk Manager	Michelle Koopman	Cl 4.8(c). Member of Executive Leadership Team
Operations Manager - Transport	Darron Freund	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
IT Project Manager	Harin Perera	Cl 4.8(c) Significant delegation of procurement functions.
Manager Sustainability	Vageesh Nonavinakere	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Assets and Engineering Manager	Ramesh Shrestha	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Planning and Building Manager	Sarah Griffith	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Building Surveyor (contract)	Michael Foley	Cl 4.8(c) Significant delegation of regulatory functions.
Biosecurity and Compliance Coordinator	Matt Wooden	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Town Planner	Noureen Wajid	Cl 4.8(c) Significant delegation of regulatory functions.
Building Surveyor/Facilities Maintenance	Chris Koschel	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Trainee Building Surveyor/Facilities Maintenance	Josh Allen	Cl 4.8(c) Significant delegation of regulatory functions.
Noxious Weeds and Public Safety Officer	Brendan Toll	Cl 4.8(c) Significant delegation of regulatory functions
ARIC members	Linda McRae, Todd Bentley, Angela Urquhart	As per the Risk Management and Internal Audit guidelines for local government in NSW

Obligations

The positions and persons identified as designated persons as per the Code have the following obligations as per Clause 4.9 of the Code

A designated person:

(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

A redacted version of these written returns of interests must be displayed on the Council website in line with [Information Access Guideline 1 - For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\) September 2019](#).



Councillors

Note that while Councillors are **not designated persons**, clause 4.20 of the Berrigan Shire Council Code of Conduct requires them to also submit written Disclosures of Interests within three months of

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)

For new Councillors the three months starts the time of their election – in this case this is deemed to be 14 September 2024 as per [s311 of the Local Government Act 1993](#).

New councillors must submit their Returns of Interests to the Chief Executive Officer by **14 December 2024**.



8.9 Code of Conduct and Procedures for the Administration of the Code of Conduct

Author:	Deputy Chief Executive Officer, Matthew Hansen
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. Code of Conduct - draft for October 2024 council meeting (under separate cover)

Recommendation

That Council adopt

the Berrigan Shire Council Code of Conduct attached as appendix 1 to this report, and the Procedures for the Administration of the Code of Conduct as issued by the Office of the Local Government, without amendment

Report

Code of Conduct

Section 440 of the *Local Government Act 1993* (LGA) requires all councils to adopt a Code of Conduct that incorporates the provisions of a Model Code of Conduct for NSW Local Government promulgated by the NSW Office of Local Government (OLG)

The most recent version of the Model Code of Conduct, released in 2020, can be found at <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Model-Code-of-Conduct-2020.pdf>.

The council may include provisions in its adopted document that supplement this Model Code, however it may not include provisions that are inconsistent with the Model Code or frustrate its purpose. In practice, the council has normally adopted the Model Code as written as its own Code of Conduct. Where there has been discussion regarding amendments it has usually related to raising or lowering the threshold for gifts.

The adopted Code of Conduct applies to all councillors, members of staff, volunteers and other delegates of the council.

The Code of Conduct sets out the expected standards of behaviour for council officials. Council officials are expected to:



- conduct themselves in a manner that will not bring the council into disrepute,
- act lawfully, honestly and exercise due care,
- treat others with respect and not harass or discriminate against them, or support others who do so,
- consider issues consistently, promptly and fairly,
- ensure development decisions are properly made and deal fairly with all parties involved,
- disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations,
- use and secure information appropriately and not disclose confidential information and
- use council resources ethically, effectively and efficiently.

Section 440 of the LGA also requires council to review its Code of Conduct within 12 months of its ordinary election and make any adjustments it sees are appropriate.

A proposed Code of Conduct is attached as **appendix 1** to this report. The proposed code is identical with the existing code however it will be reformatted to reflect council's style guide.

Procedures for Administration of the Code of Conduct

Section 440AA of the LGA requires all councils to adopt a procedure for administering the adopted Code of Conduct. This procedure must incorporate the Model Procedures for Administration of the Code of Conduct released by OLG.

The most recent version of the model procedures, released in 2020, can be found at <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Procedures-for-the-Administration-of-the-Model-Code-of-Conduct-2020.pdf>.

Management recommends adoption of the model procedures without amendment.

Council may instead adopt a revised set of procedures including provisions that supplement the model procedures.

Options

The Council may if it wishes:

- adopt the draft Code and/or model procedures as written;
- adopt the draft Code and/or model procedures with amendments;
- refer the draft Code and/or procedures back to Council staff to amend for future consideration; or
- defer a decision until a future meeting.



8.10 Mayoral Alliance for the Pacific

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-B. We have a vibrant, inclusive, and creative community life
Delivery Program:	CO.4. Respect, promote and celebrate our heritage, identity, diversity, and culture
Council's Role:	Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	<ol style="list-style-type: none">1. Open Invitation to Join MAP2. Minister Burke's Reply_signed3. PALM Scheme Position Paper - Welcoming Australia (under separate cover)

Recommendation

That Council support the Mayor Alliance for the Pacific initiative by providing advocacy support to the cause.

Report

The attached letter (Appendix 1) is an invitation to Berrigan Shire to join the 'Mayoral Alliance for the Pacific'.

In rural Australia the Pacific Australia Labour Mobility (PALM) scheme provides low to medium skilled agricultural workers to fill gaps in local workforces. There is a requirement that should council wish to align with this scheme that local government administer part of the scheme to ensure its success. There are no staff internally with the capacity to take on the administration of this scheme, nor to find accommodation for those moving in for each season. If council is to provide this service, we will need to engage a person at least prior to each harvest season to co-ordinate with the PALM co-ordinators to undertake the work outlined in Appendix 2 (PALM Scheme Position Paper).

Berrigan Shire already sees a number of these groups of workers in our area during harvest times and, with significant horticulture projects coming online in the next 2 years, expect to see these groups engaged in our communities year round. Those groups are in the process of arranging onsite accommodation as there is insufficient suitable accommodation in Berrigan Shire. It should be noted the commencement of JBSwift in Cobram (the abattoir) took 2 complete motels for the tourism stock in Barooga alone. This has had flow on issues for tourism operators in Berrigan Shire and the broader region.

Leeton Shire Council has appointed a MultiCultural Affairs Officer to support the work of their council in this area. Letting are asking of Mayors in the Alliance to lend political weight to the problems noted.



The main aim is to ensure the Federal Government deals with disengaged PALM workers instead of leaving local communities to deal with the fall out / pick up the pieces. Presently the Federal Governments do not respond when issues are raised regarding workers who abscond from the scheme. These workers lose their visas, their benefits (like access to Medicare) and lose their protections from exploitation, which can lead to community concerns where behaviour becomes antisocial.

Often these people abscond because the scheme does not deliver what they were promised (including protection from abuse or workers or under use of workers). The matter is therefore becoming a diplomatic issue for Australia.

Many areas, including Berrigan Shire, need PALM workers. The aim of the Alliance is to ensure those who become disengaged from the program are not allowed to work legally in other areas and that the PALM program is better managed to ensure promises made to workers are delivered by the Federal Government.



17 July 2024

Dear Mayor

Re: Invitation to Join a NEW 'Mayoral Alliance for the Pacific'

For rural Australia, the Pacific Australia Labour Mobility (PALM) scheme, which took effect on 4 April 2022, has been a vital source of workers. If your community is anything like Leeton Shire's, businesses find recruiting low-to-medium-skilled agricultural workers, forklift workers, factory floor workers, and labourers increasingly difficult. The PALM scheme helps close these workforce gaps, supporting local economic sustainability and growth.

Presently, we estimate that Leeton hosts around 500 PALM scheme workers, of which approximately 300 are "disengaged" from the scheme. Almost all "disengaged" workers arrive from other parts of Australia to seek work locally. As welcoming communities yourselves, you may well be experiencing the same.

We know rural and regional Australia very much wants and needs the PALM scheme to succeed – and it does in many places - but there are growing concerns being raised about the increasing cohort of "disengaged" PALM workers and the ensuing obligations on local councils to deal with associated social / welfare issues. We have been active in our attempts to see the situation remedied. For example, in Leeton, we have:

- Collaborated with Welcoming Australia to draft a PALM scheme position paper outlining program opportunities and pain points for urgent reform.
- Become an active member of Welcoming Australia's Welcoming Cities initiative.
- Convened a local roundtable with representatives from the police, service providers, community groups, farmers' federation, and a workers' union to discuss social impacts related to an influx of "disengaged" workers.
- Submitted and had approved (twice) motions by the Australia Local Government Association (ALGA) seeking support for host Councils involved with PALM scheme worker support.
- Continually engaged with the State and Federal Government to advocate for better administration of the PALM scheme.
- Consulted with Departmental officials to discuss the rising number of "disengaged" worker cases and associated social welfare consequences.
- Discussed with the Office of the Anti-Slavery Commissioner NSW the need to address issues of PALM "disengaged" worker exploitation.
- Written to the Salvation Army, which runs the Community Connections program for PALM under contract by the federal government, to seek their support.
- Reached out to PALM Country Liaison Officers (CLOs) to explore options for supporting "disengaged workers".



- Liaised with the Department of Home Affairs Status Resolution Office (NSW) to coordinate support from a visa perspective.
- Contacted the Heads of Mission for Fiji, Vanuatu and Solomon Islands, whose nationals comprise Leeton's "disengaged" PALM workers.

As you know, Local Government is a critical stakeholder in the administration and success of the PALM Scheme and in facilitating a whole-of-community approach. As such, **with the support of Welcoming Australia (under the Welcoming Cities banner), we are convening a Mayoral Alliance for the Pacific to equip local councils to engage more effectively in this space and deliver better outcomes for communities, employers, and workers.**

The Mayoral Alliance concept aims to discuss, develop and promote a cohesive local government voice based on the PALM Scheme's benefits and challenges to ensure better economic, social, and cultural outcomes for all community members. By working together to find and advocate for constructive solutions to "disengaged" workers, our collective voice will be more prominent among parliamentarians and government officials, improving the chance of attaining win-win-win outcomes for workers, local communities, and diplomatic relations.

As the Mayor of a local government area that includes PALM workers and engages with the PALM scheme, we invite you to join and help shape the Mayoral Alliance for the Pacific. **We would appreciate it if you could indicate your interest or not by emailing Aleem Ali, CEO of Welcoming Australia, at aleem@welcoming.org.au. There is no fee to be involved with this Alliance.**

If your staff would like anything clarified concerning this invitation, please have them contact **Ken Dachi, Leeton's Multicultural Affairs Advisor, at kend@leeton.nsw.gov.au or on mobile at 0488 045 088.**

If you would like to speak Mayor to Mayor, **Mayor Tony Reneker can be emailed at tonyr@leeton.nsw.gov.au.**

We look forward to working alongside you to ensure the PALM scheme's complete success at the local level.

Yours faithfully,

Aleem Ali
CEO
Welcoming Australia

Tony Reneker
Mayor
Leeton Shire Council



The Hon Tony Burke MP
Minister for Employment and Workplace Relations
Minister for the Arts
Leader of the House

Reference: MC24-001744

Mr Tony Reneker
Mayor
Leeton Shire Council
23-25 Chelmsford Place
LEETON NSW 2705
Dear Mr Reneker

By email: melissas@leeton.nsw.gov.au

Thank you for your correspondence of 23 May 2024, regarding your concerns about disengaged Pacific Australia Labour Mobility (PALM) scheme workers. I also thank you for the collaborative work in the Riverina region to support and welcome PALM workers.

The Australian Government is strengthening requirements of the PALM scheme to better protect workers and has taken a number of actions to address worker disengagement by:

- Improving focus (in the PALM Deed) on worker welfare and wellbeing and strengthening employer compliance and assurance processes to reduce an incentive to disengage.
- Providing advice to workers on the mechanisms to support their welfare and wellbeing via a dedicated support phone line or e-mail and moving workers to new employers where necessary.
- Introducing a PALM grievance management policy to provide clear information and guidance to ensure grievances are managed in a fair, accessible and responsive way.
- Supporting community integration by supporting PALM scheme workers to connect with social and community networks to integrate into their local community. Adjusting to life in Australia and feeling supported can significantly reduce the risk of disengagement.

The Department of Employment and Workplace Relations is working across Government to raise awareness of the risks of disengaged PALM workers and the supports available. This work includes convening a cross-agency taskforce with membership including the Fair Work Ombudsman to identify approaches that can help prevent, lessen, and respond more effectively to worker disengagement in the PALM scheme.

Thank you for your invitation to meet with you, the Mayors of Griffith and Wagga Wagga City Councils and other stakeholders to discuss disengagement issues. I am unable to meet, but I understand my office has reached out to your team to arrange a meeting with my Chief of Staff and a Senior Adviser.

Yours sincerely

TONY BURKE

14/10/2024



8.11 Corporate Workshop Dates and Outline

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:	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. nominate 6 and 7 of November 2024 as the dates for the Corporate Workshop to be held at Berrigan and
2. note the draft program for the Corporate Workshop as set out in this report.

Purpose

Each year council holds a two day workshop with councillors and the executive team (including managers) to discuss high priority and strategic matters. This workshop allows staff to seek the strategic direction of councillors on these matters and to ensure any matters are included in the budget build and discussions and development of the Operational and Delivery Plans for the following financial years.

Given council's integrated planning and reporting timelines are quite tight it is important we get to meet our new council and start to work with them as a team as soon as possible. If the workshop is held much later in the financial year, the budget will be set for the next year and any adjustments will be quite difficult.

Normally the group go to another council area for this meeting (last year we went to Griffith and met with their council to discuss some of the issues they are having and to see some of their largest projects). The council did however ask that this year's meeting be held in the Berrigan Shire due to budgetary concerns.

The agenda for the workshop is set out below:



DAY 1	
Welcome and Introductions	9.00am to 9.30am
Strategic Thinking (Jane Harris)	9.30am to 11.00am
<i>Morning Tea</i>	<i>11.00am to 11.15am</i>
Strategic Goals – Director Presentations	11.15am to 12.00pm
<i>Lunch</i>	<i>12.00pm to 12.30pm</i>
Community Strategic Plan	12.30pm to 1.00pm
Operational Plan & Delivery Program	1.00pm to 2.30pm
Draft Community Engagement Strategy	2.30pm to 3.00pm
<i>Afternoon Tea</i>	<i>3.00pm to 3.15pm</i>
Economic Development Strategy	3.15pm to 4.00pm
Financial Position / Strategy	4.00pm to 5.00pm
Day 2	
Berrigan Shire Growth Considerations	9.00am to 10.30pm
<i>Morning Tea</i>	<i>10.30am to 10.45am</i>
Berrigan Shire Growth Considerations	10.45am to 11.30am
Organisational Chart	11.30am to 12.00pm
<i>Lunch</i>	<i>12.00pm to 12.30pm</i>
Councillor Project Ideas (15 mins per Councillor presentation)	12.30pm to 2.30pm
<i>Afternoon Tea</i>	<i>2.30pm to 2.45pm</i>
Risk Appetite Statement	2.45pm to 4.15pm

At the first meeting of council Cr Hannan requested consideration of moving the corporate workshop to dates in the new year to allow for the onboarding of the last councillor who will be elected by 23 November 2024. This is possible and can be done on either of the following dates:

- February – Wednesday 5 and Thursday 6 February 2024, or
- March – Wednesday 5 and Thursday 6 March 2024.

Mayor Cornwell McKean later asked if it might be possible to split the workshop across the 6 November 2024 date and another date in the new year. I considered this but felt the information on day one necessarily informs day two so it is better to keep the two day format together if possible.

Council should note, this will make it very difficult for staff to accommodate the actions this council wants to pursue from 2025-2026 as the budget will already be built to a large extent to meet the timeframes set by the Integrated Planning and Reporting Guidelines. Staff will therefore take the



budget build from the information held in the current Delivery Program. To change the budget as late as February or March is a huge amount of work for staff and will require moving someone off the work they would normally be doing to focus on meeting the timeframes required.

Should the corporate Wworkshop stay at the November dates, there will still be 7 of 8 Councillors there. We will need to develop team building exercises in the first part of the New Year to ensure the new councillor is able to provide their input but this will not be as considerable an impost on staff time as the decisions of a full council, possibly changing our direction at the last minute.



At the first meeting of Council Cr Hannan requested consideration of moving the Corporate Workshop to dates in the New Year to allow for the onboarding of the last Councillor who will be elected by 23 November 2024. This is possible and can be done on either of the following dates:

- February – Wednesday 5 and Thursday 6 February 2024, or
- March – Wednesday 5 and Thursday 6 March 2024.

Council should note, this will make it very difficult for staff to accommodate the actions this Council wants to pursue from 2025-2026 as the budget will already be built to a large extent to meet the timeframes set by the Integrated Planning and Reporting Guidelines. Staff will therefore take the budget build from the information held in the current Delivery Program. To change the budget as late as February or March is a huge amount of work for staff and will require moving someone off the work they would normally be doing to focus on meeting the timeframes required.

Should the Corporate Workshop stay at the November dates, there will still be 7 of 8 Councillors there. We will need to develop team building exercises in the first part of the New Year to ensure the new councillor is able to provide their input but this will not be as considerable an impost on staff time as the decisions of a full council, possibly changing our direction at the last minute.



8.12 CEO Annual Leave Request

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:	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 approve the CEO's request for annual leave to the period 25 November 2024 to 6 December 2024 inclusive. During this period, Deputy CEO Matt Hansen will act into the position of CEO.

Report

This leave will allow me to attend my father's 80th birthday celebrations in Mackay. All my family will be gathered for this event – the first time in about 6 years.



8.13 Actions from previous meetings

Author:	Deputy Chief Executive Officer, Matthew Hansen
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 Actions - 10.10.20242. Completed Action Items - 11.07.2024 - 10.10.2024

Recommendation

That Council receive and note this report.

Report

Attached as appendices to this report are the following reports on actions undertaken by council staff to implement the decisions from previous council meetings, including the expected timeframe for implementation.

- Outstanding actions as at 10 October 2024
 - Completed Council Actions from 11 July to 10 October 2024
-



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
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Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Hansen, Matthew Ewer, Karina	Reports to Council	Council Action List Report
<p>Action: Council Resolution 107/2022 Cr Hatty and Cr Paine that the Council:</p> <p>4. Direct the Chief Executive Officer to formalise a Crown Land lease for the occupancy of the shopfront at Tocumwal War Memorial Hall on a commercial basis.</p> <p>09 Jan 2023 5:18pm Hansen, Matthew Crown Land Management Plan needs to be prepared and land surveyed before a lease can be drawn up. Current licence needs to be extended.</p> <p>06 Feb 2023 9:52am Hansen, Matthew Still waiting on the development of a Crown Land Management Plan</p> <p>21 Mar 2023 5:31pm Hansen, Matthew Quote for Crown Land Plan of Management received. Working on a 30 June completion</p> <p>06 Apr 2023 12:34pm Hansen, Matthew CT Management Group commissioned to deliver PoM. Work to start 14 April 2023. , Annual licence agreement with laundromat to be extended 12 months.</p> <p>11 May 2023 2:01pm Hansen, Matthew Consultation on PoM to start week of 22 May</p> <p>04 Aug 2023 12:50pm Hansen, Matthew Draft Plan of Management prepared. Waiting on signoff by staff and public exhibition before adoption by Council.</p> <p>15 Sep 2023 12:27pm Hansen, Matthew Still waiting on sign off</p> <p>15 Sep 2023 12:28pm Hansen, Matthew - Target Date Revision Target date changed by Hansen, Matthew from 28 December 2022 to 31 January 2024 - Delays in signing off draft</p> <p>28 Nov 2023 1:02pm Hansen, Matthew Waiting on native title clearance</p> <p>09 Jan 2024 8:05am Hansen, Matthew Working with consultant to obtain native title clearance</p> <p>12 Feb 2024 1:47pm Hansen, Matthew Engaged a solicitor to undertake native title clearance. Once this is cleared, the Plan of Management can go on exhibition. Once the Plan has been endorsed by Council and the Crown, Council can enter into a lease. This could be months away yet,</p> <p>14 Mar 2024 3:47pm Hansen, Matthew Draft Plan of Management reviewed by Council at March SPW. Plan to be sent to Crown Lands for review in March</p> <p>13 Jun 2024 3:16pm Hansen, Matthew Waiting on Native Title clearance</p> <p>10 Jul 2024 9:13am Hansen, Matthew Native Title clearance obtained. Report presented to this meeting</p>			



<p>Division: Council Committee: Officer:</p>	<p>Date From: Date To:</p> <p>Printed: 10 October 2024 10:04 AM</p>
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[Action Sheets Report](#)

Meeting	Officer/Director	Section	Subject
Council 16/08/2023	Ewer, Karina Ewer, Karina	Reports to Council	Council Action List Report
<p>Action: CEO to ensure all action items are updated monthly and completed actions are removed.</p> <p>15 Sep 2023 12:21pm Hansen, Matthew Missed in the handover from DCEO to CEO on her return. Will liaise with DSPD now that he has been appointed</p> <p>15 Sep 2023 12:24pm Hansen, Matthew - Reallocation Action reassigned to Fletcher, Andrew by Hansen, Matthew - New DSPD</p> <p>15 Sep 2023 12:25pm Hansen, Matthew - Target Date Revision Target date changed by Hansen, Matthew from 30 August 2023 to 30 September 2023 - Handed to new DSPD to action</p> <p>01 Dec 2023 9:33am Hansen, Matthew DSPD to follow up</p> <p>09 Jan 2024 8:44am Fletcher, Andrew Have reviewed contract and informed Councillors. Agreed resolution that we proceed with Strategic Framework and District Plans (amendment to LEP) and officers prepare a new Rural Land Use Strategy.</p> <p>09 Jan 2024 8:46am Fletcher, Andrew - Completion Completed by Fletcher, Andrew (action officer) on 09 January 2024 at 8:46:31 AM - Resolution in December. Contract reviewed. Officers to prepare a new strategy</p>			

Meeting	Officer/Director	Section	Subject
Council 18/10/2023	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Carpark - request for extension
<p>Resolved OCM 283/23</p> <p>Moved: Cr Renee Paine</p> <p>Seconded: Cr John Taylor</p> <p>That the Council:</p> <ol style="list-style-type: none"> 1. Note the report detailing progress on Action Item 372/2023 relating to the Tocumwal Carpark precinct and 2. Extend the target date to act on this resolution until 30 June 2024. 3. Staff to provide a report on 11 Barooga Street and 23 Flynn Street at he November Strategic and Policy Workshop. <p style="text-align: right;">CARRIED</p>			



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
--	--

Action Sheets Report

07 Nov 2023 4:41pm Hansen, Matthew
 DSPD provided report to November SPW on Flynn St and Barooga St

28 Nov 2023 1:04pm Hansen, Matthew
 Report prepared for December SPW

09 Jan 2024 8:06am Hansen, Matthew
 Consultant provided with Council feedback - waiting on revised version before starting public consultation

16 Feb 2024 9:12am Hansen, Matthew
 Meeting with traffic engineer on site to be held on 23 February 2024

14 Mar 2024 3:49pm Hansen, Matthew
 Working with traffic engineer on pedestrian and vehicle movements in and out of the new precinct

08 Apr 2024 5:27pm Hansen, Matthew
 Waiting for advice from traffic engineer and landscape architect on pedestrian movement

06 May 2024 9:58am Hansen, Matthew
 Scope extended to cover a broader precinct plan including pedestrian access.

12 Jun 2024 9:48am Hansen, Matthew
 Design work continuing focused on traffic and pedestrian movement around the precinct

10 Jul 2024 9:13am Hansen, Matthew
 Design work continuing

10 Oct 2024 8:44am Hansen, Matthew
 Design ready for councillor review before public exhibition. Looking to present design to November SPW.

Meeting	Officer/Director	Section	Subject
Council 15/11/2023	Hansen, Matthew Ewer, Karina	Reports to Council	Mural - Foundry Park
Resolved OCM 320/23			
Moved: Cr John Taylor			
Seconded: Cr Sarah McNaught			
That the Council:			
<ol style="list-style-type: none"> 1. approve the installation of a vinyl mural at Foundry Park based on a photograph of the old blacksmith shop on that site taken in 1894. 2. contribute up to \$10,000 towards the project from its own funds. 3. manage the project directly, including commissioning the artwork and arranging for installation. 			
			CARRIED



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
--	--

Action Sheets Report

28 Nov 2023 1:19pm Hansen, Matthew
 No progress to date. Unlikely to progress until January

09 Jan 2024 8:07am Hansen, Matthew
 No progress in December.

12 Feb 2024 2:01pm Hansen, Matthew
 Draft artist's brief prepared for issue in late February or early March. Design work on a self-supporting frame has started.

14 Mar 2024 3:50pm Hansen, Matthew
 This has been delayed as a result of other priorities. My aim is to have this out in April

12 Jun 2024 10:02am Hansen, Matthew
 Seeking advice from SWA before calling for Expressions of Interest

11 Jul 2024 2:32pm Hansen, Matthew
 Delayed as a result of staff availability

10 Oct 2024 8:44am Hansen, Matthew
 Artist's brief complete and will be issued by 24 October.

Meeting	Officer/Director	Section	Subject
Council 15/11/2023	Hansen, Matthew Ewer, Karina	Confidential Matters	Occupancy licences - surplus land
<p>Resolved OCM 344/23</p> <p>Moved: Cr Renee Paine Seconded: Cr John Taylor</p> <p>That Council direct staff to:</p> <ol style="list-style-type: none"> 1. Engage a property manager to manage these licences on Council's behalf, and through that manager, <ol style="list-style-type: none"> a. Seek advice on market rates for occupancy of surplus land, b. Call for expressions of interest for an agistment licence for surplus at Barooga Cemetery c. Negotiate with the existing licence holder for an extension of the cropping licence for Tocumwal Aerodrome 2. Investigate and report back to the Council on the lease arrangements between Council. Crown Lands NSW and the Berrigan Graziers' club regarding surplus land at Berrigan Sewerage Treatment Plant <p style="text-align: right;">CARRIED</p>			



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
--	--

Action Sheets Report

28 Nov 2023 12:50pm Hansen, Matthew
 Kell Moore commissioned to draft licence agreements

09 Jan 2024 8:08am Hansen, Matthew
 Waiting on licence agreements from Kell Moore

12 Feb 2024 1:41pm Hansen, Matthew
 Kell Moore have prepared licence templates. Having difficulty with a response from Council's preferred agent

14 Mar 2024 3:51pm Hansen, Matthew
 Agent has started negotiations with current occupant for the intial surplus land parcel.

12 Jun 2024 10:41am Hansen, Matthew
 Lease signed for Finley Senior Citizens Hall. Licence signed for Tocumwal Aerodrome surplus land. Negotiations ongoing for Tocumwal Aviation Museum. Expressions of Interest for Barooga Cemetery open now.

09 Jul 2024 4:19pm Hansen, Matthew
 Lease signed for Finley Senior Citizens Hall. Licence signed for Tocumwal Aerodrome surplus land. Negotiations ongoing for Tocumwal Aviation Museum. Expressions of Interest for Barooga Cemetery close on 17 July

10 Oct 2024 8:43am Hansen, Matthew
 Barooga Cemetery EOIs were reopened in September due to lack of submissions. Applications closed early October.

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Rural Land Use Strategy
<p>Resolved OCM 351/23</p> <p>Moved: Cr Renee Paine Secoded: Cr Sarah McNaught</p> <p>Action</p> <p>Council direct staff to undertake an internal Rural Land Use Strategy.</p> <p style="text-align: right;">CARRIED</p>			
<p>12 Jan 2024 9:26am Hansen, Matthew - Reallocation Action reassigned to Fletcher, Andrew by Hansen, Matthew - DSPD task</p> <p>13 Feb 2024 12:35pm Fletcher, Andrew Agreed by Council that we will prepare a Rural Land Use Startegy in-house. Update will be provided to SPW in April 2024.</p> <p>06 May 2024 9:52am Fletcher, Andrew</p>			



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
--	--

Action Sheets Report

Preparing a Rural Land Use Strategy in-house. Draft Gantt chart for the project has been prepared and will need to create a working committee/group for input throughout the process.
03 Oct 2024 11:15am Fletcher, Andrew
 Strategy being done inhouse. Have advertised for a working group and have developed an implementation/staging plan.
03 Oct 2024 11:27am Fletcher, Andrew - Target Date Revision
 Target date changed by Fletcher, Andrew from 20 December 2023 to 30 June 2025 - Target date was set when the action was allocated - strategy has a defined implementation process.

Meeting	Officer/Director	Section	Subject
Council 21/02/2024	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Construction of key worker housing - Lewis Crescent, Finley
<p>Resolved OCM 030/24</p> <p>Moved: Cr John Taylor Seconded: Cr Edward (Ted) Hatty</p> <p>That the Council</p> <ol style="list-style-type: none"> 1. Call for tenders for the design and construction of two units to be constructed on 47 Lewis Crescent, Finley 2. The construction of the units to be funded by: <ol style="list-style-type: none"> (a) \$300,000 from Council's Capital Works reserve (b) a \$500,000 loan borrowed over a ten-year period with interest-only payments until redemption. <p style="text-align: right;">CARRIED</p> <p>11 Mar 2024 1:16pm Hansen, Matthew Work on design and construct specification underway. Specification for loan tender under development. MLHD have given verbal notice they will participate., Aim to have out to tender in April</p> <p>06 May 2024 9:57am Hansen, Matthew Tender won't be released until July 2024 to match with funding.</p> <p>12 Jun 2024 9:59am Hansen, Matthew - Reallocation Action reassigned to Fletcher, Andrew by Hansen, Matthew - At tender stage now</p> <p>10 Jul 2024 8:52am Fletcher, Andrew A brief for a tender in being prepared. Requested specs and design details. Tender is likely to be for a design and construct.</p>			

Meeting	Officer/Director	Section	Subject
Council 21/02/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Chanter Street Update



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
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Action Sheets Report

Resolved **OCM 032/24**

Moved: Cr Renee Paine
 Seconded: Cr John Taylor

That Council

1. endorse the decision to adopt Option 2 to increase the project scope as outlined in Appendix 3,
2. direct the Deputy CEO to finalise negotiation with Essential Energy and sign any agreement required to accept the offered co-funding of \$252,000 for the works to be undertaken,
3. request the project manager to develop a formal project plan and engagement strategy to keep the community informed of progress on the Chanter St Undergrounding Project. These documents are to be included on Council’s website for easy reference by the community.
4. report back to Council the outcomes of the next round of engagement with the community, including their feedback on the project plans and costs of reconnection.

CARRIED

14 Mar 2024 3:52pm Hansen, Matthew
 Project committee established and draft plan developed,

06 May 2024 9:35am Hansen, Matthew
 Work progressing. May potentially run into timing problems towards the end of this year. Project Plan to be presented to the May Council meeting

12 Jun 2024 11:00am Hansen, Matthew
 Complications with design work has meant installation is delayed until February 2025.

10 Jul 2024 9:11am Hansen, Matthew
 Civil design has been approved by TfNSW. Power design lodged with Essential Energy and waiting approval. Newsletter circulated to Chanter St traders and property owners.

10 Oct 2024 8:42am Hansen, Matthew
 Design work continuing. Consultation with affected landowners and businesses continuing

Meeting	Officer/Director	Section	Subject
Council 21/02/2024	Fruend, Darron George, Gary	Action	Signage

Action



<p>Division: Committee: Council Officer:</p>	<p>Date From: Date To:</p> <p>Printed: 10 October 2024 10:04 AM</p>
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Action Sheets Report

Cr Carly Marriott requests that the signage on Bullanginya Bridge be replaced.

04 Mar 2024 11:17am Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 06 March 2024 to 30 April 2024 - Waiting on delivery of signs. Order has been placed.

06 May 2024 10:08am Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 30 April 2024 to 31 May 2024 - Delay in receiving sign from supplier

13 Jun 2024 2:34pm Rust, Natasha

Issues with Supplier - DF is currently liaising with supplier contact to confirm delivery timeline.

13 Jun 2024 2:36pm Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 31 May 2024 to 30 June 2024 - Issues with supplier

10 Jul 2024 12:37pm Rust, Natasha

Previous (Denefe) supplier unable to fulfill order. Sign to be created by local supplier.

10 Jul 2024 12:39pm Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 30 June 2024 to 31 July 2024 - Supplier unable to fulfil order - new supplier (local) to manufacture signage,

29 Jul 2024 2:00pm Rust, Natasha

Sign now ordered 22.07.2024 through new supplier - advised delivery expected first week of August 2024.

29 Jul 2024 2:01pm Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 31 July 2024 to 09 August 2024 - New supplier advised lead time of 3 weeks. Sign ordered 22.07.2024

03 Oct 2024 10:46am Hansen, Matthew - Email

Hi Darron,,Can we please update?

04 Oct 2024 8:24am Rust, Natasha - Target Date Revision

Target date changed by Rust, Natasha from 09 August 2024 to 18 October 2024 - Still issues with obtaining signage supplies. Spoke with supplier 03.10.2024

Meeting	Officer/Director	Section	Subject
Council 15/05/2024	George, Gary George, Gary	Reports to Council	Closure - Wores Hill Road
Resolved OCM 112/24			
Moved: Cr Edward (Ted) Hatty			
Seconded: Cr John Taylor			
That Council:			
1. note the Chief Executive Officer's decision to close the section of road identified in this report,			
2. upon creation of title, delegate authority to the Chief Executive Officer to directly negotiate a sale of the former road reserve to the adjoining owner, subject to obtaining an independent valuation on an "added value" basis and			



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
--	--

Action Sheets Report

3. delegate authority to the Mayor and Chief Executive Officer to authorise its Seal to be affixed to the contract for sale of this land in the presence of two signatories authorised to affix the Seal pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

CARRIED

27 May 2024 9:33am Hansen, Matthew
 Applicant informed of Council decision and directed to lodge application to LRS for title

10 Jul 2024 9:08am Hansen, Matthew
 Waiting on applicant to lodge with LPI

10 Jul 2024 9:10am Hansen, Matthew - Reallocation
 Action reassigned to George, Gary by Hansen, Matthew - I have been helping Ramesh with this one. Happy to continue to help. Happy to discuss further

10 Oct 2024 8:41am Hansen, Matthew
 Applicant has lodged with LPI. Waiting on title to be created.

Meeting	Officer/Director	Section	Subject
Council 15/05/2024	Watkins, Christie Fry, Tahlia	Reports to Council	Finley Log Cabin Museum and Mary Lawson Wayside Rest
1.	Resolved	OCM 113/24	
Moved:	Cr John Taylor		
Seconded:	Cr Roger Reynoldson		
That Council			
1.	Support the request from Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management to transition to an incorporated association, and		
2.	Work with the Committee of Management to develop and implement a plan for the transition.		
			CARRIED
12 Jun 2024 9:12am Fry, Tahlia Council will work with the committee to create a plan to dissolve the current committee.			
10 Jul 2024 8:13am Fry, Tahlia An internal plan has been created to dissolve the current committee, Council will begin working with the committee.			
03 Oct 2024 11:10am Fry, Tahlia - Reallocation Action reassigned to Watkins, Christie by Fry, Tahlia - Christie is the officer responsible			



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
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Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 15/05/2024	George, Gary George, Gary	Reports to Council	Vermont Street Barooga Roundabout
<p>2. Resolved OCM 120/24</p> <p>Moved: Cr John Taylor Seconded: Cr Sarah McNaught</p> <p>That Council</p> <ol style="list-style-type: none"> 1. Consider both roundabout and traffic calming options and provide guidance as to a preferred approach; 2. Receive a preliminary scope report from Council Staff at a later meeting detailing: <ol style="list-style-type: none"> A) Detailed design; B) Engineering estimate; and C) Communications plan. 			
CARRIED			
<p>12 Jun 2024 9:57am Hansen, Matthew Working on revised scope of work to be funded by LRCI 4</p> <p>10 Jul 2024 9:04am Hansen, Matthew Scope of works refined to meet grant requirements. Still waiting on LRCI funding approval. Project and communications plan to be developed by Director Infrastructure</p> <p>10 Jul 2024 9:08am Hansen, Matthew - Reallocation Action reassigned to George, Gary by Hansen, Matthew - New Director Infrastructure in place.</p> <p>03 Oct 2024 10:40am Hansen, Matthew - Email HI Gary,,,Can you please update this action in InfoCouncil?</p> <p>10 Oct 2024 8:36am George, Gary Traffic works audit has just come back and BSC design department are currently assessing this findings against scope</p>			

Meeting	Officer/Director	Section	Subject
Council 19/06/2024	Ewer, Karina Ewer, Karina	Reports to Council	Sustainability Report



Division: Committee: Council Officer:	Date From: Date To: Printed: 10 October 2024 10:04 AM
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Resolved OCM 134/24

Moved: Cr Sarah McNaught
 Seconded: Deputy Mayor Carly Marriott

That Council:

- receive and note the project proposal and business case, and the project plan as presented to the Council, and
- agree that the CEO should continue on this path, noting the required time to do so.

CARRIED

11 Jul 2024 2:33pm Hansen, Matthew
 Work is continuing on the report.
 27 Sep 2024 1:23pm Ewer, Karina
 Discussions held at October Workshop about report and where it is up to.

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management

3. Resolved OCM 167/24

Moved: Cr John Taylor
 Seconded: Deputy Mayor Carly Marriott

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



Division: Council	Date From:
Committee:	Date To:
Officer:	Printed: 10 October 2024 10:04 AM

Action Sheets Report

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*.

CARRIED

20 Sep 2024 10:51am Hansen, Matthew
 Draft sent to Crown Lands for review 22/08/2024

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Memorial Hall Reserve Crown Land Plan of Management
<p>4. Resolved OCM 168/24</p> <p>Moved: Cr John Taylor Seconded: Deputy Mayor Carly Marriott</p> <p>That Council:</p> <ol style="list-style-type: none"> 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 4. 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 <i>Crown Land Management Act 2016</i>. <p style="text-align: right;">CARRIED</p> <p>20 Sep 2024 10:48am Hansen, Matthew Draft Plan sent to Crown Lands for review on 16/082024</p>			



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Henderson, Samantha Fry, Tahlia	Reports to Council	Request to waive service charges - Assessment 1537
Resolved OCM 162/24			
Moved: Deputy Mayor Carly Marriott			
Seconded: Cr Renee Paine			
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.			
CARRIED			
03 Oct 2024 10:42am Hansen, Matthew - Email			
Hi Sam,,This can be closed out, assuming the letters were sent			
03 Oct 2024 10:44am Henderson, Samantha - Completion			
Completed by Henderson, Samantha (action officer) on 03 October 2024 at 10:43:59 AM - Residents notified of council decisions via phonecall and accompanying letter			

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Re-roofing of Council Buildings - Tender T14-23-24
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.			
03 Oct 2024 10:41am Hansen, Matthew - Email			
This can be closed out. The contract has been awarded			
03 Oct 2024 11:28am Fletcher, Andrew			
Closed - tender awarded and roof now completed			



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

03 Oct 2024 11:31am Hansen, Matthew - Completion
Completed by Hansen, Matthew on behalf of Fletcher, Andrew (action officer) on 03 October 2024 at 11:31:34 AM - Contracts have been signed

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management
<p>Resolved OCM 167/24</p> <p>Moved: Cr John Taylor</p> <p>Seconded: Deputy Mayor Carly Marriott</p> <p>That Council:</p> <ol style="list-style-type: none"> 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 <i>Crown Land Management Act 2016</i>. <p style="text-align: right;">CARRIED</p>			
<p>20 Sep 2024 10:51am Hansen, Matthew Draft sent to Crown Lands for review 22/08/2024</p>			

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Memorial Hall Reserve Crown Land Plan of Management
<p>Resolved OCM 168/24</p> <p>Moved: Cr John Taylor</p>			



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

Seconded: Deputy Mayor Carly Marriott

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
4. 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*.

CARRIED

20 Sep 2024 10:48am Hansen, Matthew
Draft Plan sent to Crown Lands for review on 16/082024

Meeting	Officer/Director	Section	Subject				
Council 7/08/2024	Watkins, Christie Fry, Tahlia	Reports to Council	Tocumwal Foreshore Committee of Management				
Resolved OCM 181/24							
Moved: Cr Edward (Ted) Hatty							
Seconded: Cr Renee Paine							
<ol style="list-style-type: none"> a) Revoke existing members of the Tocumwal Foreshore Committee of Management b) Pursuant to section 355 of the Local Government Act 1993, appoint the following persons to the Tocumwal Foreshore Committee of Management. <table border="1" data-bbox="728 1257 1503 1367"> <tr> <td>President:</td> <td>Jonathan Graham</td> </tr> <tr> <td>Vice President:</td> <td>Robert Conboy/Wayne Jansen</td> </tr> </table> 				President:	Jonathan Graham	Vice President:	Robert Conboy/Wayne Jansen
President:	Jonathan Graham						
Vice President:	Robert Conboy/Wayne Jansen						



Division: Committee: Council Officer:	Date From: 11/07/2024 Date To: 10/10/2024 Printed: 10 October 2024 10:12 AM
--	--

Action Sheets Report

	Secretary: Judy Carlon	
	Treasurer: Bill Greig	
	Committee: Wendy Terry, Peter Terry, Betsy Bird, Peter Bird, Peter Lykassis, Paul Weltch, Paul Whittington, Geoff Terry, Ross Boady	
CARRIED		
30 Sep 2024 11:23am Watkins, Christie - Completion Completed by Watkins, Christie (action officer) on 30 September 2024 at 11:23:43 AM - Has been actioned		

Meeting	Officer/Director	Section	Subject
Council 7/08/2024	George, Gary George, Gary	Reports to Council	Tender Report - for Contract No. T04-24-25
Resolved OCM 182/24 Moved: Cr Edward (Ted) Hatty Seconded: Deputy Mayor Carly Marriott That Council: <ol style="list-style-type: none"> 1. Award tender number T04-24-25 Insitu Pavement Stabilization for 2024/2025 to Stabilco PTY LTD. 2. Authorise its Seal to be affixed to the relevant contracts in the presence of two signatories authorised to affix the seal, pursuant to Regulation 400 of the Local Government (General) Regulation 2021. 3. Appoint the Director of Infrastructure as the Contract Superintendent and Operations Manager - Transport as the Superintendents' Representative. 			
CARRIED			
03 Oct 2024 10:43am Hansen, Matthew - Email Darron/Gary,,This can be closed out if the contract has been signed.			
10 Oct 2024 8:40am Hansen, Matthew - Reallocation			



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

Action reassigned to George, Gary by Hansen, Matthew - Darron on leave
10 Oct 2024 8:59am George, Gary - Completion
 Completed by George, Gary (action officer) on 10 October 2024 at 8:59:28 AM - contract signed and sealed and issued

Meeting	Officer/Director	Section	Subject
Council 7/08/2024	Perera, Harin Fry, Tahlia	Reports to Council	Award of contract for IT Managed Services

Recommendation

That Council:CONSIDER ITEM AS CONFIDENTIAL

Moved: Deputy Mayor Carly Marriott
 Seconded: Cr John Taylor

That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

1. Approve the negotiation and award of the contract to Logicalis Australia for the provision of Information Technology (IT) Current State Assessment and Managed Services for a period of five years.
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.

03 Oct 2024 10:44am Hansen, Matthew - Email
 HI Harin,,,Can we please update this action in InfoCouncil please. If the contracts are signed, it can be closed out.
03 Oct 2024 11:06am Perera, Harin - Completion
 Completed by Perera, Harin (action officer) on 03 October 2024 at 11:06:16 AM - Contract awarded

Meeting	Officer/Director	Section	Subject
Council 7/08/2024	Ewer, Karina Ewer, Karina	Reports to Council	Council Election Considerations



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

Resolved OCM 193/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council:

1. delegate all delegable functions to the Chief Executive Officer position for the period commencing 16 August 2024 through to an including 30 September 2024,
2. authorise the Mayor to maintain all civic and ceremonial functions normally exercised by the Mayor during this period
3. authorise the CEO to undertake all civic and ceremonial functions normally exercised by the Mayor in the absence of the Mayor and
4. set the first meeting of the new Council as an Extra Ordinary meeting on 10 October, commencing at 9.00am and following the Agenda set out in this report.

CARRIED

30 Aug 2024 10:36am Ewer, Karina - Completion

Completed by Ewer, Karina (action officer) on 30 August 2024 at 10:36:23 AM - Change to meeting date due to uncontested election

Meeting	Officer/Director	Section	Subject
Council 7/08/2024	Fry, Tahlia Fry, Tahlia	Confidential Matters	Upgrade of Enterprise Resource Management System

Resolved OCM 195/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council:

1. Approve the negotiation and award of the contract to Civica Ltd for the upgrade of the current Practical software to the Altitude version, including hosting and support for five years, at a total contract cost of \$1,099,635.00.



Division:	Council	Date From:	11/07/2024
Committee:		Date To:	10/10/2024
Officer:		Printed:	10 October 2024 10:12 AM

Action Sheets Report

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. CARRIED

03 Oct 2024 10:45am Hansen, Matthew - Email
 Hi Tahlia,,,Can you please update the action in InfoCouncil. If the contracts have been signed, it can be closed out.

03 Oct 2024 11:10am Fry, Tahlia - Completion
 Completed by Fry, Tahlia (action officer) on 03 October 2024 at 11:10:06 AM - Contracts have been executed.

Meeting	Officer/Director	Section	Subject
Council 7/08/2024	Perera, Harin Fry, Tahlia	Confidential Matters	Evaluation Report MQ18-23-24

Resolved OCM 196/24

Moved: Cr John Taylor
 Seconded: Cr Renee Paine

That Council:

1. Approve the negotiation and award of the contract to Logicalis Australia for the provision of Information Technology (IT) Current State Assessment and Managed Services for a period of five years at a contract price of \$1,110,400.00. CARRIED

03 Oct 2024 10:46am Hansen, Matthew - Email
 HI Harin,,,Please update the action in InfoCouncil. If the contracts have been signed, it can be closed out

03 Oct 2024 11:09am Perera, Harin - Completion
 Completed by Perera, Harin (action officer) on 03 October 2024 at 11:09:34 AM - Report accepted and Contract executed with Logicalis



8.14 Delegations

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.1. Improve Council processes to make doing business with Council easier. 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. Delegations to CEO (under separate cover) 2. Delegations to Mayor (under separate cover)

Recommendation

That Council

1. adopt the Delegations to the Mayor as set out in the Delegation Schedule provided as Appendix 1 to this report,
2. adopt the Delegation to the Chief Executive Officer as set out in the Delegation Schedule provided as Appendix 2 of this report,
3. confirm Delegation DEG002 is restricted to \$x,
4. confirm Delegation DEG001 is restricted to \$x,
5. confirm Delegation DEG024 is restricted to \$x, and
6. confirm Delegation DEG097 is restricted to \$x.

Purpose

The purpose of this report is for Council to provide appropriate delegations to the CEO to allow for the efficient functioning of Council.



Summary

Section 377 of the Local Government Act 1993 states:

377 General power of the council to delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*
- (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) *the adoption of an operational plan under section 405,*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
 - (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) *decision under section 234 to grant leave of absence to the holder of a civic office,*
 - (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—*
- (a) *the financial assistance is part of a specified program, and*
 - (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*



- (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*
- (3) *A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.*

Delegations empower employees and Committees with the authority to make binding decisions on behalf of Council.

Delegations are a function of administration, expressed in ordinary terms, as 'who can do what' and enable the Chief Executive Officer and staff across the organisation to better understand the legislation under which Council operates. In the context of local government, delegation is the giving of decision-making power by Council to the CEO (the CEO may then sub-delegate relevant functions to Council staff to allow for the efficient functioning of Council and delivery of services). The delegations currently provided to the CEO are included at Appendix 1.

The reasons for delegations are:

1. it is not practical for the Council and the CEO alone to exercise the many statutory powers given to Council and
2. delegation facilitates the achievement of good governance by empowering appropriate members of staff to make decisions on behalf of the Council and the CEO.

How well Council deals with its delegations is vital to its efficiency to minimise risk and maximise outcomes. From a practical management perspective, it is essential for the Council to devolve decision-making in a downwards manner from a central authority. This enables decisions to be made on the front line, by employees or Committees with the required specialised knowledge, and in a timely manner. However, decisions made without proper authority can put Council at risk, both legally and financially.

Councillors should note that, following the delegation of these authorities to the CEO, I will then sub-delegate relevant functions to specific staff at a level appropriate to their authority and to allow them to perform their duties. Where delegations are not specific, a range of policies are required to ensure the appropriate application of those delegations. Those policies, where relevant, will come to Council for review and comment.

Governance

During the previous term of Council significant work has been undertaken to strengthen Council's governance, with Delegations and the Delegations Framework being one of those matters. Council



has adopted a module in its IT Pulse system to manage and ensure delegations are managed appropriately.

All staff, including the CEO who have delegations attributed to their position must read, accept and acknowledge those delegations, ensuring all staff understand the limits of their delegations and have digitally signed a document recording their understanding.

To that end, the Mayor will also be asked to sign they have read, understood and acknowledge their delegations after this meeting. The delegations made to the Mayor, as per the *Local Government Act 1993*, are included at Appendix 2.

Consideration of Specific Delegations

There are a number of delegations which Council has previously placed restrictions on. Other than those related to the management of staff and those pertaining to Authorised Officers, Council can place restrictions on many of the delegations as noted below.

Delegation DEG002

Award Tenders to the value of \$250,000 in accordance with Section 377(1)(i) of the Local Government Act 1993. Section 377(1)(i) above, does not place restriction on the amount for which a tender may be signed, but Council is able to elect to do so. The previous council set the restricted amount at \$250,000. Any tenders above \$250,000 therefore need to come to Council for their approval. This does not mean however, that if I as the CEO feel a contract may be controversial or carries a higher risk, that I cannot come to Council for their approval if I think that necessary, or if Council ask for a specific tender to come back to them for consideration.

Council may of course choose to reduce, retain or increase the delegation.

According to Council's Risk Framework, this represents a low financial risk for Council. More discussions regarding Council's Risk Appetite will be held a Council's upcoming Corporate Workshop.

Delegation DEG011

Write-Off of Uncollectable Debt (for Charges and Sundry Debtors) up to a maximum of \$20,000. This allows the CEO to write off up to \$20,000 for the uncollectable debt that may be accrued with regards to Council's fees and charges (water, sewer charges etc) or other invoices raised in the course of normal business (such as private works on properties etc). These may be uncollectable for a range of reasons, including insolvency etc. Council has previously restricted this amount to \$20,000 meaning anything above this amount must come to Council for their decision. The requirement to bring these types of debtors to Council has not occurred in my time. Again, I can choose to do so if I



feel it may be controversial or pose a high risk to Council. The amount of \$20,000 poses a low risk to council's finances according to the Risk Management Framework.

Delegation DEG024

Authorise the waiver or reduction of non-business activity fees to a maximum of \$20,000 in any one transaction (pursuant to 610E of the LG Act) in accordance with those categories described in the current adopted Operational Plan and in line with the requirements of any Council policy.

Section 610E of the LG Act reads:

610 Effect of other Acts

610E Council may waive or reduce fees

- (1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within this category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.*
- (2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under 610F (2) or (3)*

610F requires Council's Fees and Charges to be placed on public display with the draft Operational Plan each year. Fees and Charges therefore may only be changed if the Operational Plan is then placed back out on public exhibition.

This delegation therefore gives me the ability to waive or reduce any of council's fees or charges up to the value of \$20,000. This delegation is subject to Council's Hardship Policy so I could not waive or reduce the fees without consideration of that policy as per 610E(1).

I can still bring waiver requests to Council where they have been requested through a councillor and the councillor asks for the decision to come to council or where I feel it may be controversial or pose a higher risk.

Delegation DEG025

This delegation authorises the CEO to reduce water or wastewater consumption fees to a maximum of \$10,000 where the consumption charges meet the requirements of Council's Undetected Leak Policy for Water and Wastewater Charges. I have had to use this delegation on a few limited occasions. On all occasions it was obvious the cause for the spike in charges was due to a leak and the ratepayer has always been grateful for the expediency with which we can deal with these matters



through this delegation. They have never been above this threshold, generally only being a few hundred dollars in total as our new water meters tend to alert us to leaks very early on.

Again, council can set this amount and the previous council set it at \$10,000. Anything above that would need to come to council for approval.

Delegation DEG097

Delegation 097 allows Council to keep the rate book up to date with changes of ownership of property, include the valuations for each property as they are received and to write off interest up to \$50 for unpaid rates. Where rates are not paid and interest accrues above this level, then the decision to waive the interest must come to council for decision.

Further Information of Note

All delegations constitute the normal operational work of Council and do not need to be referred to council for consideration once the delegations are made. Council may therefore choose to not delegate some of those matters, noting that will mean all decisions regarding those matters will be postponed to the next council meeting. That action risks staffs' ability to respond to normal operational duties they undertake in a timely manner.

It should also be noted delegations require consideration of legislation and / or council policy. Those considerations restrict the ability of the CEO (or staff where they are sub-delegated) to make decisions outside of the relevant legislation or council policy.

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

Issues and Implications

Providing delegations is a normal function of Council however, understanding them and ensuring they are followed is a duty of the Council as the elected body. Delegations form the basis of Council's accountability framework and allows Council to hold the CEO to account where there may be breaches of those duties and principles allowed for in the delegations.

Policy

Policies relevant to certain delegations limit their function and are considered statutory or strategic in nature and come to Council for approval at least once during each term.

Financial

Delegations do not have financial impact on their own, however they do allow for the CEO to make limited decisions regarding spending before those decisions need to come to Council.

Legal / Statutory

Local Government Act 1993

Any other legislation noted in the delegations are applied as per the duties attributed to councils by that legislation.



Community Engagement / Communication

N/A

Human Resources / Industrial Relations (If applicable)

N/A

Risks

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

1. Governance

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

Delegations either not made correctly, or not made at all, have led Councils to court regarding matters ranging from governance and procedure through to the management of Development Approvals and financial mismanagement. Understanding the delegations is therefore vital for Council, as is a robust policy system to complement the delegations and provide strong framework around the delegations provided.

Having well considered and understood delegations in place, reduces the risk of staff making decisions that should be those of the elected body.

2. Financial

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

The financial delegations made under this delegation framework provide a low risk to Council as no delegation to expend monies is more than \$250,000 without Council approval. The low financial delegation represents a financial risk of 0.5% of Council’s overall budget. Increasing the delegation to \$500,000 for example would not raise the risk rating to Council’s budget as that would represent only 1% of Council’s overall budget.



Options

1. Provide the delegation as made by previous Councils.
2. Alter the previous delegations. This would require Council to be specific about the restrictions to be placed on each delegation by number.
3. There is no option to not provide delegations as they are required by the act to allow for the efficient and effective operation of Council.

Conclusions

Delegations are an important part of Council's responsibilities and should be understood clearly, both by Councillors and staff to ensure accountability for decisions made is possible.



8.15 Exemption from Procurement Process Authorisation Request

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:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council
Appendices:	1. BSC170 - Exemption from Procurement Process Authorisation (under separate cover)

Recommendation

That Council:

1. endorse the request for exemption from Council's procurement process to engage Curry PM to finalise the DRFA and RERRF project delivery directly, instead of through the Edward River Service Level Agreement and
2. direct the Mayor to sign the Exemption from Procurement Process Authorisation as presented.

Purpose

The purpose of this report is to request exemption from Council's normal procurement processes to engage Curry PM directly to complete the Disaster Recovery Funding Agreement (DRFA) and the Regional Emergency Road Repair Fund (RERRF).

Summary

Curry PM was engaged through Edward River Council after the sudden and unplanned departure of the previous Director Infrastructure (DI). I was able to engage Curry PM under section 3(c) of the *Local Government Act 1993*, which allows councils to enter into a contract with another council without going to tender.

Edward River Council had undertaken a significant procurement process to engage Curry PM for their works under the same funding arrangements and initially the intention was that Murray River, Berrigan Shire and Edward River would work together to address these large amounts of funding and work considerably above our business as usual. The then DI resisted this intention and undertook their own tender process, awarding the tender to Shepherd Services.



Background

The first tender to come before council under the Shepherd Services contract was sub-par and alerted me, and the then council, to the fact they clearly did not understand Local Government processes.

I undertook to engage Curry PM to oversee the work Shepherd Services were doing so I could have comfort that the processes and procedures required of the funding body and local government alike were being addressed.

Throughout the engagement of Curry PM, they have been able to increase the scope of many of the worksites to include damage sustained as a result of delays in engaged contractors, weather events etc. but have remained under the funding cap applied for our council.

All project management fees are reclaimable through the funding body and do not directly impact council's budget.

The Service Level Agreement (SLA) signed by me to engage Curry PM includes a 5% premium for administration, which is also claimed through the grant funding.

Curry PM have almost concluded their works with Edward River and it is timely to reassess the SLA. I believe it important to engage Curry PM directly and save Council the 5% premium, meaning we would have slightly more grant funding to complete the RERRF works.

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

DRFA Funding Deed

RERRF Funding Deed

Issues and Implications

The request is outside of council's procurement practices. Because the remaining amount of the contract in total is more than \$250,000 (from the time of engagement through Edward River Council to the completion of works), I need to bring this matter to council for their approval.

I am delegated authority up to \$250,000 to approve tenders as per the section 377(1)(i) of the *Local Government Act 1993* and delegation DEG002. Over that amount the request must come to council for consideration.

Policy

Procurement Policy

Financial

There is no direct impact to council's budget as the cost to deliver DRFA and RERRF projects are reclaimable through the grant funding.

Legal / Statutory

Local Government Act 1993

Community Engagement / Communication

N/A



Human Resources / Industrial Relations (If applicable)

N/A

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

As stated previously all project management costs are recoverable through the grant funding. The financial risk therefore lies in the procurement process rather than the cost of the engagement. We have been able to demonstrate to the funding bodies that Curry PM costs are legitimate project management costs against all of the agreed project deliverables.

2. Governance

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

The risk of breaching council’s governance processes through the approval of this request are quite low. The report has been provided to allow for transparency and good governance practices, and to essentially extend an existing short term arrangement.

Options

1. Authorise the Exemption from Procurement Process Request
2. Continue with the engagement of Curry PM through the current SLA with Edward River
3. Direct staff to tender for project management of the remaining DRFA and RERRF projects for the 2024-25 financial year, noting that creating tender documents and going through that process will cost council time and money and will likely not have a new tenderer in place prior to the New Year.



Conclusions

The request is administrative in nature and aimed at saving council money in the long run. If council are not comfortable with the request we can continue the engagement of Curry PM under the current arrangements.



8.16 Developer Concession - Ray Brooks Investments Development Projects

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.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:	Nil

Recommendation

That Council inform the applicant it is unable to extend the developer concession to the properties as requested, as the applicant did not meet their obligations in applying by due date for the 2023-2024 financial year.

Purpose

Ray Brooks Investments PTY LTD has formally approached the Council to seek development concessions for a total of 18 properties.

These concessions are governed by the Council's Statement of Revenue Policy, which provides a framework for such applications. The deadline for submissions is typically 31 May each year., This application was received later, on August 23, 2024. As a result, the Council is required to make a timely decision regarding this request.

Summary

Ray Brooks Investments PTY LTD has submitted a late application for development concessions on 18 properties, initially due by 31 May 2024 but received on 23 August 2024. The concessions, as outlined in the council's Statement of Revenue Policy, typically include waivers for annual water and sewerage charges.

Granting this concession, valued at \$23,040 (which includes \$11,682 for water access charges and \$11,358 for sewer service charges) raises concerns about setting a precedent for future late applications and may undermine fairness for those who submitted on time. Therefore, it is recommended the council deny this application to maintain the integrity and consistency of the application process.



Background

Ray Brooks Investments currently have 20 properties under development and as such are already receiving allowances on the land valuation from the Valuer General for the amount of \$1,839,500. They approached council on 23 August 2024 seeking to apply for concession on the listed properties below:

- 2, 4, 6, 12, 14 Banker Street Barooga
- 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 Bell Place Barooga
- 29 & 33 Burkinshaw Street Barooga

Under the Statement of Revenue Policy, developer concessions are offered in the following circumstances;

5.6.2 Developer concessions

Council may offer incentives in the form of rating waivers relative to annual water and sewerage charges to developers involved with multi-lot subdivisions. Applications for developer concessions are as follows:

- *Written application should be submitted to the Council prior to 31 May for consideration at the June ordinary meeting of Council.*
- *Annual water and sewerage charges may be waived on the undeveloped lots of a subdivision, up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is the sooner).*
- *No concessions under this section are given for Domestic Waste, Stormwater, Pedestal or Water Consumption Charges.*

This concession would normally apply to this type of application, however they have applied outside of the due date.

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

Operational Plan – Council Fees and Charges

Issues and Implications

Granting developer concessions outside of the established due date raises several issues and implications, including:

- **Precedent Setting:** Approving late applications could establish a precedent, encouraging future developers to submit requests beyond the deadline, which may lead to an influx of similar late applications.
- **Fairness and Equity:** Allowing concessions for late submissions can create a sense of inequity among applicants who adhered to the timelines. This could foster dissatisfaction and undermine trust in the application process.
- **Resource Allocation:** Late approvals may disrupt budget planning and resource allocation, making it challenging for the Council to manage its financial commitments and priorities effectively.



- **Administrative Challenges:** Handling late applications can complicate administrative processes, requiring additional resources and time to review and decide on exceptions.
- **Public Perception:** Granting concessions after the deadline may negatively affect public perception of the Council, leading to concerns about transparency and accountability in decision-making.

Overall, these factors underscore the importance of upholding deadlines to maintain fairness, integrity, and effective governance within the development process.

Policy

- [Statement of Revenue Policy](#)

Financial

Granting this concession for the specified 18 properties would result in a financial impact of \$23,040. This figure encompasses a waiver of \$11,682 in water access charges and an additional \$11,358 for sewer service charges.

While this concession may not represent a substantial financial amount, it nonetheless warrants careful consideration. Even minor concessions can have meaningful implications for the Council's budget and resource allocation, and it is important to assess their potential impact thoughtfully.

Council staff are considering removing the option to apply for this concession in the future in line with the development of the Developer Charges framework and in light of the substantial cost burden council is expected to need to manage as both Barooga and Tocumwal grow.

Legal / Statutory

Local Government Act 1993 – allows councils to set rates and charges.

Community Engagement / Communication

nil

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 loss is almost certain, it is of a small amount with minimal budgetary impacts in isolation.

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

Council has previously granted applications submitted prior to due date, though resist late applications.

3. Governance

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

If approved, application approval after due date is not fair to other developers. Applying prior to the due the date allows council to set its fees and charges to for the financial year knowing the number of properties eligible to pay the charge.

Options

1. Deny application as per recommendation.
2. Grant application if council was in mind to approve it, see resolution provided.

That the council provide the developer concession as per its Statement of Revenue Policy for 2024-25 for the following assessments:

- 13027, 01515, 01516, 01519, 01520
- 01532, 01533, 01534, 01535, 01522, 01523, 01524, 01525, 01526, 01527, 01528
- 13088, 01530

3. Request further information and return with a further report.



Conclusions

In consultation with the Director Corporate Services and the Director Strategic Planning and Development, there has been a thoughtful consideration of the overall framework for developer concessions. Management are reviewing the appropriateness of these concessions, particularly considering the growing interest in housing development within the region. This reassessment aims to align the council's policies with current market dynamics and community needs.

With respect to this application, I recommend non-approval. This recommendation is grounded in several key factors, including the late submission of the application and the potential repercussions of granting an exception after the established deadline. Allowing this request could lead to perceptions of inequity and undermine the fairness owed to those applicants who diligently adhered to the prescribed timeline. It is crucial to maintain consistency in our processes to uphold the integrity of the application system.



8.17 Planning Proposal PP2023 2603 92 Strathvale Road Berrigan

Author:	Manager Planning and Development, Sarah Griffiths
Strategic Outcome:	EN. Our Environment
Strategic Objective:	EN-C. Robust planning systems support the liveability of our shire
Delivery Program:	EN.7. Developers provide positive social and environmental contributions EN.6. Our public spaces and residential developments are designed to support health, safety, and connection.
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	<ol style="list-style-type: none">1. Department Gateway determination 16 May 20242. Planning Proposal Version 43. Submission - Lee Browne4. Submission - Paul and Helen Barrett5. Submission - Steven Malcolm6. Submission - Tracey Moroney and Rodney Stephens7. Applicants response to submissions report

Summary

Applicant:	James Laycock from Blue Print Planning
Owner:	McNaught's Grain and Fertilisers Pty Ltd
Proposal:	This report outlines what the submitted Planning Proposal is for, the exhibition that occurred, the submissions received and the applicant's response. It puts forward a recommendation (next steps) to Council
Location:	92 Strathvale Road Berrigan

Division:

In Favour:

Against:

Recommendation

That Council support the recommendation and submit Planning Proposal for PP2023-2603 to Department of Planning and Environment (the Department) for Finalisation.



Purpose

This report outlines to Council the reasons why Planning Proposal PP2023-2603 (to rezone the land and alter the minimum lot size) should be submitted to the Department, for Finalisation. Planning Proposal Process

There are 6 Stages of any Planning Proposal process:

- Stage 1 Pre-lodgement
- Stage 2 Council to support or reject the Planning Proposal
- Stage 3 Gateway Determination. Submit planning proposal to DPE, DPE confirms administrative requirements.
- Stage 4 Post Gateway. Conditions prior to public exhibition.
- **Stage 5 Public exhibition and Assessment – We are here**
- Stage 6 Finalisation. DPE will make recommendations to Minister.

This Planning Proposal is at Stage 5.

Summary

The subject site is known as Lot 2 DP1222893, addressed as 92 Strathvale Road, and is approximately 16.19 hectares in size.

Planning Proposal PP2023-2603 is an applicant (proponent) initiated Planning Proposal prepared by BluePrint Planning. It is a standard amendment to the Berrigan Shire Local Environmental Plan 2013 (LEP) in that it seeks a change in planning controls to the subject site, which are consistent with Council's Strategic Planning Framework.





Figure1: Aerial of site and surrounds

The intent of the Planning Proposal is to allow better and more efficient use of the subject site for agricultural production and rural industry. The LEP amendment will essentially rezone the subject site from R5 Large Lot Residential (R5) to IN1 General Industry (IN1) to:

- a) facilitate the development of the subject site for bulk storage and integrate it with a west adjoining grain bunker; and
- b) allow McNaught's Grain and Fertilisers Pty Ltd expand their operation.

The Planning Proposal has been lodged because the R5 zone prohibits the use of the subject site for 'rural industry'. Rezoning the land will allow the subject site to be used for 'grain storage'.

In terms of the changes to the LEP, the Planning Proposal will require the following:

- a) An amendment to the Land Zoning Map 006A from R5 to IN1.
- b) Increase the minimum lot size to be consistent with the R5, increasing it from 2ha to 10ha.
- c) An amendment to the Lot Size Map 006A.

No change is required to the LEP instrument in terms of specific clauses and provisions.

In summary, the Planning Proposal was approved by Council at the 20 March 24 Council Meeting. It was then lodged with the Department on 13 April 24; the Department issued the Gateway Determination on 6 July 24; the applicant lodged the Planning Proposal on the Portal on 19 June 24; the Planning Proposal was exhibited for 20 days with letters to adjoining properties and an advertisement in the Southern Riverina newspaper on 3 and 10 July 24. Four (4) submissions have been received.

Background

At the 20 March 2024 Council Meeting, Council supported the Planning Proposal (refer to Appendix 1 for the Council Report) and the Planning Proposal was thereby submitted to the Department for Gateway Determination.

Gateway Determination was issued by the Department on 16 May 2024 (refer to **Appendix 1**) and included 4 Gateway Conditions (see image below):



Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the points listed below in this condition:
 - a) address the suitability of the site to accommodate the Berrigan LEP 2013 E4 General Industrial Zone more broadly than the proposed land use;
 - b) amend the digital zoning mapping rather than Map Sheet LZN_006A;
 - c) reflect its assessment is against the Riverina Murray Regional Plan “2041” not “2036”; and
 - d) reflect a timeline for planning proposal completion in line with the Gateway determination timeframe.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

On 19 June 2024, to address the Department’s Gateway Condition 1 parts a), b), c) and d), the applicant updated the Planning Proposal (to version 4 - dated June 2024 – refer to **Appendix 2**) and lodged it to the Department via the NSW Planning Portal.

Version 4 of the Planning Proposal updated it in the following ways:

- To address Condition 1(a) – pages 11-12 of the Planning Proposal were updated to address the suitability of the site to accommodate the Berrigan LEP 2013 E4 General Industrial Zone more broadly than the proposed land use.
- To address Condition 1(b) – pages 4 and 14 of the Planning Proposal were updated to amend the digital zoning mapping rather than Map Sheet LZN_006A (in other words, the Planning Proposal will need to be updated to change any reference from Land Zoning Map LZN_006A (the old format) to Digital Zoning Map (the new format).
- To address Condition 1(c) – pages 22 and 32 of the Planning Proposal were updated to correct a typo and reflect the assessment against the Riverina Murray Regional Plan “2041” not “2036”.
- To address Condition 1(d) – pages 14 to 16 of the Planning Proposal were updated to reflect a timeline for Planning Proposal completion in line with the Gateway determination timeframe.



To acknowledge Conditions 2 a), 2b), 3 and 4, the applicant updated pages 14 to 16 of the Planning Proposal to reference the fact that the Department had confirmed that public exhibition was required; no consultation was required with public authorities or government agencies under section 3.34(2)(d) of the Act; and a public hearing was not required.

Public Exhibition

In July / August 2024 the Planning Proposal went on public exhibition for 20 days, with letters sent to adjoining properties and an advertisement placed in the Southern Riverina newspaper on 3rd and 10th July 2024.

The [Local Environmental Plan Making Guideline – August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline), and specifically Public Exhibition (page 54) states that *Council can conduct a public hearing into any issue associated with a Planning Proposal, including in response to requests made by a member of the public during the public exhibition period.*

The Department, in their Gateway Determination of 16 May 2024, confirmed that in their opinion a public hearing was not required to be held. However, their wording did (at condition 4) provide flexibility in the event that Council had an obligation to conduct a public hearing (for example, in response to a submission or if reclassifying land). A public hearing was not held during the public exhibition period due to the following:

- Officers are confident that the extent of notification encapsulated all possibly affected properties.
- The subject site does is in a peripheral area of Berrigan and separate from residential interfaces.
- The Local Environmental Plan (LEP) has been exhibited and the Planning Proposal is consistent with the strategic vision of Council.
- The subject site is already partially used in a similar manner to what is proposed under the rezoning.
- Officers are across the issues raised and are able to respond to the issues in this report.

Four (4) submissions (from Steven Malcolm; Paul and Helen Barrett; Lee Browne; and Tracey Moroney and Rodney Stephens) were received. Copies of the submissions are attached at **Appendices 3, 4, 5, 6**.

Listed below is a summary of the submitter issues:

- Reduction in land value (which is not a planning consideration)
- Impact on biodiversity
- Impact on Council assets and infrastructure
- Impact on residential amenity (off-site)

Post Exhibition Stage

On 21 August 2024, the applicant was given 21 days to provide a 'response to submissions report' and advise Council if they would like to revise the Planning Proposal in an attempt to address the submitter issues.

On 2 September 2024, the applicant lodged their 'response to submissions report'. Refer **Appendix 7**. And in an email to Council on the same day, advised Council that *no changes to the existing Planning Proposal are proposed to be made.*

Following the [Local Environmental Plan Making Guideline – August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline), and specifically the 'response to submissions stage' at page 55 of the Guidelines, Council must:

- consider all submissions and the proponent's response and report this in finalising the plan or submitting to the Department for finalisation;
- review the Planning Proposal and address any community, agency or other objections and responses by the proponent;
- prepare a recommendation for decision by the Council.



The Guidelines state that “Council is encouraged to liaise or meet with authorities and government agencies to resolve and key issues”. It does not reference Council liaising with submitters (objectors).

The [Local Environmental Plan Making Guideline – August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline-august-2023) state that “Council is encouraged to liaise or meet with authorities and government agencies to resolve any key issues” but in terms of liaising with submitters, the Guidelines require Council to consider, review and address all submissions in a report and recommendation to Council. In other words, there is no requirement for Council to meet or facilitate a meeting with the submitters at this stage.

Submitter Issues

In considering the submissions received, Council Officer’s response to the issues is as follows:

- Reduction in land value

“Land value” is not a consideration for Council under the *Environmental Planning and Assessment Act 1979*.

- Impact on biodiversity

The Planning Proposal does not include the removal of native vegetation. The removal of native vegetation requires development consent and as such would require a future Development Application to be lodged and approved by Council.

- Impact on Council assets and infrastructure

The intent of the Planning Proposal is to allow better and more efficient use of the subject site for agricultural production and rural industry. In rezoning the subject site from R5 Large Lot Residential (R5) to IN1 General Industry (IN1) it will facilitate the development of the subject site for bulk storage and integrate it with the west adjoining grain bunker allowing McNaught’s Grain and Fertilisers Pty Ltd to expand their operation. It is anticipated that the existing crossover on Strathvale Road would be used. Any new vehicle crossover to Strathvale Road would require Council approval.

The west adjoining grain bunker is already connected to services including reticulated water and sewer and these would be integrated into the subject site.

In addition to rezoning the subject site from R5 Large Lot Residential (R5) to IN1 General Industry (IN1), a 10 hectare minimum lot size is proposed. The subject site is approximately 16.19 hectares in size and so if a development application for subdivision was to be lodged to Council, no second lot (would meet the 10 hectare minimum lot size requirement. Indirectly this means that an increased or detrimental infrastructure demand is unlikely to be an issue.

There are fire services in the locality to service the subject site to be used as a grain bunker storage facility.

- Impact on residential amenity (off-site)

The use of the subject site for grain storage will affect local vehicle traffic, including the type of vehicles and frequency of them. It could also impact neighbouring properties in terms of acoustics, odour, noise levels and dust generation, and also the use of chemicals and sprays and potentially attract vermin.

Appropriate documentation and information will be required to be lodged with any development application (for use and development) and off-site amenity will be assessed as part of the process, which could include condition if consent is issued.



Options

1. Support the Planning Proposal and refer to the Department for Finalisation, with a copy of the Council Report and resolution.
 2. Advise the Minister (or delegate) that the matter does not proceed.
 3. Request more time. As Council act as the Local Plan Making Authority (LPMA) for Standard LEP amendments, Council can withhold finalisation of the LEP amendment until it is completely satisfied with the outcome. Council can ask for further studies, information or clarification from the applicant or from Officers.
-



Department of Planning, Housing and Infrastructure

Ms Karina Ewer
Chief Executive Officer
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Our ref: IRF24/771

Dear Ms Ewan

Planning proposal (PP-2023-2603) to amend Berrigan Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land to E4 General Industrial and increase the minimum lot size to 10 hectares at Lot 2 DP1222893, Strathvale Road, Berrigan.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act (6.1 Residential Zones and 7.1 Employment Zones) is justified in accordance with the terms of the Direction.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amending local environmental plan (LEP) is to be finalised on or before 13 March 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.



Should you have any enquiries about this matter, I have arranged for Jenna McNabb to assist you. Ms McNabb can be contacted on 02 5852 6811.

Yours sincerely

Graham Towers 16/5/24

Graham Towers
Acting Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination



PLANNING PROPOSAL

Berrigan Local Environmental Plan 2013

**Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone and
change to minimum subdivision lot size from 2 hectares to 10 hectares**

92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)

June 2024



Prepared by:

Blueprint Planning

For:

McNaught's Grain & Fertilizers

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STATEMENT

This Planning Proposal relates to –

- rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone and change to minimum subdivision lot size from 2 hectares to 10 hectares,
- with consequential changes to the Land Zoning Map and Lot Size Map,

under the *Berrigan Local Environmental Plan 2013*.

This Planning Proposal has been prepared in accordance with –

- section 3.33 of the *Environmental Planning and Assessment Act 1979*, and
- *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023).

This report has been prepared by –

James Laycock
BUrbRegPlan (NE), MBA (CS), MPIA, RPIA
Blueprint Planning
3/576 Kiewa Street
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& DEVELOPMENT

Document Control

Ref.	Version	Date	Revision Details	Author
1384	1	22/11/2023	Draft	JL
	2	23/11/2023	Draft for Council review/Gateway Determination	JL
	3	22/12/2023	Draft following Council review	JL
	4	19/06/2024	Final following Gateway Determination for public exhibition	JL



EXECUTIVE SUMMARY

This Planning Proposal relates to land at Berrigan NSW – more specifically 92 Strathvale Road, Berrigan, which is otherwise known as Lot 2 DP1222893.

This report has been prepared in support of a rezoning change of this land from R5 Large Lot Residential Zone to E4 General Industrial Zone and a change to the minimum subdivision lot size from 2 hectares to 10 hectares under the *Berrigan Local Environmental Plan 2013*.

The objective or intended outcome of these changes is to enable the land to be used and developed for bulk storage consistent with an existing adjoining grain bunker storage facility.

This report has been prepared in accordance with –

- section 3.33 of the *Environmental Planning and Assessment Act 1979*, and
- *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable 'in principle' for the proposed rezoning and minimum subdivision lot size changes because –

- the location, size, area, and shape of the land proposed to be rezoned represents a considered and orderly response to existing industrial development in the area, and
- the rezoning and minimum subdivision lot size changes of the land in the way proposed is consistent with relevant strategies, State environmental planning policies and directions.



TABLE OF CONTENTS

STATEMENT	iii
EXECUTIVE SUMMARY	iv
TABLE OF CONTENTS	v
1.0 INTRODUCTION	1
1.1 Preliminary.....	1
1.2 Scope	1
1.3 Site and context description	1
2.0 OBJECTIVES AND INTENDED OUTCOMES	2
2.1 Objectives.....	2
2.2 Intended outcomes.....	2
3.0 EXPLANATION OF PROVISIONS.....	4
4.0 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT	8
4.1 Strategic merit	8
4.1.1 Need for the Planning Proposal	8
4.1.2 Relationship to the strategic planning framework.....	8
4.2 Site-specific merit	10
4.2.1 Environmental, social and economic impact.....	10
4.2.2 Infrastructure (Local, State and Commonwealth).....	13
4.2.3 State and Commonwealth interests.....	14
5.0 MAPS.....	14
6.0 COMMUNITY CONSULTATION	14
7.0 PROJECT TIMELINE	15

APPENDICES

Appendix A: Title diagram
Appendix B: Photographs of the Land and surrounding area
Appendix C: <i>Riverina Murray Regional Plan 2041</i>
Appendix D: <i>Berrigan Shire Local Strategic Planning Statement 2020-2040</i>
Appendix E: State Environmental Planning Policies
Appendix F: Directions or key government priority under section 9.1(2) of the <i>Environmental Planning and Assessment Act 1979</i>
Appendix G: Biodiversity report
Appendix H: Aboriginal Heritage Information Management System report

FIGURES/TABLES

Figure 1: Regional location map	2
Figure 2: Aerial photograph of the Land.....	3
Table 1: Summary of LEP amendments	4
Figure 3: Proposed zoning change.....	5
Figure 4: Proposed minimum subdivision lot size change.....	6
Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process).....	7
Table 2: Project timeline.....	16



GLOSSARY

Land	92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)
Planning Proposal	rezoning of the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone and change to minimum subdivision lot size from 2 hectares to 10 hectares (affecting 16.19 hectares of land), with consequential changes to the Land Zoning Map and Lot Size Map under the LEP
Council; BSC	Berrigan Shire Council
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Berrigan Local Environmental Plan 2013</i>
LGA	local government area
Proponent	McNaught's Grain & Fertilizers Pty Ltd ACN 069 907 777 ABN 11 069 907 777
Blueprint Planning	Blueprint Planning and Development Pty Ltd ACN 110 843 206 as trustee for Blueprint Development Trust ABN 87 492 545 653 trading as Blueprint Planning



1.0 INTRODUCTION

1.1 Preliminary

This report contains word abbreviations and terms listed in the **Glossary**.

This report has been prepared in support of a request by the Proponent to Council for the rezoning of the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone and a change to minimum subdivision lot size from 2 hectares to 10 hectares under the LEP.

1.2 Scope

This Planning Proposal has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and have been prepared by Blueprint Planning on behalf of the Proponent.

1.3 Site and context description

The Land is located in the township of Berrigan in southern NSW. Berrigan is situated approximately 21 kilometres to the east of Finley and 28 kilometres to the northeast of Tocumwal. The Land comprises 16.19 hectares of vacant agricultural irrigation land and is situated on the northern side of the Berrigan township with access from Strathvale Road and adjoins an existing grain bunker storage facility (McNaught's Grain & Fertilizers).

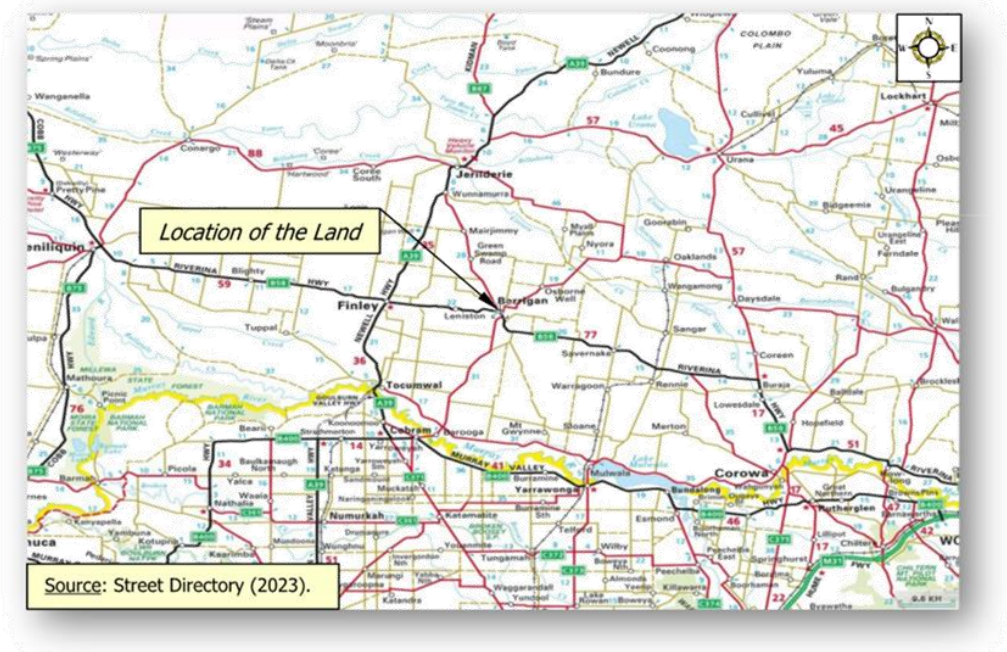
The location of the Land is shown regionally in **Figure 1: Regional location map** and locally in **Figure 2: Aerial photograph of the Land**.

A Title diagram of the Land is shown in **Appendix A: Title diagram**.

Photographs of the Land and the surrounding area are shown in **Appendix B: Photographs of the Land and surrounding area**.



Figure 1: Regional location map



2.0 OBJECTIVES AND INTENDED OUTCOMES

2.1 Objectives

The objective of the Planning Proposal is to amend the *Berrigan Local Environmental Plan 2013* to enable the Land to be used and developed for bulk storage and integrated with an existing adjoining grain bunker storage facility located to the west of the Land.

2.2 Intended outcomes

The intended outcome of the Planning Proposal is to increase the sustainability of local and regional agricultural grain production through providing additional local and regional bulk storage by rezoning additional industrial land for such purposes at Berrigan.



Figure 2: Aerial photograph of the Land



Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)



3.0 EXPLANATION OF PROVISIONS

The objective and intended outcome mentioned in **Section 2.0: Objectives and intended outcomes** are to be achieved by amending the LEP as shown in **Table 1: Summary of LEP amendments**, **Figure 3: Proposed zoning change** and **Figure 4: Proposed minimum subdivision lot size change**.

Table 1: Summary of LEP amendments

<i>LEP map proposed to be amended</i>	<i>Effect of proposed amendment</i>
<i>Digital zoning map¹</i>	Rezone the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone to facilitate the Land being used and developed for bulk storage, subject to a separate development application.
<i>Lot Size Map - Sheet LSZ_006A</i>	Change the minimum subdivision lot size of the Land from 2 ha to 10 ha to be consistent with the existing E4 General Industrial Zone located adjoining the Land to the west.

A concept grain bunker storage site plan showing how the Land may be developed after the Planning Proposal has been implemented is shown in **Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process)**.²

¹ <https://www.planningportal.nsw.gov.au/spatialviewer>

² Subject to a separate Development Application process including public notification and assessment by the Council.



Figure 3: Proposed zoning change

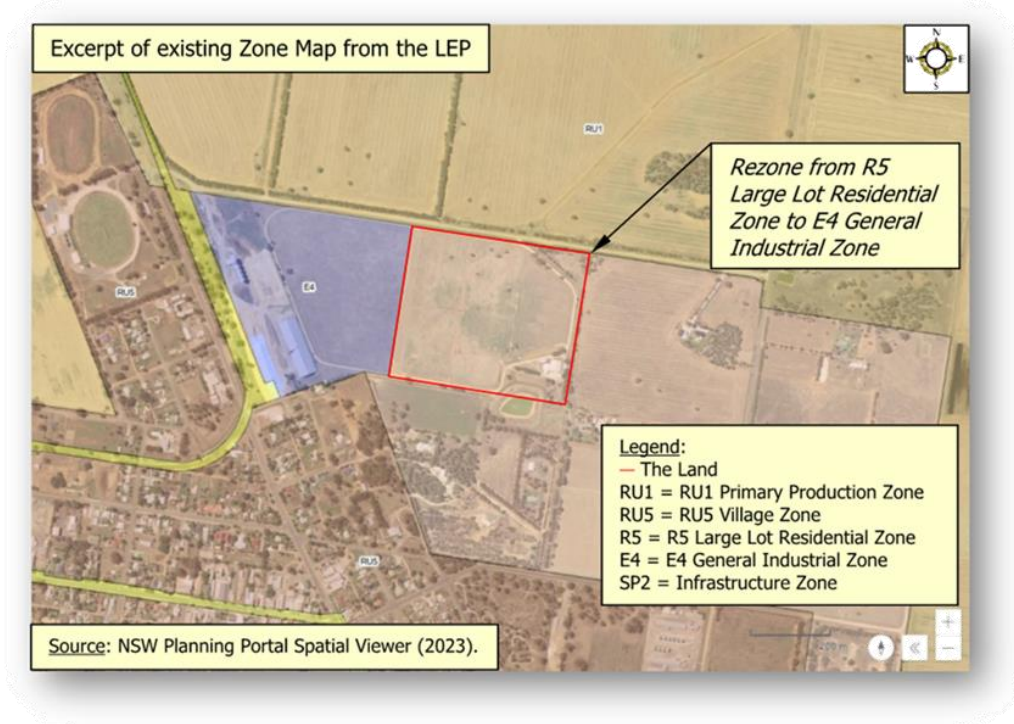
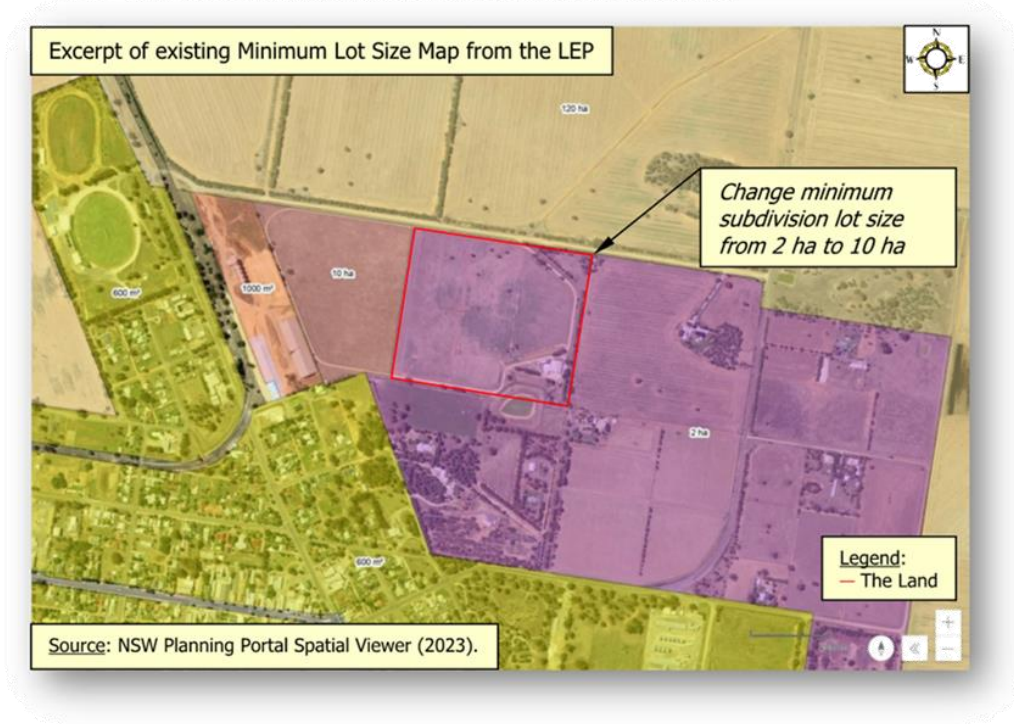




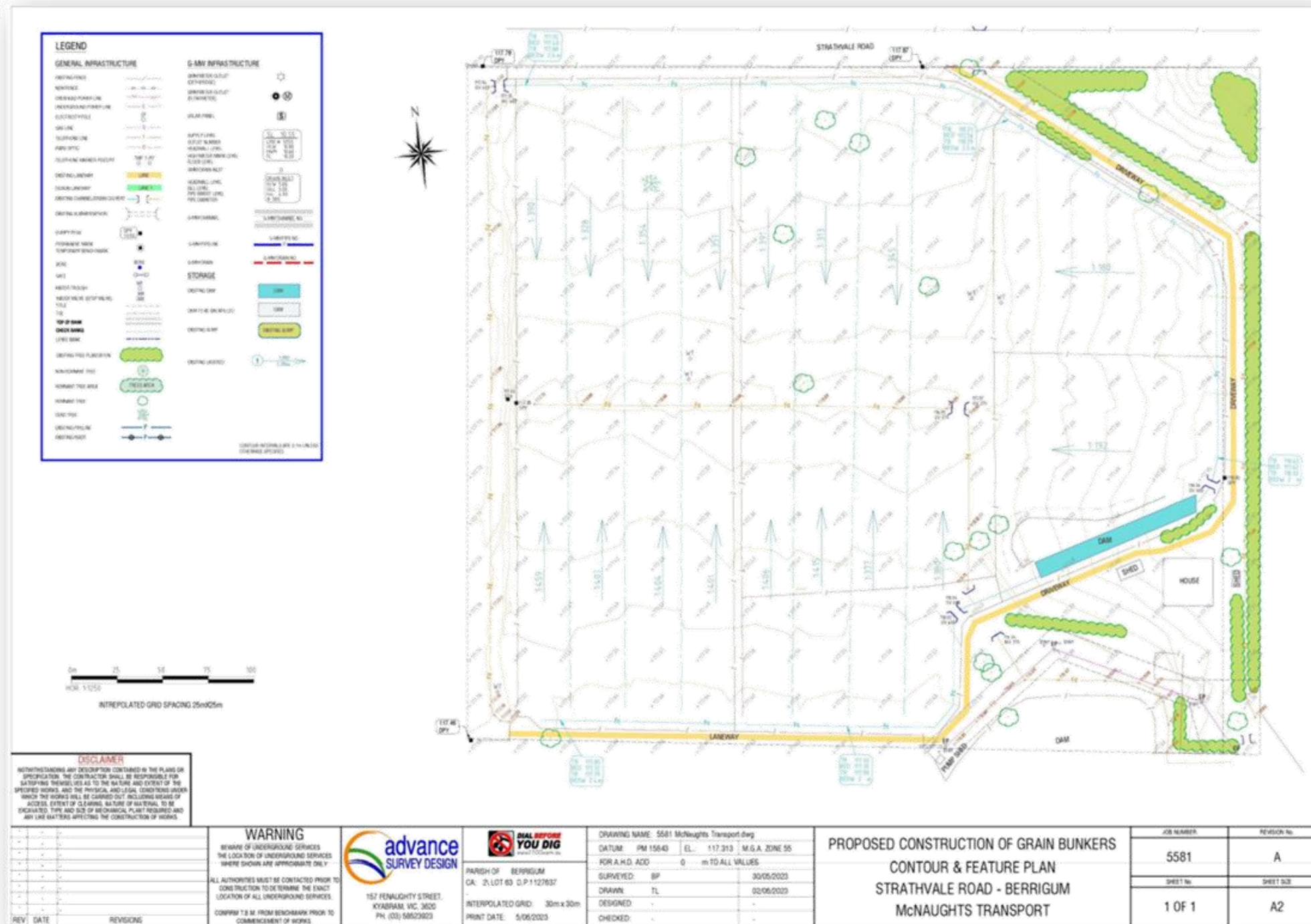
Figure 4: Proposed minimum subdivision lot size change





Planning Proposal

Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process)



Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)



4.0 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

4.1 Strategic merit

4.1.1 Need for the Planning Proposal

Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not a direct result of the *Berrigan Shire Local Strategic Planning Statement 2020-2040*³ or other strategic study or report. This Planning Proposal is a Proponent-initiated project supported by prior consultation with BSC.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal as detailed in **Table 1: Summary of LEP amendments** is considered the best means of achieving the relevant objectives and intended outcomes mentioned in **Section 2.0: Objectives and intended outcomes**, as opposed, for example, to listing a "storage premises" and/or "transport depot" as a permitted use for the Land in Schedule 1: *Additional permitted uses* of the LEP and leaving the Land zoned R5 Large Lot Residential Zone.

4.1.2 Relationship to the strategic planning framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with relevant objectives and actions of the *Riverina Murray Regional Plan 2041* (NSW Government, 2023)⁴ as set out in **Appendix C: Riverina Murray Regional Plan 2041**. There are currently no exhibited draft plans or strategies relevant for consideration.

³ <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-and-Building-Strategies>

⁴ <https://www.planning.nsw.gov.au/plans-for-your-area/regional-plans/riverina-murray-regional-plan-2041>



Is the Planning Proposal consistent with a council local strategic planning statement that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the planning policies of the *Berrigan Shire Local Strategic Planning Statement 2020-2040* (BSC, pp. 32-34; 38-41; 46-57) set out in **Appendix D: Berrigan Shire Local Strategic Planning Statement 2020-2040**.

The Planning Proposal does not derogate the *Berrigan Town Concept Plan* (Liesl Malan Landscape Architects, 2018).⁵

The Planning Proposal is consistent with the *Berrigan Development Control Plan 2014* through being generally consistent with the *Chapter 3: Industrial Development*, noting that "storage premises" and/or "transport depot" land uses are 'permitted with prior consent' in the Land Use Table of the E4 General Industrial Zone under the LEP.

Whilst not an endorsed local strategy or strategic plan, the *Draft Berrigan Shire Strategic Framework + District Plans Local Environmental Plan Review* (Habitat Planning, September 2023)⁷ was publicly exhibited during October and November 2023. A separate written submission has been lodged with BSC with the aim of aligning the Planning Proposal with this draft plan.

Whilst the Planning Proposal would reduce the area of R5 Large Lot Residential Zone land in Berrigan by 16.19 hectares and increase E4 General Industrial Zone land by the same amount, this change would only affect zone objective development outcomes for Berrigan in minor ways given –

- the minimum lot size of the subject R5 Large Lot Residential Zone land is currently 2.0 hectares and therefore a loss of development lot potential is only approximately 6 lots⁸;
- vacant land supply for existing R5 Large Lot Residential Zone land in Berrigan is approximately 32 lots⁹ whilst demand is estimated to be only approximately 0.5 lots per annum or 1 lot every 2 years; and
- the proposed minimum lot size for the new E4 General Industrial Zone land is proposed to be 10 hectares and so therefore, with the Land being 16.19 hectares in area, would not be able to be further subdivided without further strategic planning analysis via a separate planning proposal process.

⁵ <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-and-Building-Strategies>

⁶ <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-Controls>

⁷ <https://www.berriganshire.nsw.gov.au/Council/Have-Your-Say/Draft-Strategic-Framework-and-District-Plans>

⁸ Assuming 16.19 hectares of land would allow for a maximum of 6 lots, with road reserves and/or stormwater detention facilities comprising approximately 10-15% of original land area.

⁹ Based on current vacant lots zoned R5 Large Lot Residential Zone in Berrigan regardless of their lot area or contiguous lot ownership i.e. vacant lots able to be sold 'as is' for residential development (however assuming willing sellers and buyers).



Is the Planning Proposal consistent with any other State and regional studies or strategies?

There are no other State or regional studies or strategies or specific corridor/precinct plans applicable to the Land, including any draft regional, district or corridor/precinct plans released for public comment.

Is the Planning Proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with applicable state environmental planning policies as set out in **Appendix E: State Environmental Planning Policies**.

Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?

The Planning Proposal is consistent with applicable directions or key government priorities as set out in **Appendix F: Directions under section 9.1(2) of the Environmental Planning and Assessment Act 1979**.

4.2 Site-specific merit

4.2.1 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The Land is currently zoned R5 Large Lot Residential Zone (not, for example, an environmental or rural zone) and is not recorded or known to have any significant environmental values or resource attributes.

Possible future development of the Land in accordance with **Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process)** is not likely to 'trigger' entry into the Biodiversity Offset Scheme¹⁰ for the following reasons –

¹⁰ <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme>



Assessment	Reference
<ul style="list-style-type: none"> No part of the Land is identified as an area of "outstanding biodiversity value" (known as "critical habitat" under the former <i>Threatened Species Conservation Act 1995</i>). 	Development is "likely to significantly affect threatened species" if it is carried out in a declared area of outstanding biodiversity value (section 7.2(1)(c) of the <i>Biodiversity Conservation Act 2016</i>).
<ul style="list-style-type: none"> The likely clearing of native vegetation is less than 0.25 hectares. 	The clearing of native vegetation of an area declared by clause 7.2 of the <i>Biodiversity Conservation Regulation 2017</i> as exceeding the threshold.
<ul style="list-style-type: none"> No part of the Land is identified on the Biodiversity Values Map. 	The clearing of native vegetation, or other action prescribed by clause 6.1 of the <i>Biodiversity Conservation Regulation 2017</i> , on land included on the Biodiversity Values Map published under clause 7.3 of the <i>Biodiversity Conservation Regulation 2017</i> .
<ul style="list-style-type: none"> The future development (with the likely clearing of native vegetation less than 0.25 hectares) is unlikely to significantly affect threatened species, populations or ecological communities, or their habitats as demonstrated in the assessment in Appendix G: Biodiversity report. 	Development is "likely to significantly affect threatened species" if it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (section 7.2(1)(a) of the <i>Biodiversity Conservation Act 2016</i>).

Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

The following specialist reports have been prepared in support of the Planning Proposal –

- Biodiversity report at **Appendix G**.

There are no likely environmental effects of the Planning Proposal, noting that any future grain bunker storage development of the Land would require a separate Development Application assessment process including public notification and assessment by BSC.

In regard to the suitability of the Land to accommodate the E4 zone, it is noted that BSC has existing planning and civil engineering policies concerning amenity assessment. For example, the E4 zone of the LEP has the following 'objectives' with the relevant amenity objective **highlighted** for emphasis –

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.*



- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

Likewise, the *Berrigan Development Control Plan 2014* has amenity guidelines for industrial land use and development at Chapter 3 and provides the following at Section 3.6: *Amenity* (p. 15) –

Objectives	Controls
<ul style="list-style-type: none"> • <i>Locating industrial activities in locations that minimise detrimental offsite impacts.</i> • <i>Minimise amenity impacts on residential and future residential areas.</i> 	<p><i>General</i></p> <ul style="list-style-type: none"> • <i>All development is required to comply with the requirements of the Protection of the Environment Operations Act 1997 (as amended) and its Regulation.</i> • <i>Applications for potentially hazardous or offensive development are to submit information demonstrating compliance with SEPP 33- Hazardous and Offensive Development.</i> • <i>Outdoor areas must be treated and maintained to minimize the impacts of dust.</i> • <i>All stormwater is to be appropriately managed.</i> • <i>A trade waste agreement is to be entered into with Council for disposal of liquid waste to Councils sewerage system for certain activities.</i> • <i>Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.</i> • <i>Land uses or development considered by Council to potentially have a detrimental impact on existing or future residential areas through noise or air emissions (e.g. dust or odour) will be discouraged without the submission of a relevant Impact Statement by the applicant demonstrating otherwise. Compliance with the Impact Statements will then become a condition of consent.</i>

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal provides for bulk storage development opportunity (subject to separate Council DA approval) which will (incrementally) contribute to the social and economic fabric of the Berrigan township and local and regional areas through (incremental) economic growth which in turn will support employment-generating agricultural land uses and support businesses.



In particular, it is anticipated, based on the existing grain bunker storage facility located to the west of the Land that the proposed use of the Land for an expanded facility would –

- allow two to four additional 40,000 tonne earth wall grain bunkers (80,000 to 160,000 tonne total), which could be divided if necessary to segregate grain grades and quality;
- create up to 3 local full-time jobs;
- create up to 7 regional part-time jobs on a seasonal harvest basis;
- facilitate the investment of \$3M in additional working capital infrastructure and equipment;
- save local grain growers a minimum of \$10 per tonne grain transport cost when compared to other regional transport cost options; and
- create additional unspecified economic multiplier benefits for Berrigan LGA in general through gaining additional economic exposure to multi-national grain companies and marketers.

Other social and economic effects would be investigated and documented in a DA to the Council for the future use of the Land, including, for example, possible amenity impacts to adjoining and nearby private and public property.

The Land is not known to be affected by any Aboriginal or European cultural heritage. An Aboriginal Heritage Information Management System report has been prepared at **Appendix H**.

4.2.2 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the Planning Proposal?

Adequate public infrastructure for the Planning Proposal already exists, namely –

- **Roads:** Strathvale Road, which adjoins the Land to the north, is an existing sealed local road with approved B-double heavy vehicle use. The existing adjoining grain bunker storage facility located to the west of the Land has access to Strathvale Road via an approved crossover. It is anticipated that this crossover would be used when the Land is developed for an expanded grain bunker storage facility (subject to separate Council DA approval).
- **Reticulated services:** The Land is already connected to reticulated water, electricity and telecommunications services and with adequate capacity to



accommodate the bulk storage development (subject to separate Council DA approval). The eventual development of the Land would be subject to the Council's normal 'developer contribution' fees and charges.

The Planning Proposal provides for a bulk storage development opportunity (subject to separate Council DA approval) consistent with the existing industrial development character of Berrigan.

4.2.3 State and Commonwealth interests

What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination?

Consultation will be carried out with public authorities/agencies as required by the Gateway Determination issued by the Department of Planning and Environment in accordance with section 3.34(2)(d) of the EP&A Act.

5.0 MAPS

The Planning Proposal requires LEP mapping changes as set out in **Table 1: Summary of LEP amendments, Figure 3: Proposed zoning change** and **Figure 4: Proposed minimum subdivision lot size change** being changes to the digital zoning map¹¹ and Lot Size Map – Sheet LSZ_006A.

6.0 COMMUNITY CONSULTATION

Community consultation is required under section 3.34(2)(c) and clause 4 of Schedule 1 of the EP&A Act and in accordance with *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023) as follows –

- minimum 20 working day public exhibition period,
- notification provided to adjoining and surrounding landowners who may be directly or indirectly impacted,

¹¹ <https://www.planningportal.nsw.gov.au/spatialviewer>



- public notices provided in local media i.e. Southern Riverina News and The Border Mail newspaper,
- static displays and supporting material in Council public buildings, nominally –
 - Berrigan Shire Council, 56 Chanter Street, Berrigan, NSW 2712
- electronically available via Berrigan Shire Council's website including provision for electronic submissions,
- hard copies of all documentation being made available to the community free-of-charge, and
- electronic copies of all documentation being made available to the community free-of-charge.

7.0 PROJECT TIMELINE

The anticipated timeframe for processing the Planning Proposal is set out in **Table 2: Project timeline**.



Table 2: Project timeline

<i>Project milestone</i>	<i>Estimated commencement date</i>	<i>Estimated completion date</i>
<i>Consideration by Council</i>	November 2023	December 2023
<i>Council decision</i>	December 2023	December 2023
<i>Anticipated commencement date (date of Gateway Determination)</i>	January 2024	May 2024
<i>Anticipated timeframe to finalise required technical information</i>	May 2024	June 2024
<i>Timeframe for public agency consultation</i>	Not required by Gateway Determination	Not required by Gateway Determination
<i>Commencement and completion dates of public exhibition period, including a public hearing (if required)</i>	July 2024	July 2024
<i>Timeframe for consideration of public submissions</i>	July 2024	August 2024
<i>Timeframe for consideration of the Planning Proposal post exhibition</i>	July 2024	August 2024
<i>Date of submission of Planning Proposal to DPE</i>	August 2024	August 2024
<i>Anticipated date Council will make the plan</i>	September 2024	September 2024
<i>Anticipated date Council will forward the Planning Proposal to DPE for publication in the Government Gazette</i>	September 2024	September 2024
<i>LEP amendment completed</i>		on or before 13 March 2025

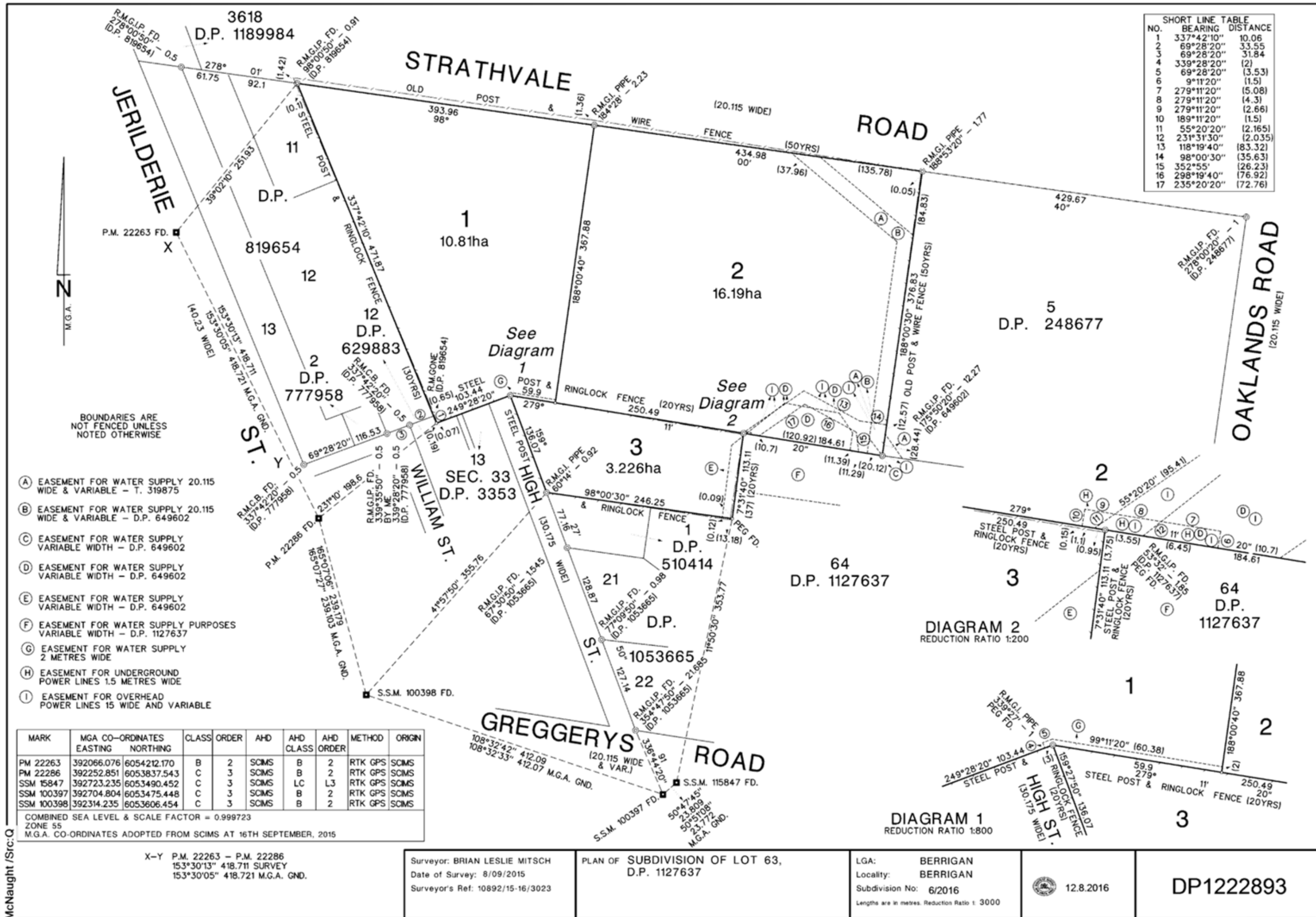


Planning Proposal

APPENDIX A: Title diagram

Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)

| 17





PLAN FORM 6 (2013)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
<p>Registered: 12.8.2016</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p style="text-align: center;">Office Use Only</p> <div style="text-align: center;"> DP1222893 S </div> <p style="text-align: right;">Use Only</p>	
<p>PLAN OF SUBDIVISION OF LOT 63, D.P. 1127637</p>	<p>LGA: BERRIGAN</p> <p>Locality: BERRIGAN</p> <p>Parish: GERELDERY</p> <p>County: DENISON</p>	
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, BRIAN LESLIE MITSCH of DENILQUIN NSW 2710 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>* (a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 8/09/2015</p> <p>* (b) The part of the land shown in the plan (being/excluding was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation.</p> <p>* (c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature: Dated: 31. 3. 16</p> <p>Surveyor ID: 1643</p> <p>Datum Line: X-Y (M.G.A.)</p> <p>Type: Urban/Rural</p> <p>The terrain is Level-Undulating / Steep Mountainous.</p> <p>*Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, Laurie Stevens "Authorised Person"/"General Manager"/"Accredited Certifier", certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: </p> <p>Accreditation number:</p> <p>Consent Authority: Berrigan Shire Council</p> <p>Date of endorsement: 19.4.16</p> <p>Subdivision Certificate number: 6/2016</p> <p>File number: 40/16/PA/09</p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of survey/compilation.</p> <p>D.P. 1127637 D.P. 1053665 D.P. 819654 D.P. 777958 D.P. 649601 D.P. 248677</p> <p style="text-align: right;">If space is insufficient continue on PLAN FORM 6A</p>	
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	<p>Surveyor's Reference: 10892/15-16/3023</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>		




PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Office Use Only
Registered:  12.8.2016

Use Only

DP1222893

**PLAN OF SUBDIVISION OF LOT 63,
D.P. 1127637**

- This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
 - Signatures and seals- see 195D *Conveyancing Act 1919*
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 6/2016
Date of Endorsement: 19.4.16


PURSUANT TO SECTION 88B OF THE
CONVEYANCING ACT 1919 IT IS
INTENDED TO CREATE;

1. EASEMENT FOR WATER SUPPLY
2 METRES WIDE
2. EASEMENT FOR UNDERGROUND
POWER LINES 1.5 METRES WIDE
3. EASEMENT FOR OVERHEAD
POWER LINES 15 WIDE AND VARIABLE

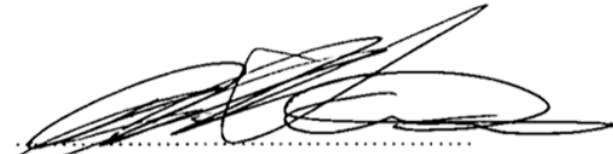
Signed at Sydney the 30th day of
MAY 2016 For Commonwealth
Bank Of Australia ABN 48 123 123 124 by its
Duly appointed Attorney under Power of
Attorney Book 4297 No 297

Witness


Xylia Quek


Luk Ting Lung

150 George Street Parramatta NSW 2150


JOHN RAYMOND STEWART

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	UNKNOWN	STRATHVALE	ROAD	BERRIGAN
2	UNKNOWN	STRATHVALE	ROAD	BERRIGAN
3	UNKNOWN	HIGH	STREET	BERRIGAN

If space is insufficient use additional annexure sheet

Surveyor's Reference: 10892/15-16/3023



APPENDIX B:

Photographs of the Land and surrounding area



Planning Proposal



Photograph 1:

The western lot boundary of the Land (looking north from the southwest lot boundary corner of the Land).



Photograph 2:

The south-western area of the Land (looking northeast from the southwest lot boundary corner of the Land).



Photograph 3:

The southern lot boundary of the Land (looking east from the southwest lot boundary corner of the Land).



Photograph 4:

The northern lot boundary of the Land (looking east from the northwest lot boundary corner of the Land).

The existing sealed Strathvale Road can be seen to the left of picture.



Photograph 5:

The north-western area of the Land (looking southeast from the northwest lot boundary corner of the Land).



Photograph 6:

The western lot boundary of the Land (looking south from the northwest lot boundary corner of the Land).



Photograph 7:

The northern lot boundary of the Land (looking west from one of the existing driveway crossovers to the Land from Strathvale Road).

The existing sealed Strathvale Road can be seen to the right of picture.



Photograph 8:

The north-western area of the Land (looking southwest from one of the existing driveway crossovers to the Land from Strathvale Road).



Photograph 9:

The northern area of the Land (looking south from one of the existing driveway crossovers to the Land from Strathvale Road).



Photograph 10:

The north-eastern area of the Land (looking southeast from one of the existing driveway crossovers to the Land from Strathvale Road).



Photograph 11:

One of the existing driveway crossovers to the Land from Strathvale Road (looking north from adjacent the norther lot boundary of the Land).

Any grain bunker storage use of the Land would be the subject of a separate and formal Development Application process.



APPENDIX C:
Riverina Murray Regional Plan 2041

Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)

| 22



	Planning Proposal consistency
Objectives and strategies of the <i>Riverina Murray Regional Plan 2041</i>	
<i>Objective 14: Protecting and promoting industrial and manufacturing land</i>	
<i>Strategy 14.2: Strategic planning for existing employment lands and new opportunities will:</i>	
<ul style="list-style-type: none"> locate new industrial land in areas accessible to inter-regional networks or in areas that could allow rail transport, unencumbered by natural hazards or environmental constraints while accessible to businesses and communities provide flexible and simplified planning controls that support the changing needs of industry, emerging industries and diversification, adaptation and innovation provide for the supply of diverse industrial land to meet the changing demands of industry encourage co-location and clustering of compatible industries to improve efficiencies and productivity, reduce land use conflict, maximise infrastructure investment and capitalise on supply networks drive competitive advantage by leveraging strengths, assets and attributes while maintaining integrity of existing industrial precincts investigate bespoke industrial precinct planning using targeted responses. 	<p><u>Consistent:</u> The Planning Proposal provides additional industrial land (16.19 ha) which is proposed to be used for bulk storage (approximately 13.5 ha) to meet existing and future storage demands.¹²</p> <p>Bulk storage typically requires large area, flat but well drained land, which is located adjacent or near major road networks with heavy vehicle access. The proposed bulk storage would be integrated (co-located) with the existing grain bunker storage facility located on adjoining land to the west and use existing approved and compliant road accessways and intersections.</p> <p>The Planning Proposal is supported by the following specialist report –</p> <ul style="list-style-type: none"> Appendix G: Biodiversity report.

¹² Subject to a separate Development Application process including public notification and assessment by the Council.



Planning Proposal

APPENDIX D:
***Berrigan Shire Local Strategic Planning
Statement 2020-2040***

Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)

| 24



	Planning Proposal consistency
<i>Berrigan Shire Local Strategic Planning Statement 2020-2040</i>	
<i>Planning Priority 1 - Agriculture and Agribusiness</i>	<u>Consistent:</u> The Planning Proposal increases the sustainability of local and regional agricultural grain production by rezoning additional industrial land for bulk storage purposes. ¹³ The Land is located adjoining an existing approved bulk grain storage and handling facility which is connected to the local and regional heavy vehicle road network via Strathvale Road.
<i>Agriculture is the major industry in the Berrigan Shire LGA and future megatrends indicate growth in Asian Economy and growth in markets for fresh produce. Berrigan Shire LGA has extensive irrigation infrastructure and extensive established agribusiness investment in the agriculture industry. With agriculture the centre of a circular local economy, we need to future-proof our irrigation agriculture industry through the development of a Riverina Murray Regional Plan Land Use Irrigation Agriculture Strategy.</i>	
<i>Planning Priority 3 - Transport and Logistics</i>	
<i>Efficient freight transport infrastructure connects export oriented agriculture produce through the Port of Melbourne from the Berrigan Shire LGA and the Riverina Murray Region.</i>	
<i>Planning Priority 5 - Urban Amenity</i>	<u>Consistent:</u> The Planning Proposal does not derogate the <i>Berrigan Town Concept Plan</i> (Liesl Malan Landscape Architects, 2018). Whilst the intended use of the Land for bulk storage following rezoning is subject to a separate Development Application process including public notification and assessment by the Council, the Land is considered suitable as it has adequate setbacks to adjoining and nearby 'sensitive receivers', including dwelling houses. Typical amenity assessment issues for grain bunker storage facilities, including noise, traffic, stormwater, odour and dust generation will be addressed during consideration of the eventual Development Application.
<i>Cobram-Barooga (cross-border settlement), Berrigan, Finley and Tocumwal uniquely function as local service centres. To achieve a contemporary standard of urban amenity, bespoke place-based planning will be required to enhance the uniqueness of each township and its sense of place.</i>	

¹³ Subject to a separate Development Application process including public notification and assessment by the Council.



APPENDIX E: State Environmental Planning Policies



Planning Proposal

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	<p><u>Chapter 2 Vegetation in non-rural areas</u> Part 2.1 Preliminary 2.1 Aims of Chapter The aims of this Chapter are— (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p><u>Chapter 4 Koala habitat protection 2021</u> Part 4.1 Preliminary 4.1 Aim of Chapter This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Yes	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by— (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
State Environmental Planning Policy (Housing) 2021	Yes	<p>3 Principles of Policy The principles of this Policy are as follows— (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity, (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, (h) mitigating the loss of existing affordable rental housing.</p>	Yes	The Planning Proposal does not alter the provisions of this Policy; however, the Planning Proposal alters the application of this Policy to the Land as “residential accommodation” is ‘prohibited’ in the E4 General Industrial Zone of the LEP
State Environmental Planning Policy (Industry and Employment) 2021	Yes	<p><u>Chapter 3 Advertising and signage</u> Part 3.1 Preliminary 3.1 Aims, objectives etc (1) This Chapter aims— (a) to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land



Planning Proposal

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
		<p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p>		
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Yes	<p>2 Aims, objectives etc</p> <p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p>	Yes	The Planning Proposal does not alter the provisions of this Policy; however, the Planning Proposal alters the application of this Policy to the Land as “residential accommodation” (including “residential flat buildings”) are ‘prohibited’ in the E4 General Industrial Zone of the LEP
State Environmental Planning Policy (Planning Systems) 2021	Yes	<p><u>Chapter 2 State and regional development</u></p> <p>Part 2.1 Preliminary</p> <p>2.1 Aims of Chapter</p> <p>The aims of this Chapter are as follows—</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	<p><u>Chapter 4 Remediation of land</u></p> <p>4.1 Object of this Chapter</p> <p>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	Yes	<p>The Planning Proposal does not derogate the aims of State Environmental Planning Policy (Resilience and Hazards) 2021. For the purposes of clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 and Managing Land Contamination: Planning Guidelines (DUAP & EPA, 1998) the Land:</p> <ul style="list-style-type: none"> is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the Contaminated Land Management Act 1997; and is not land on which development for a purpose referred to in Table 1 to the Managing Land Contamination: Planning Guidelines (DUAP & EPA, 1998) is being, or is known to have been, carried out. <p>The Land is not listed on Council’s contaminated land register.</p>



Planning Proposal

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes	<p>1.3 Aims of Policy The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) to encourage the design and delivery of sustainable buildings, (b) to ensure consistent assessment of the sustainability of buildings, (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored, (d) to monitor the embodied emissions of materials used in construction of buildings, (e) to minimise the consumption of energy, (f) to reduce greenhouse gas emissions, (g) to minimise the consumption of mains-supplied potable water, (h) to ensure good thermal performance of buildings. 	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	<p>Chapter 2 Infrastructure 2.1 Aim of Chapter The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</p> <ul style="list-style-type: none"> (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and (b) providing greater flexibility in the location of infrastructure and service facilities, and (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (g) providing opportunities for infrastructure to demonstrate good design outcomes. <p>Chapter 3 Educational establishments and child care facilities 3.1 Aims of Chapter The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</p> <ul style="list-style-type: none"> (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the 	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land (it is noted that "centre-based child care facilities" and "educational establishments" are already 'prohibited' in the R5 Large Lot Residential Zone as well as the E4 General Industrial Zone of the LEP)



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Planning Proposal

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
		<p><i>corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p><i>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>		



APPENDIX F:
**Directions or key government priority under
section 9.1(2) of the *Environmental Planning and
Assessment Act 1979***



Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
Focus area 1: Planning Systems			
1.1 Implementation of Regional Plans	Yes	<i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i>	<u>Consistent</u> : The Planning Proposal is consistent with the <i>Riverina Murray Regional Plan 2041</i> as set out in Appendix C: Riverina Murray Regional Plan 2041 .
1.3 Approval and Referral Requirements	Yes	<i>LEP provisions should encourage the efficient and appropriate assessment of development</i>	<u>Consistent</u> : The Planning Proposal only proposes Land Zoning and Minimum Lot Size mapping changes.
1.4 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal only proposes Land Zoning and Minimum Lot Size mapping changes.
Focus area 3: Biodiversity and Conservation			
3.1 Environment Protection Zones	Yes	<i>Environmentally sensitive areas should be protected and conserved</i>	<u>Consistent</u> : The Land is not known to contain any environmentally sensitive areas and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at Appendix G: Biodiversity report .
3.2 Heritage Conservation	Yes	<i>Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved</i>	<u>Consistent</u> : The Land is not known to contain any items, areas, objects or places of historical or Aboriginal cultural heritage significance and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at Appendix G: Aboriginal Heritage Information Management System report .
3.5 Recreation Vehicle Areas	Yes	<i>Sensitive land or land with significant conservation values should be protected from adverse impacts from recreation vehicles</i>	<u>Consistent</u> : No recreation vehicle areas are proposed.
3.6 Strategic Conservation Planning	Yes	<i>Areas with high biodiversity value should be protected, conserved or enhanced.</i>	<u>Consistent</u> : The Land is not known to contain any high biodiversity value areas and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at Appendix G: Biodiversity report .
Focus area 4: Resilience and Hazards			
4.4 Remediation of Contaminated Land	Yes	<i>To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered</i>	<u>Consistent</u> : The Land – <ul style="list-style-type: none"> is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the <i>Contaminated Land Management Act 1997</i>, and is not land on which development for a purpose referred to in Table 1 to the <i>Managing Land Contamination: Planning Guidelines</i> (DUAP & EPA, 1998) is being, or is known to have been, carried out. The Land is not listed on Council’s contaminated land register.
Focus area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	Yes	<i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i>	<u>Consistent</u> : The Land has access to the local road network, with all adjoining roads being ‘local roads’ under control of BSC.



Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
Focus area 7: Industry and Employment			
7.1 Employment Zones	Yes	<i>To ensure that employment zones achieve the following objectives:</i> (a) <i>encourage employment growth in suitable locations,</i> (b) <i>protect employment land in employment zones, and</i> (c) <i>support the viability of identified centres.</i>	<u>Consistent</u> : The Planning Proposal increases the sustainability of local and regional agricultural grain production by rezoning additional industrial land for bulk grain storage and handling purposes. ¹⁴ The Land is located adjoining an existing approved bulk grain storage and handling facility which is connected to the local and regional heavy vehicle road network via Strathvale Road.

¹⁴ Subject to a separate Development Application process including public notification and assessment by the Council.



Planning Proposal

APPENDIX G: Biodiversity Report

Berrigan Local Environmental Plan 2013
Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone
and change to minimum subdivision lot size –
92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)

| 34



Hamilton Environmental Services
ABN: 89 108 410 911



**TEST OF SIGNIFICANCE
– 92 STRATHVALE ROAD, BERRIGAN**



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& DEVELOPMENT



Test of Significance – 92 Strathvale Road, Berrigan

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Version 2, 18th October 2023

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Cover Photo: Looking south across the proposed development area from Strathvale Road.



TABLE OF CONTENTS

1.	Introduction	1
2.	Background	1
2.1	Consultant Background	1
2.2	Location and Description	2
3.	Methodology	3
3.1	Desktop Review	3
3.2	General Site Assessment	3
3.3	Taxonomy	6
3.3.1	Flora	6
3.3.2	Fauna	6
4.	Existing Environment	6
4.1	Vegetation	6
4.2	Significant Trees	6
4.3	Fauna	8
4.4	Threatened Species and Communities	9
4.4.1	Threatened community likelihood	9
4.4.2	Threatened species likelihood	10
4.4.3	Assessment of Significance	11
5.	Summary	14
6.	References	15
6.1	Personal communications	16
Appendix A	Threatened Community and Species Likelihood of Presence	17
Appendix B	Biodiversity Offset Scheme Entry Threshold (BOSET) Tool Report Dated 13th October 2023	23
Appendix C	Assessed Flora of 92 Strathvale Road, Berrigan	24
Appendix D	Assessed Tree Characteristics	27



Test of Significance – 92 Strathvale Road, Berrigan

1. INTRODUCTION

In August 2023, Hamilton Environmental Services (HES) was engaged to undertake a Biodiversity Assessment and complete a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* for McNaught's Transport, the landholder of 92 Strathvale Road, Berrigan, Lot 2 DP1222893).

The landholder is seeking to establish grain bunkers on the property.

Field assessment of the site was conducted on the 7th September 2023 by Dr. Steve Hamilton, and this report presents these findings.

2. BACKGROUND

2.1 Consultant Background

Steve Hamilton (Dr.)

AssocDipAppBiol, BAppSc(AppBiol), MAppSc (RMIT), PhD (University of Melbourne), BAM accredited Assessor (DPE NSW), Vegetation Quality Assessment Certified (DSE/DEPI/DELWP/DEECA Victoria), Bush Broker Assessor (DELWP/DEECA Victoria), Certificate IV in Training and Assessment.

Steve is an ecologist specialising in flora and fauna inventory, auditing, monitoring and surveying, as well as soil typing, analysis and mapping. He has 12 years consulting experience, associated with a range of ecological evaluations and monitoring processes across all of Victoria, and southern and western New South Wales, which includes assessing and mapping vegetation condition, vegetation type, targeted threatened species surveys, habitat quality assessment (in Victoria, Habitat Hectares assessment and 'Net Loss and Gain' evaluations), across the range of terrestrial, riparian and wetland ecosystems.

He has vast experience in the assessment of native vegetation and species, and habitat loss assessment, for irrigation, residential, infrastructure and mining (including sand, rock and ore extraction) developments, and the successful negotiation of the appropriate legislative, regulatory and statutory frameworks across the three levels of Government to provide suitable outcomes for clients across both States to allow developments to proceed. In Victoria, this involves the production of Net Loss Reports, Vegetation Offset Management Plans and Work Plans, and in NSW, reporting for potential native vegetation/habitat losses and threatened species threats in Development Applications (DAs), and in more detailed situations where Director General Requirements (or Secretary's Environmental Assessment Requirements; SEARs) are specified, Environmental Impact Statements (EISs) or Reviews of Environmental Factors (REFs).

Beyond statutory requirements and reporting, Steve is often called upon to provide technical reporting into particular issues, such as research/survey investigations into vegetation-soil-fauna management issues in natural areas or for development proposals, such as weed management surveys and strategies, kangaroo survey and management, potential mining pollution impacts, sustainability of timber resources, soil mapping and land capability assessment, ecosystem restoration, or revegetation design.

Prior to consulting, Steve spent 20 years as a senior teaching/research academic, and has more than 30 peer-reviewed papers and many technical reports, most focussing on the impacts of disturbance on the ecology and floristics of woodlands and grasslands.

Test of Significance – 92 Strathvale Road, Berrigan

2.2 Location and Description

The property of 55 ha is located approximately 800 m north-east of the centre of Berrigan (Fig. 2-1); the property is bordered by Strathvale Road on its northern boundary and Jerilderie Street on its western boundary, and freehold parcels to the south and east; the proposed development area of 12 ha is found in the eastern section of the property (see Fig. 2-2).

The property is flat terrain, with an earth access track from Strathvale Road.



Figure 2-1 Aerial image of the general location of the assessed property in the district (Image from ESRI Australia 2023).

The fenced property has been utilised in the recent past for irrigated cropping, and there are a number of irrigation supply and drainage channels that border or cross the property, and a linear dam found on the south-eastern boundary of the proposed development area, with no other infrastructure within the boundaries of the proposed development area – there is a series of sheds in the south-eastern corner of the property beyond the proposed development area.

There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property, also just beyond the proposed development area (see Fig. 2-2).

Clearly because of past agricultural land use, the proposed development area assessed has been mostly cleared; however, there are several scattered mature White Cypress-pine (*Callitris glaucophylla*) and one mature Buloke (*Allocasuarina luehmannii*) found across the site (see Fig. 2-2). There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species with a low abundance of indigenous species, a reflection of the apparent long-term cropping use.

The Construction Plan can be seen in Fig. 2-3.



Test of Significance – 92 Strathvale Road, Berrigan

3. METHODOLOGY

3.1 Desktop Review

The following desktop information was gathered prior to field assessment:

- Aerial imagery and base map from Land and Property Information New South Wales;
- Determination of a general species list for the area (Department of Planning and Environment [DPE] 2023a);
- Matters of National Significance reporting for the 10 km radius around the property (Department of Climate Change, Energy, the Environment and Water [DCCEEW] 2023);
- Flora, fauna and threatened species lists, sighting records and information for the district was obtained from *BioNet – Website of the Atlas of NSW Wildlife* (DPE 2023b).

3.2 General Site Assessment

On the 7th September 2023, Dr. Steve Hamilton (BAAS 18106) visited the property and the adjacent area to undertake the assessment. On this day, air temperatures were between 15 and 18°C, the sky was clear, and winds were calm (Bureau of Meteorology 2023).

The assessed area and immediate surrounds of the proposed development footprint were traversed by foot, and continuous active searching was conducted over a total period of 30 minutes.

In a general sense, the following assessments were undertaken:

- Vascular plant species were identified and noted according to zone, with an overall cover/abundance value recorded for each species (see Table 3-1);
- The species, location, diameter, health and basic hollow characteristics of all assessed tree individuals was recorded, and an image of the tree taken;
- Opportunistic recording of any fauna;
- Digital images across the site taken.

Thirty one (31) images were taken across the proposed development area during the assessment.

Table 3-1 Modified Braun-Blanquet scale applied to assessment to each vascular plant species identified.

Visual assessment of cover/abundance	
Symbol	Description
+	rare, cover < 5%
1	Uncommon, cover < 5 %
2	Very common, cover < 5 % or cover 5-25 % with any number of individuals
3	Cover 25-50 % with any number of individuals
4	Cover 50-75 % with any number of individuals
5	Cover 75-100 % with any number of individuals



Test of Significance – 92 Strathvale Road, Berrigan



Figure 2-2 Aerial image of the assessed area, showing the location of the proposed development footprint, and assessed trees that are numbered. Numbers refer to the table of tree characteristics in Appendix D (Image from ESRI Australia 2023).



Test of Significance – 92 Strathvale Road, Berrigan

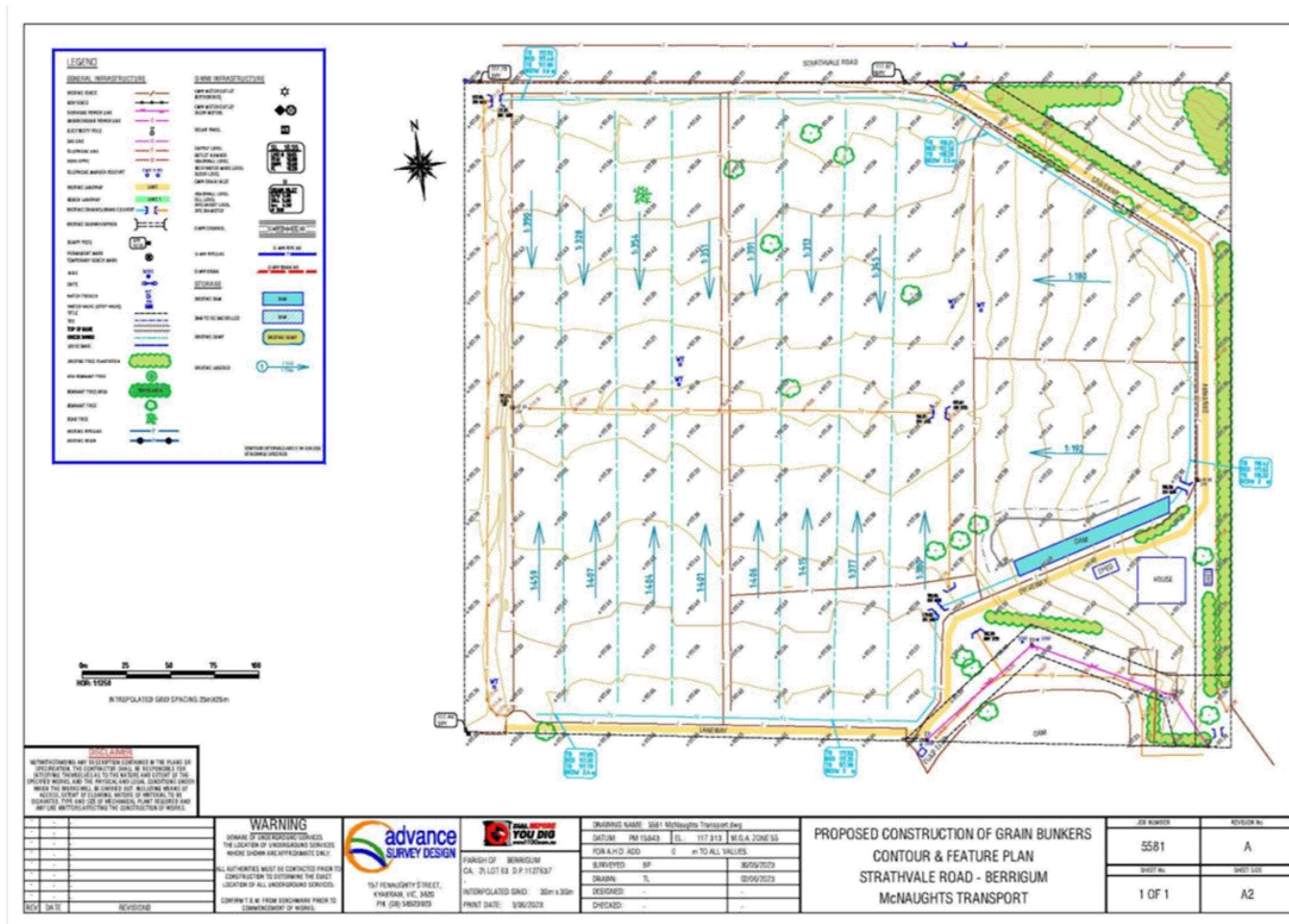


Figure 2-3 Construction Plan for grain bunkers, 92 Strathvale Road Berrigan (Advance Survey Design, dated 5/6/23).



Test of Significance – 92 Strathvale Road, Berrigan

3.3 Taxonomy

3.3.1 Flora

Vascular plants that could not be identified in the field, specimens and images were collected for identification using the *Flora of New South Wales* (Harden 1990, 1991, 1992, 1993), and *PlantNet Flora On-line* (Royal Botanic Gardens Sydney 2023).

3.3.2 Fauna

Any fauna observed were recorded, with the nomenclature based variously on the compilations of Hero *et al.* (1991), Menkhorst (1995), Cogger (1996) and Simpson and Day (1998), utilising Triggs (1996) for identification using indirect methods, such as the presence of scats or tracks.

4. EXISTING ENVIRONMENT

4.1 Vegetation

A total of 36 vascular plant species were recorded across the assessed area; 24 of these species were introduced, and 12 were indigenous.

The observed species are listed in Appendix C.

There were no threatened species observed (after DPE 2023a).

As indicated, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species such as Capeweed, Wild Oat, Soft Brome, Great Brome, Cat's Ear, Wimmera Ryegrass, Spear Thistle, Paterson's Curse, Stinkgrass, Flax-leaf Fleabane, Common Crowsfoot, Barley Grass, Prickly Lettuce, Common Peppergrass, Horehound, African Boxthorn, Bathurst Burr, Burr Medic, Curled Dock, Trailing Verbena, Small-flowered Mallow, Onion-grass and White Clover (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term stock grazing use. There is a low abundance of indigenous species, with species such as Purple Wiregrass, Rough Spear-grass, Curly Windmill Grass, *Juncus* sp., Wingless Fissure-weed, Brown-backed Wallaby-grass, Small-flowered Wallaby-grass, Black Rolypoly and Rigid Panic all found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property, composed of Radiata Pine (*Pinus radiata*), Swamp Mallet (*Eucalyptus spathulata*), Yellow Gum (*E. leucoxylon*), Spotted Gum (*Corymbia maculata*) and Cross-leaf Honey-myrtle (*Melaleuca decussata*), that is beyond the proposed development area

Based on remnant vegetation at the site (White Cypress-pine individuals and one Buloke individual only) and observed in the broader district, it is likely that the whole property is former *Yellow Box - White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina Bioregion and western NSW South Western Slopes Bioregion* (NSW Plant Community Type (PCT) 75; Environment and Heritage 2012 and DPE 2023d).

4.2 Significant Trees

A total of 13 tree individuals evaluated across the assessed area.

The location of all assessed trees can be seen across Fig. 2-2, and their characteristics outlined in Appendix D.



Test of Significance – 92 Strathvale Road, Berrigan



Plate 4-1 Views across the assessed property: looking east across the north of the property from Strathvale Road (top left), looking south-east along the north-eastern edge of the development area (top right), looking north-east from the centre of the property (middle left), looking south-east from the centre of the property (middle right), looking east from the centre of the property (bottom left), and looking west in the northern section of the property (bottom right). Images taken by author 7/9/23. Selected trees are numbered in white.

Development projects that involve earthworks can cause indirect losses of native vegetation that are retained during construction due to root damage and soil modification within the zone where roots occur. Of particular concern is the longer-term impact of soil compaction and excavation (e.g. trenching for pipelines) close to trees and the effects of this on immediate and longer-term tree health. Guidance and clarity has been provided, and a definition of an acceptable distance for tree retention in order to prevent indirect losses of native vegetation during and after construction



Test of Significance – 92 Strathvale Road, Berrigan

activities as a guiding principle has been developed. These designated *Tree Protection Zones* (TPZs) should be implemented for the duration of construction activities (Standards Australia 2009) as part of the development conditions. A TPZ is a specific area above and below the ground, with a radius 12 times the Diameter at Breast Height (dbh; 1.3 m) of any individual tree; the TRZ of trees should be no less than 2 m or greater than 15 m, and it is recommended that physical barriers be erected to delineate the TPZ during construction activities (Standards Australia 2009). Encroachment of < 10 % of the TPZ is considered unlikely to have any influence on the survival and health of the tree provided the lost area is compensated for elsewhere in the TPZ, and that the loss is not within the trees Structural Root Zone (SRZ), which is a 4 m radius from the tree trunk for a tree of 150 cm dbh (Standards Australia 2009). However, encroachment of more than 10 % of the TPZ area of any tree results in that tree being considered a loss (even if it remains standing during and after the development activity).

Of the 13 assessed trees:

- 11 are mature White Cypress-pine and Buloke;
 - Trees 1 to 10 are White Cypress-pine individuals;
 - Trees 3, 4, 5, 6, 9 and 10 are hollow-bearing individuals;
 - Tree 4 is a standing dead tree;
 - Tree 13 is a Buloke individual and is hollow-bearing;
- Trees 11 and 12 are planted non-indigenous native trees Sugar Gum;
- In terms of loss:
 - Remnant Trees 1 to 9 and 13 are proposed losses (10 trees), of which Trees 3, 4, 5, 6, 9 and 13 (6 trees) are hollow-bearing;
 - These trees have a combined canopy extent of 484 m² (0.0484 ha) which is proposed for loss;
- In terms of retention, Trees 10, 11 and 12 do not have their TPZs impinged by the proposed development, and including the plantation in the north-eastern corner of the property, are outside of the proposed development area and none will be impacted by the proposed development;
- There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property that is outside of the proposed development area;
- In summary, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha).

4.3 Fauna

There were 7 species of fauna observed or inferred across the property, including the introduced Brown Hare and Indian Mynah.

There were no threatened species observed (after DPE 2023a).

As indicated, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term cropping



Test of Significance – 92 Strathvale Road, Berrigan

use. There is a low abundance of indigenous species found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.

Not surprisingly, the indigenous fauna observed across the property is low in diversity in such a modified/cleared peri-urban environment, with typical species such as Noisy Miner, Willie Wagtail, Australian Raven, Galah and White-faced Heron observed – indeed, there were up to 20 Herons observed on the site, suggestive of them breeding at the location, and that the site is seasonally wet.

The lack of observed species diversity across the assessed areas is not surprising, given:

- The presence of the aggressive and territorial honeyeater Noisy Miner in the remnant vegetation of the parcel – as well as the similarly aggressive introduced Indian Mynah - will result in most small and medium-sized indigenous birds being deterred from residence within or near the site;
- There are many open areas and no shrub layer, and the commensurate simplified vegetation structure, considerably limits mammal, reptile, bat and bird species residency;
- The lack of fallen timber and standing dead trees on the property, will considerably limit mammal, reptile, bat and bird species residency;
- The majority of the site is dominated by a mixture of annual and perennial introduced ground layer species;
- The likely presence of feral animal populations such as foxes and feral/semi-domestic/domestic cats given the proximity of the site to an urban area, which would actively predate any ground-dwelling or near ground-dwelling species heavily;
- The property has a very low connectivity within the landscape.

4.4 Threatened Species and Communities

4.4.1 Threatened community likelihood

Matters of National Environmental Significance searching reveals that the nationally critically endangered *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* and *Natural Temperate Grassland of the South Eastern Highlands* communities, and the nationally endangered *Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*, and the *Weeping Myall Woodlands* communities occur within a 10 km radius of the sites (DCCEE 2023).

Threatened Ecological Communities (TECs) are listed in the schedules of the *Biodiversity Conservation Act 2016*. Four TECs are considered to occur within the district of the proposed alignment: *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobarr Penneplain, Nandewar and Brigalow Belt South Bioregions*, the *Allocasuarina luehmannii Woodland in the Riverina and Murray-Darling Depression Bioregions*, the *Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions*, and *White Box Yellow Box Blakely's Red Gum Woodland* (known as Grassy Box Gum Woodland) are all listed as *Endangered* under the Act (DPE 2023b).



Test of Significance – 92 Strathvale Road, Berrigan

Grassy Box Gum Woodland

As stated previously, based on remnant vegetation at the site (White Cypress-pine individuals) and in adjacent areas, it is likely that the whole property is former *Yellow Box - White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina Bioregion and western NSW South Western Slopes Bioregion* (NSW Plant Community Type (PCT) 75; Environment and Heritage 2012 and DPE 2023d).

While there were no Yellow Box remaining across the property (or in the immediate area), the likely presence of the species suggests that consideration of the site as a former Grassy Box Gum Woodland should be made under the precautionary principle.

At a Commonwealth level, the critically endangered Grassy Box Gum Woodland (formally referred to as the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland) is characterised by a species-rich understorey of native tussock grasses, herbs and scattered shrubs, and the dominance, or prior dominance, of White Box, Yellow Box and Blakely's Red Gum trees (Department of Environment, Heritage, Water and the Arts [DEHWA] 2006).

According to DEHWA (2006), areas in which an overstorey and indigenous shrub layer no longer exist are no longer a viable part of the ecological community, and while some small patches of indigenous ground layer remain, the community is effectively irretrievable (DEHWA 2006).

Therefore, according to the Commonwealth definitions, the vegetation across the proposed development area should not be included within the listed critically endangered ecological community.

At an NSW level, the key habitat attributes for the threatened *White Box Yellow Box Blakely's Red Gum Woodland* community to be considered to be present are more prescriptive than the Commonwealth definitions. According to the NSW profile for this community (DPE 2023g), as the site maintains minimal indigenous understorey, retains only one age classes of trees (with no trees present being Yellow Box), no patches of regrowth, and only White Cypress-pine and Buloke individuals with hollows on the site, a disturbed remnant such as it is unlikely that the vegetation would respond to assisted natural regeneration (DPE 2023g), and would not fit the key habitat attributes of the threatened *White Box Yellow Box Blakely's Red Gum Woodland* community, and this area is not considered part of the *White Box Yellow Box Blakely's Red Gum Woodland* threatened community.

4.4.2 Threatened species likelihood

There were no threatened species under the *Biodiversity Conservation Act 2016* observed at the site (DPE 2023a).

The likelihood of presence for all recorded threatened species within a 10 km radius of the proposed has been considered (DPE 2023a; Appendix A), and for those species listed in a broader search of the Threatened Species Profile for species known or predicted to occur in the Murray Catchment (DAWE 2022).

BioNet – Website of the Atlas of NSW Wildlife searches revealed that there were records or predicted occurrences of twenty one (21) threatened fauna species within a 10 km radius of the site and within the catchment (DPE 2023a; Appendix A).

BioNet – Website of the Atlas of NSW Wildlife and Matters of National Environmental Significance searches revealed that there were records or predicted occurrences of nine (9) threatened flora species within a 10 km radius of the site (DPE 2023a; Appendix A).

The likelihood of the presence of these species and their likelihood of utilisation of the proposed development area was considered and rated based on the prevailing habitat and habitat quality of the site, the landscape connectivity and known records for species, and the composition,



Test of Significance – 92 Strathvale Road, Berrigan

abundance and structure of any remnant indigenous vegetation (Appendix A).

Of these species, all species of flora and twenty fauna species were not likely to occur within the proposed development area or to utilise it because of the following issues (or combination of them):

- the lack of a suitable community/habitat type;
- the poor connectivity to the site within the district through clearing of habitat;
- the length of time since last sighting or lack of a sighting;
- disturbance to, and simplification of, the site.

The town or Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.

The disconnectedness of the site combined with the significant modification of the site containing only scattered mature White Cypress-pine and Buloke, no indigenous shrub layer, and a ground layer dominated by a mixture of opportunistic annual and perennial introduced species is suggestive of a site with negligible habitat opportunities for almost all threatened and other fauna.

One species of fauna – Brolga - was considered to have some potential to utilise the proposed development area (Appendix A); this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

4.4.3 Assessment of Significance

Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* sets out five parameters that a determining authority must consider in deciding whether an activity is likely to have a significant effect on threatened species, populations, or ecological communities, or their habitats.

Six threatened communities, nine threatened species of flora and twenty one species of fauna have been recorded within a 10 km radius of the site (DPE 2023a), or are known or predicted to occur within 10 km of the site (DCCEEW 2023)(Appendix A).

As indicated previously, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term cropping use. There is a low abundance of indigenous species found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

The town or Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.



Test of Significance – 92 Strathvale Road, Berrigan

The disconnectedness of the site combined with the significant modification of the site containing only scattered mature White Cypress-pine and Buloke, no indigenous shrub layer, and a ground layer dominated by a mixture of opportunistic annual and perennial introduced species is suggestive of a site with negligible habitat opportunities for almost all threatened and other fauna.

In summary, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development.

After likelihood assessment, the one fauna species that has the potential to occur at the property has been evaluated using the five parameters (Appendix B). The application of the five parameters of Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* in the following section specifically addresses the effects of the development on the one threatened species.

Brolga

1 (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss is highly unlikely to place any of this species at the risk of local extinction.

1 (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Not applicable.

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Not applicable.

1 (c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the



Test of Significance – 92 Strathvale Road, Berrigan

proposed development or activity, and

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss will not impact on the quality of the habitat for the nominated threatened fauna.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss is highly unlikely to result in further habitat fragmentation or isolation because of the proposed development that is within a largely cleared district.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,



Test of Significance – 92 Strathvale Road, Berrigan

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development); this loss is highly unlikely to impact the long-term survival of the threatened fauna species.

1 (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly):

No such declaration has been made for the area.

1 (e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Key threatening processes are listed in schedules of the *Biodiversity Conservation Act 2016*.

A total of 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha), and the proposed development will result in two key threatening processes - *Clearing of native vegetation* and *Loss of hollow-bearing trees*.

5. SUMMARY

As indicated previously, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.



Test of Significance – 92 Strathvale Road, Berrigan

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m² (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development.

The generation of a Biodiversity Offset Scheme Entry Threshold Report (BOSET Report)(Appendix B; DPE 2023f) reveals that the minimum Lot Size for the property is 2 ha, and that the Area Clearing Threshold required to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed, is < 0.5 ha. Therefore, for the development to avoid entering the BOS and requiring a BDAR to be undertaken, native vegetation clearance must be < 0.5 ha. As mentioned above, the likely native vegetation loss is 0.0484 ha, and therefore, this proposal is not required to enter the Biodiversity Offset Scheme, and a BDAR is not triggered through this mechanism.

The property where the development is proposed is not in a declared area of outstanding biodiversity value, the proposed development area is not mapped as *Vulnerable or Sensitive Regulated Land* according to the Section 60F of the *Local Land Services Act 2013*, and is also not mapped as an area of Biodiversity Value (DPE 2023e; see Appendix B), and a BDAR is not triggered through this mechanism.

The proposed development area has been evaluated and subjected to a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016*, and it is concluded that as a consequence of the proposed development, the losses as a consequence of the proposed development are minor, and there will not be any significant impact on any threatened community or species, and a BDAR is not triggered through this mechanism..

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Test of Significance – 92 Strathvale Road, Berrigan

APPENDIX A THREATENED COMMUNITY AND SPECIES LIKELIHOOD OF PRESENCE



Test of Significance – 92 Strathvale Road, Berrigan

List of threatened communities, and flora and fauna species recorded by the BioNet - Atlas of NSW Wildlife and by Matters of National Environmental Significance search of a 10 km radius from the proposed development site, their status, and their likelihood of occurrence on the site (DPE 2023b; DCCEEW 2023).

Common Name	Scientific name	Conservation Status (NSW) ¹	Conservation Status (Comm) ²	Likelihood of Occurrence ³	Five Part Test
Vegetation community					
Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penneplain, Nandewar and Brigalow Belt South Bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions		e		While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions (Allocasuarina luehmannii Woodland in the Riverina and Murray-Darling Depression Bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Natural Grasslands of the Murray Valley Plains		e	CE	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Weeping Myall Woodlands (Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Grassy Box Gum Woodland (White Boxellow Box Blakely's Red Gum Woodland)		e	CE	This TEC is well represented within the district, and While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. Likelihood: Not present	No
Flora					
Floating Swamp Wallaby-grass	<i>Amphibromus fluitans</i>	v	V	Wetland/riparian plant. There are many historic collections in the City of Greater Albury. It has been recorded recently in lagoons beside the Murray River near Cooks Lagoon (Shire of Greater Hume), Mungabarina Reserve, East Albury, at Ettamogah, Thurgoona (Charles Sturt University Campus), near Narranderra, and also further west along the Murray River (near Mathoura) and in Victoria. There are no records within 10 km of the property. The site is not suitable habitat for the species. Likelihood: Highly unlikely to be present	No
A Spear-grass	<i>Austrostipa wakoolica</i>	e	E	Grows on floodplains of the Murray River tributaries, in open woodland on grey, silty clay or sandy loam soils; habitats include the edges of a lignum swamp with box and mallee; creek banks in grey, silty clay; mallee and lignum sandy-loam flat; and open Cypress Pine forest on low sandy range. Confined to the floodplains of the Murray River tributaries of central-western and south-western NSW. There are no records within 10 km of the property. The site is not suitable habitat for the species. Likelihood: Highly unlikely to be present	No



Test of Significance – 92 Strathvale Road, Berrigan

Common Name	Scientific name	Conservation Status (NSW) ¹	Conservation Status (Comm) ²	Likelihood of Occurrence ³	Five Part Test
Claypan Daisy	<i>Brachyscome muelleroides</i>	v	V	A small annual herb restricted to the mid-Murray/Murrumbidgee Rivers region in NSW and Victoria. It occurs in seasonally wet depressions, and relies on seasonal inundation. The species is now restricted to only 10 known populations. Such habitat is now not found on site. No records within 10 km. Likelihood: Highly unlikely to be present	No
Winged Peppergrass	<i>Lepidium monoplacoides</i>	e	E	This species grows in seasonally wet situations such as floodways, usually on clayey soils. There are no records within 10 km of the property. The site is not suitable habitat for the species. Likelihood: Highly unlikely to be present	No
Sturdy Leek-orchid	<i>Prasophyllum validum</i>		V	<i>Prasophyllum validum</i> occurs across inland Victoria and in South Australia in the Flinders Ranges in drier woodland habitats. There are no records within 10 km of the property. The site is not suitable habitat for the species. Likelihood: Highly unlikely to be present	No
Turnip Copperburr	<i>Sclerolaena napiformis</i>	e	E	Confined to remnant grassland habitats on clay-loam soils. Grows on level plains in tussock grassland of <i>Austrastipa nodosa</i> and <i>Chloris truncata</i> , in grey cracking clay to red-brown loamy clay. Known from only a few small populations in remnant grassland in the southern Riverina of NSW and north-central Victoria. NSW populations are confined to the area between Jerilderie and Moama on travelling stock routes and road reserves. While the site was once suitable habitat, there are no records within 10 km of the property. Likelihood: Highly unlikely to be present	No
Slender Darling-pea	<i>Swainsona murrayana</i>	v	E	The species has been collected from clay-based soils, ranging from grey, red and brown cracking clays to red-brown earths and loams. Found throughout NSW, it has been recorded in the Jerilderie and Deniliquin areas of the southern riverine plain, the Hay plain as far north as Willandra National Park, near Broken Hill and in various localities between Dubbo and Moree. While the site was once suitable habitat, there are no records within 10 km of the property. Likelihood: Highly unlikely to be present	No
Red Darling-pea	<i>Swainsona plagiotropis</i>	v	V	Grassland and Grassy Woodland plant in sites prone to seasonal inundation. While the site was once suitable habitat, there are no records within 10 km of the property. Likelihood: Highly unlikely to be present	No
Mountain Swainson-pea	<i>Swainsona recta</i>	e	E	Found in grassland and open woodland, often on stony hillsides. There are no records within 10 km of the property. The site is not suitable habitat for the species. Likelihood: Highly unlikely to be present	No
Fauna					
Brolga	<i>Grus rubicunda</i>	v		The Brolga inhabits large open wetlands, grassy plains, coastal mudflats and irrigated croplands and, less frequently, mangrove-studded creeks and estuaries. It is less common in arid and semi-arid regions, but will occur close to water. There is suitable habitat on the site. One record for the species near Berrigan in 2005. However, Likelihood: May be present	Yes
Brown Treecreeper (eastern ssp.)	<i>Climacteris picumnus victoriae</i>	v	V	Occurs in intact woodlands, and adjacent agricultural land. There is one record for the species 5 km west of the property in 2019. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known location. Likelihood: Unlikely to be present	No



Test of Significance – 92 Strathvale Road, Berrigan

Common Name	Scientific name	Conservation Status (NSW) ¹	Conservation Status (Comm) ²	Likelihood of Occurrence ³	Five Part Test
Bush Stone-curlew	<i>Burhinus grallarius</i>	e		Range in south-eastern Australia is now largely confined to grassy woodlands and farmland. Likes to roost and nest in grassy woodlands of Buloke, gum or box with low, sparse grassy or herb understorey. Branches on the ground are essential for the bird's camouflage, and it is unlikely to attempt nesting without it. No suitable habitat occurs on site. Five records for the species within 10 km up to 2010. Likelihood: Unlikely to be present	No
Corben's Long-eared Bat	<i>Nyctophilus corbeni</i>	v	V	Occurs in intact Buloke, mallee, Cypress-pine, ironbark and box woodlands and forests, and adjacent agricultural land. The development site is suitable habitat, but there are no records within 10 km. Likelihood: Unlikely to be present	No
Diamond Firetail	<i>Stagonopleura guttata</i>	v		Occurs in woodlands, and adjacent agricultural land. There are no records within 10 km of the property. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. Likelihood: Unlikely to be present	No
Grey Falcon	<i>Falco hypoleucos</i>	e		The Grey Falcon inhabits woodland, shrubland and grassland in the arid and semi-arid zones, especially wooded watercourses and agricultural land with scattered remnant trees. The species is usually associated with streams or wetlands, visiting them in search of prey and often using standing dead trees as lookout posts. Site could act as suitable habitat. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Grey-crowned Babbler	<i>Pomatostomus temporalis temporalis</i>	v		Prefers extensive intact woodlands with significant shrub and litter layers. No suitable habitat occurs on site. Six records for the species within 10 km up to 2018. Likelihood: Unlikely to be present	No
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	V	V	Occurs in a coastal belt from south-eastern Queensland to Melbourne, Victoria. It is a canopy-feeding frugivore and nectivore, which utilises vegetation communities including rainforests, open forests, closed and open woodlands, Melaleuca swamps and Banksia woodlands. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Highly unlikely to be present	No
Hooded Robin	<i>Melanodryas cucullata cucullata</i>	v		Occurs in intact woodlands, and adjacent agricultural land. They occupy a wide range of Eucalypt woodlands, Acacia shrublands and open forests. In temperate woodlands, the species favours open areas adjoining large woodland blocks, with areas of dead timber and sparse shrub cover. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Koala	<i>Phascolarctos cinereus</i>	v	E	Inhabit eucalypt woodlands and forests. Spend most of their time in trees, but will descend and traverse open ground to move between trees. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Highly unlikely to be present	No



Test of Significance – 92 Strathvale Road, Berrigan

Common Name	Scientific name	Conservation Status (NSW) ¹	Conservation Status (Comm) ²	Likelihood of Occurrence ³	Five Part Test
Major Mitchell's Cockatoo	<i>Lophrochroa leadbeateri</i>	v		Major Mitchell's Cockatoos live mostly in semi-arid and arid areas, in dry woodlands, particularly mallee. They are also found in stands of River Red Gum or Black Box, and on sand plains and dunes. In Victoria, the species is largely confined to the NW, mostly around the Murray River corridor. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Regent Honeyeater	<i>Anthochaera phrygia</i>	ce	CE	Occurs in woodlands, and adjacent agricultural land. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Painted Honeyeater	<i>Grantiella picta</i>	v	V	The greatest concentrations of the bird and almost all breeding occurs on the inland slopes of the Great Dividing Range in NSW, Victoria and southern Queensland. Inhabits Boree/ Weeping Myall, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests, particularly those infested with mistletoe. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Pink-tailed Legless Lizard	<i>Aprasia parapulchella</i>	v	V	Inhabits sloping, open woodland areas with predominantly native grassy ground layers, particularly those dominated by Kangaroo Grass (<i>Themeda australis</i>). Sites are typically well-drained, with rocky outcrops or scattered, partially-buried rocks. The development site is not suitable habitat; no records within 10 km. Likelihood: Highly unlikely to be present	No
Plains-wanderer	<i>Pedionomus torquatus</i>	e	CE	Occurs in extensive quality riparian grasslands and plains woodlands, and adjacent agricultural land. Site is now not suitable habitat. No records within 10 km. Likelihood: Highly unlikely to be present	No
Sloane's Froglet	<i>Crinia sloanei</i>	v	V	Sloane's Froglet has been recorded from widely scattered sites in the floodplains of the Murray-Darling Basin, with the majority of records in the Darling Riverine Plains, NSW South Western Slopes and Riverina bioregions in New South Wales. It is typically associated with periodically inundated areas in grassland, woodland and disturbed habitats. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Unlikely to be present	No
Southern Bell Frog	<i>Litoria raniformis</i>	e	V	In NSW the species was once distributed along the Murray and Murrumbidgee Rivers and their tributaries, the southern slopes of the Monaro district and the central southern tablelands as far north as Tarana, near Bathurst. Currently, the species is known to exist only in isolated populations in the Coleambally Irrigation Area, the Lowbidgee floodplain and around Lake Victoria. The site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. Likelihood: Highly unlikely to be present	No
Superb Parrot	<i>Polytelis swainsonii</i>	v	V	Occurs in riparian woodlands and forest, and adjacent woodlands and agricultural land. No suitable habitat occurs on site. Six records for the species within 10 km up to 2014, and there is no connectivity to the known locations. Likelihood: Unlikely to be present	No



Test of Significance – 92 Strathvale Road, Berrigan

Common Name	Scientific name	Conservation Status (NSW) ¹	Conservation Status (Comm) ²	Likelihood of Occurrence ³	Five Part Test
Swift Parrot	<i>Lathamus discolor</i>	e	CE	Occurs in extensive riparian forests and woodlands, and adjacent agricultural land. No suitable habitat occurs on site. Five records for the species within 10 km up to 2002. Likelihood: Highly unlikely to be present	No
Varied Sittella	<i>Daphoenositta chrysoptera</i>	v		The Varied Sittella is sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. It inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland. There is one record for the species 5 km west of the property in 2018. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known location. Likelihood: Unlikely to be present	No
White-throated Needletail	<i>Hirundapus caudacutus</i>		Migratory Terrestrial Species	Often occur in large numbers over eastern and northern Australia. Aerial birds and for a time it was commonly believed that they did not land while in Australia. Feeds on flying insects, such as termites, ants, beetles and flies, often over water. The development site is suitable habitat, but there are no records within 10 km. Likelihood: Unlikely to be present	No

1. x = presumed extinct in NSW; = endangered in NSW; v = vulnerable in NSW; ce = critically endangered in NSW (from DPE 2023a).
2. V = vulnerable nationally; E = endangered nationally; CE = critically endangered nationally (DCCEEW 2023).



Test of Significance – 92 Strathvale Road, Berrigan

**APPENDIX B BIODIVERSITY OFFSET SCHEME
ENTRY THRESHOLD (BOSET) TOOL
REPORT DATED 13TH OCTOBER 2023**



Department of Planning and Environment

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to a consent authority to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether or not a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report

Date of Report Generation		13/10/2023 11:09 AM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	484.9 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	357.2 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	20,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	5,000 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no



Department of Planning and Environment

What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report may be required with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your local council. Review the development control plan and consult with council. You may still be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping is displayed as dark purple on the map, a BDAR may not be required if your Development Application is submitted within that 90 day period. *Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 3 above.

For more detailed advice about actions required, refer to the Interpreting the evaluation report section of the [Biodiversity Values Map Threshold Tool User Guide](#).

Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the Guide for reviewing BMAT Tool area clearing threshold results.

Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature: _____

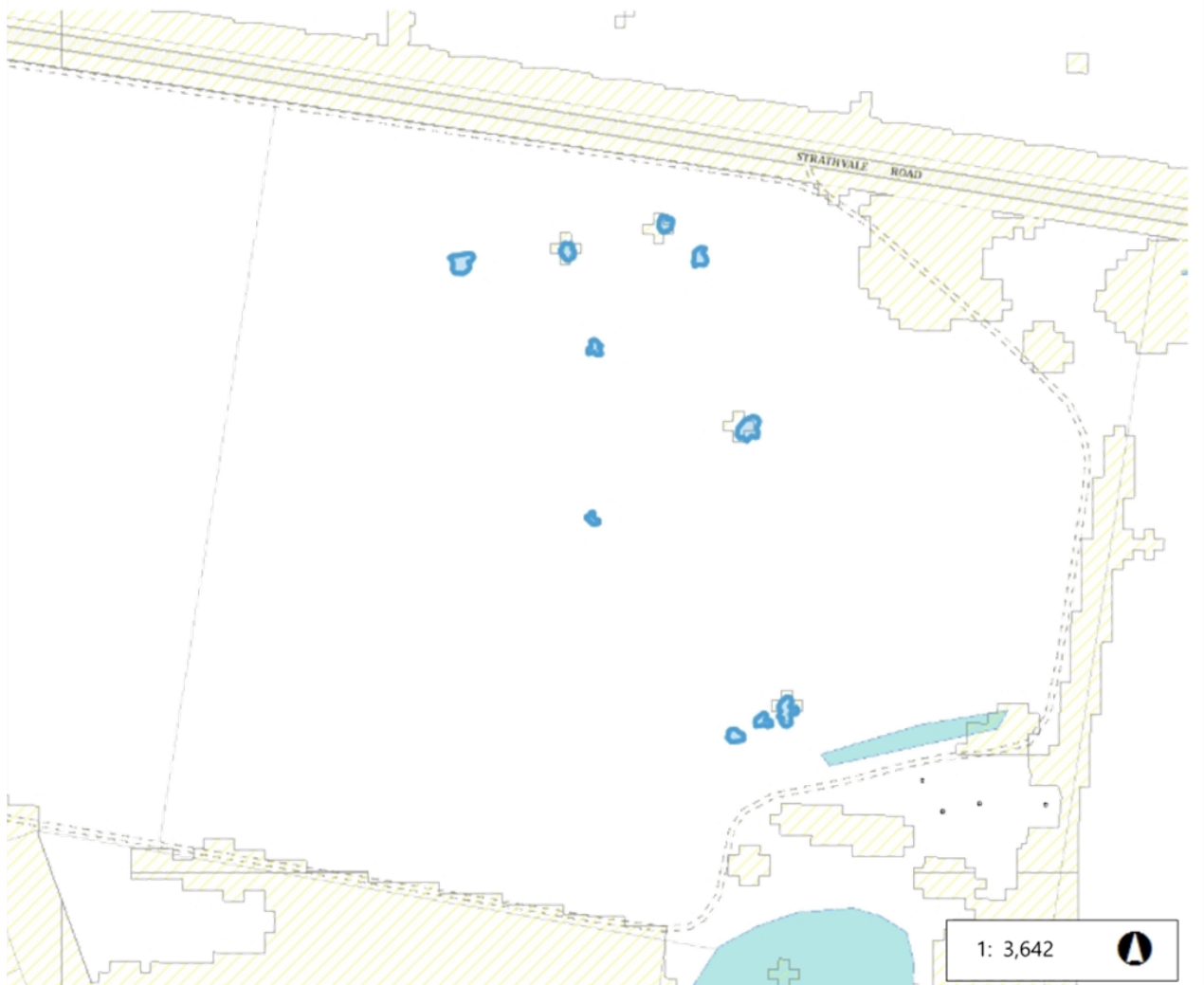
(Typing your name in the signature field will be considered as your signature for the purposes of this form)

Date: _____

13/10/2023 11:09 AM







Biodiversity Values Map



185.0 0 92.50 185.0 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

-  Biodiversity Values that have been mapped for more than 90 days
-  Biodiversity Values added within last 90 days
-  Native Vegetation Area Clearing Estimate (NVACE)
-  Development area selected by proponent

13/10/2023 11:09 AM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

© NSW Department of Planning and Environment

The results provided in this tool are generated using the best available mapping and knowledge of species habitat requirements.

This map is valid as at the date the report was generated. Checking the [Biodiversity Values Map viewer](#) for mapping updates is recommended.



Test of Significance – 92 Strathvale Road, Berrigan

APPENDIX C ASSESSED FLORA OF 92 STRATHVALE ROAD, BERRIGAN



Test of Significance – 92 Strathvale Road, Berrigan

Recorded vascular plant species for the assessed area.

Vascular flora have been recorded for presence using a cover-abundance scale that is outlined in Table 3-1.

An asterisk denotes an introduced species.

Common name	Scientific name	Assessed area
Buloke	<i>Allocasaurina luehmannii</i>	+
Purple Wiregrass	<i>Aristida ramosa</i>	1
Capeweed	<i>Arctotheca calendula*</i>	2
Rough Spear-grass	<i>Austrostipa scabra</i>	1
Wild Oat	<i>Avena fatua*</i>	2
Great Brome	<i>Bromus diandrus*</i>	2
Soft Brome	<i>Bromus mollis*</i>	2
White Cypress-pine	<i>Callitris glaucophylla</i>	2
Spear Thistle	<i>Cirsium vulgare*</i>	2
Sugar Gum (planted)	<i>Corymbia cladocalyx*</i>	1
Paterson's Curse	<i>Echium plantagineum*</i>	1
Curly Windmill Grass	<i>Enteropogon acicularis</i>	1
Stinkgrass	<i>Eragrostis cilianensis*</i>	2
Flax-leaf Fleabane	<i>Erigeron bonariensis*</i>	2
Common Crowsfoot	<i>Erodium cicutarium*</i>	2
Barley Grass	<i>Hordeum leporinum*</i>	3
Cat's Ear	<i>Hypochaeris radicata*</i>	2
A Rush	<i>Juncus sp.</i>	1
Prickly Lettuce	<i>Lactuca serriola</i>	1
Common Peppergrass	<i>Lepidium africanum*</i>	2
Wimmera Ryegrass	<i>Lolium rigidum*</i>	1
African Boxthorn	<i>Lycium ferocissimum*</i>	2
Black Cotton Bush	<i>Maireana decalvans</i>	+
Wingless Fissure-weed	<i>Maireana enchylaenoides</i>	1
Horehound	<i>Marrubium vulgare*</i>	1
Small-flowered Mallow	<i>Malva parvifolium*</i>	2
Burr Medic	<i>Medicago polymorpha*</i>	2
Onion-grass	<i>Romulea rosea*</i>	2
Curled Dock	<i>Rumex crispus*</i>	2
Brown-backed Wallaby-grass	<i>Rytidosperma duttonianum</i>	1
Small-flowered Wallaby-grass	<i>Rytidosperma setaceum</i>	1
Black Rolypoly	<i>Sclerolaena muricata</i>	+
White Clover	<i>Trifolium repens*</i>	2
Trailing Verbena	<i>Verbena supina*</i>	1
Rigid Panic	<i>Walwhalleya proluta</i>	2
Bathurst Burr	<i>Xanthium spinosum*</i>	1
Indigenous species projective foliage cover (%)		5



Test of Significance – 92 Strathvale Road, Berrigan

Common name	Scientific name	Assessed area
Introduced species projective foliage cover (%)		80
Leaf litter cover (%)		15
Bare earth (%)		0



Test of Significance – 92 Strathvale Road, Berrigan

APPENDIX D ASSESSED TREE CHARACTERISTICS



Test of Significance – 92 Strathvale Road, Berrigan

Trees shaded in red will be removed.

Trees with an asterisk are introduced.

Hollow-bearing trees are denoted in italics.

Tree number	Common name	Scientific name	Diameter ¹	Canopy extent (m ²) ²	Tree location ³	
					Easting	Northing
1	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	40	43	392823	6054280
2	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	45	39	392806	6054296
3	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	41	392759	6054282
4	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	65 (dead)	78	392707	6054275
5	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	55/30	19	392772	6054153
6	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	37	392843	6054048
7	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	33	392856	6054055
8	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	50/30	76	392868	6054061
9	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	86	392847	6054196
10	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60		392975	6054228
11	Sugar Gum (planted)	<i>Corymbia cladocalyx</i> *			392942	6054256
12	Sugar Gum (planted)	<i>Corymbia cladocalyx</i> *			392921	6054273
13	<i>Buloke (remnant)</i>	<i>Allocasaurina luehmannii</i>	55	32	392772	6054235

1. Diameter is diameter at breast height (1.3 m) in centimetres;
2. Canopy extent as mapped on recent aerial imagery for remnant trees proposed for removal;
3. Eastings and Northings are in MGA94z55.



APPENDIX H: Aboriginal Heritage Information Management System report



AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : McNaughts
Client Service ID : 811503

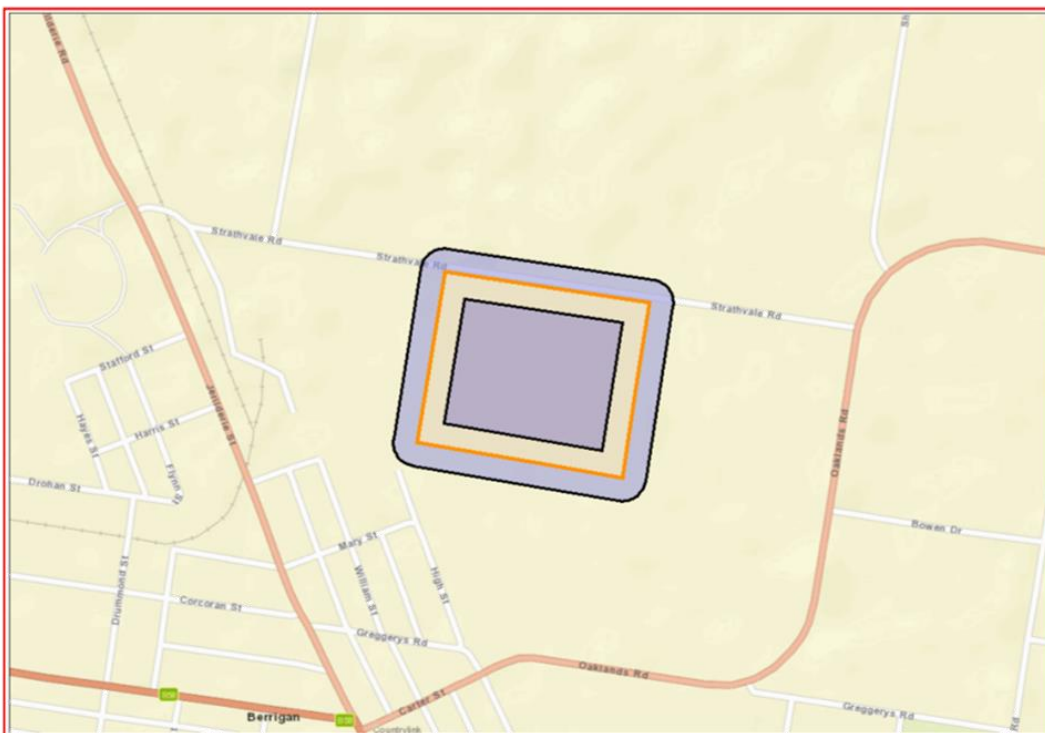
Blueprint Planning
3/576 Kiewa Street
Albury New South Wales 2640
Attention: James Laycock
Email: james@blueprintplanning.com.au

Date: 21 August 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP1222893, Section : - with a Buffer of 50 meters, conducted by James Laycock on 21 August 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Have a Say / Public Exhibition



Submitted on	11 July 2024, 2:17PM
Receipt number	18
Related form version	0

Make a submission

Please complete the questions below if you wish to make a submission on the documents currently on display.
Thank you for taking the time to provide feedback.

Full name	Lee Browne
Email	lmcampbell@live.com.au
Phone number	0448267386

Please provide your submission details in the text box below.
You can provide any relevant attachments at the next step.

Ref. PP01-2024 AF:LA
I oppose the rezoning of R5 Large Lot Residential Zone to E4 General Industrial Zone.
I reside with my partner at 51 Oaklands Rd/Lot 64 Gregger's Rd Berrigan. (Council itself has used both addresses so do we also)
My partner has serious health issues being in heart failure, I have grandchildren staying and playing outside, pets, water tanks, vegetable gardens, occasional stock and do not want to anyone or anything to be affected or inhale/ingest any dust contaminated with herbicides, pesticides and fertilisers. Even something as simple as washing on the clothes line would be affected by dust and toxins within it. The rezone will greatly devalue our property. Noise levels of machinery and trucks coming and going loading and unloading etc will be dramatically increased. The smell already on a day where the grains are rotting or wet and ruined is revolting and quite overbearing and currently it's from much further away. Common sense and common decency would lead to this being rejected for the health and happiness of all those who are heavily invested in their properties and lifestyles. We currently enjoy our outlook and do not welcome the mountains of blue plastic to ruin our serenity. Also we have an abundance of birdlife we do not wish to be baited or moved on. What happens with a future mice plague? A fire with stored fertilisers? Are we to continue to drink our tank water which will be contaminated with toxic dust? I see this as a major factor in devaluing our property and a health risk factor to us all, especially my partner in heart failure. We have lived happily at this residence which was bought because of the quiet, private and natural habitat and to do not wish to live under a degraded quality of environment and lifestyle. We spend a great deal of time outdoors. Also I spend time working on hobbies in the shed which is in even closer proximity. If the block is rezoned the qualities of our land, home and lifestyle decrease. We should not be subjected to the hideous toxic dust blowing into and onto every part inside and outside of our residence. We should maintain and retain the current qualities of our property and lifestyle without being encroached on in any respect.

If you have an image or file relevant to your submission,



please upload it here.



Have a Say / Public Exhibition



Submitted on	11 July 2024, 5:06PM
Receipt number	19
Related form version	0

Make a submission

Please complete the questions below if you wish to make a submission on the documents currently on display.
Thank you for taking the time to provide feedback.

Full name	Paul and Helen Barrett
Email	phbarrett@bigpond.com
Phone number	0407 845 718 and/or 0408 575 905

Please provide your submission details in the text box below.
You can provide any relevant attachments at the next step.

We object to the planning proposal on Strathvale Road.
We note BSC letter was dated 27th June, 2024 and only received by post on Tuesday 9th July, 2024, obviously the letter was not posted in a timely manner.

- We have lived at our property for 20 years and enjoy the rural residential live style.
- The development could affect our family, especially those who have medical conditions.
- The proposed development is a few hundred metres in proximity to our house.
- The development will adversely affect our property and would de-value our property moving forward.
- The development would affect our cropping and stock on our property due to being on the boundary fence.
- There would be noise pollution, dust, constant noise/traffic during harvest 24/7.
- The chemicals, contamination and stench from the current area is horrendous in the summer months. This would only get worse.
- Many residents live in extremely close proximity to the boundary of the proposed development, who would also be affected.
- There are many trees on the proposed development site are these going to be removed.
- Could the Developers not find a more appropriate site between Berrigan and Jerilderie for this purpose and/or at their Trucking business in Finley.

If you have an image or file relevant to your submission,



please upload it here.



Have a Say / Public Exhibition



Submitted on	15 July 2024, 11:16AM
Receipt number	20
Related form version	0

Make a submission

Please complete the questions below if you wish to make a submission on the documents currently on display.
Thank you for taking the time to provide feedback.

Full name	Steven Malcolm
Email	budgieboy1968@hotmail.com
Phone number	0427315249

Please provide your submission details in the text box below.
You can provide any relevant attachments at the next step.

In regards to planning development R5 large lot residential to E4 general industrial in strathvale road berrigan (lot DP 1222893) I strongly object on the following grounds

1) I feel it will have an adverse affect on our neighbourhood and the quality of our lifestyle and that of all residents because of an increase in traffic movements of massive trucks& machinery, noise , dust ,pollution a loss of green space and trees and the enjoyment of lining in a residential rural area.

My shed is only 140mtrs from the boundary and my house 225mtrs from the boundary I live with chronic heart disease (cardiomyopathy & heart failure,only 25% heart function and may need heart transplant if deterioration).

I moved from 29 Jerilderie st berrigan to 51 Oakland's Rd at great person cost to getaway from all that grain/road dust chemicals & noise ect .

2)services to this would be inadequate for the potential increase in traffic movements and would surely require road widening and asphaltting / resurfacing, traffic management,lighting,signage ect also water sewerage ,fire protection,dust protection chemical overplay prevention,ect ect.we have small grand children and certainly don't want them playing on their swings and slides ect that are contaminated with harmful chemical overspray that cause all sorts of cancers and disease, that settles on our roofs and washes into our rainwater tanks that we then drink unknowingly (the stuff I know they use to fumigate bunkers , when they all go home whilst contractors perform that task)also tonnes of powdery dirt from the many many many trucks ,road trains ,abtriples ect over extended hours for harvest and then to reload out blowing into our yards as we try to enjoy our outside time or do a job in the shed a 140 mths away

3) there would be loss of native vegetation ,wildlife habitat and possible impact on natural water course

4)stench from rotting rotting grain should this be developed would be unbearable not to mention Vermon plaques invading our residential property's

5)Rezoning of this land which is residential/rural will then takeaway land from housing and we are in a housing shortage already



6)Can there needs not be met from very large facility that already have which IS NOT CURRENTLY BEING FULLY UTILISED.If it was cleaned up and properly devolved I feel there would be ample room to achieve there goals on there current site .
Furthermore all the photos used in the DA are extremely old and misleading

If you have an image or file relevant to your submission,
please upload it here.



Have a Say / Public Exhibition Submission

Make a submission	
Full name	Tracey Moroney & Rodney Stephens
Email	trjomo0@gmail.com
Phone number	0407801410
Please provide your submission details in the text box below. You can provide any relevant attachments at the next step.	<p>We refer to the planning development R5 large lot residential to E4 general industrial on Strathvale Road Berrigan (Lot DP1222893) in which we have just been informed of.We would like to submit our strong objection to this proposal.</p> <p>* Our property is Lot 22 Greggerys Road Berrigan. It is approximately 300 metres from the proposed site.</p> <p>* We bought our property as an investment for our future retirement.</p> <p>*.We believe this proposal would create a lot of dust, noise , pollution and vermin plague issues.</p> <p>* We also believe that this proposal could decrease the value of our property.</p> <p>Kind regards Rodney Stephens Tracey Moroney</p>
If you have an image or file relevant to your submission, please upload it here.	



Have a Say / Public Exhibition Submission

Make a submission	
Full name	Tracey Moroney & Rodney Stephens
Email	trjomo0@gmail.com
Phone number	0407801410
Please provide your submission details in the text box below. You can provide any relevant attachments at the next step.	<p>We refer to the planning development R5 large lot residential to E4 general industrial on Strathvale Road Berrigan (Lot DP1222893) in which we have just been informed of.We would like to submit our strong objection to this proposal.</p> <p>* Our property is Lot 22 Greggerys Road Berrigan. It is approximately 300 metres from the proposed site.</p> <p>* We bought our property as an investment for our future retirement.</p> <p>*.We believe this proposal would create a lot of dust, noise , pollution and vermin plague issues.</p> <p>* We also believe that this proposal could decrease the value of our property.</p> <p>Kind regards Rodney Stephens Tracey Moroney</p>
If you have an image or file relevant to your submission, please upload it here.	



8.18 Section 355 Committees of Management

Author:	Recreation Officer, Christie Watkins
Strategic Outcome:	CO. Our Community
Strategic Objective:	CO-B. We have a vibrant, inclusive, and creative community life
Delivery Program:	CO.7. Our community groups are supported.
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	Nil

Recommendation

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

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

Barooga Botanical Gardens

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen/Mandy Murnane
Treasurer:	Vanessa Rankin/Kaye Stokes
Committee:	Nella Sorrenti, Tom Rankin, Lou Ryan, Geoff Knight, Tina Whelan, Katheryn Reilly Graham Dalton, Ken Cartwright, Helen Stewart



Finley War Memorial Pool

President:	Barry Dawe
Vice President:	Matt Muller
Secretary:	Sarah Edwards/Kate Walsh
Treasurer:	Phil Gregory
Committee:	Kate Ngatokoa, Linda Turley, Sasha Wood

Finley War Memorial Hall

President:	Sally Bickerton
Secretary:	Sally Bickerton
Treasurer:	Dean Russell
Committee:	John Taylor, Lachlan Hawkins, Rob Hawkins, Jill Orro

Berrigan War Memorial Hall

President:	Nevil Dalglish
Secretary:	Ian Randall
Treasurer:	Bruce Rendall
Committee:	M Steer

Tocumwal Swimming Pool

President:	Faith McCallum
Vice President:	Sarah McVeigh
Secretary:	Leanne Waldron
Treasurer:	Andi White
Committee:	Maria Merrington, Anne Logie, Geoff Edwards, Kerren Edwards, Simone Shannon, Yvonne Nuttal



Tocumwal War Memorial Hall

President:	Col Jones
Secretary:	Marg Close
Treasurer:	Sue Braybon
Committee:	Kylie Flury, Kevin McCumstie, Betsy Bird, Peter Bird, Anne Jones, Lysie Reid, Denise Baldwin

Report

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



8.19 Tocumwal Preschool Reserve

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	CO. Our Community IN. Our Infrastructure CL. Our Civic Leadership
Strategic Objective:	CO-B. We have a vibrant, inclusive, and creative community life IN-C. Our community facilities are planned to meet community needs and enhance social connections CL-A. The community is serviced in an effective, financially sustainable and responsible manner CL-C. A community where collaborative efforts enhance development and service delivery
Delivery Program:	CO.7. Our community groups are supported. IN.5. Community facilities are planned and maintained to meet the needs of our growing population and promote maximum use CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers. CL.5. Build partnerships with state agencies, businesses, and non-profits
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs 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

Recommendation

That the Council, with regards to Crown Reserve 90909 (Tocumwal Preschool Reserve):

1. submit a written request to Crown Lands NSW to resign its role as land manager and
2. assist Tocumwal Preschool Kindergarten Association Inc. with a simultaneous written request for appointment as land manager.

Purpose

This report puts forward a proposal for council to divest itself of responsibility for the Tocumwal Preschool Reserve and associated assets.



Summary

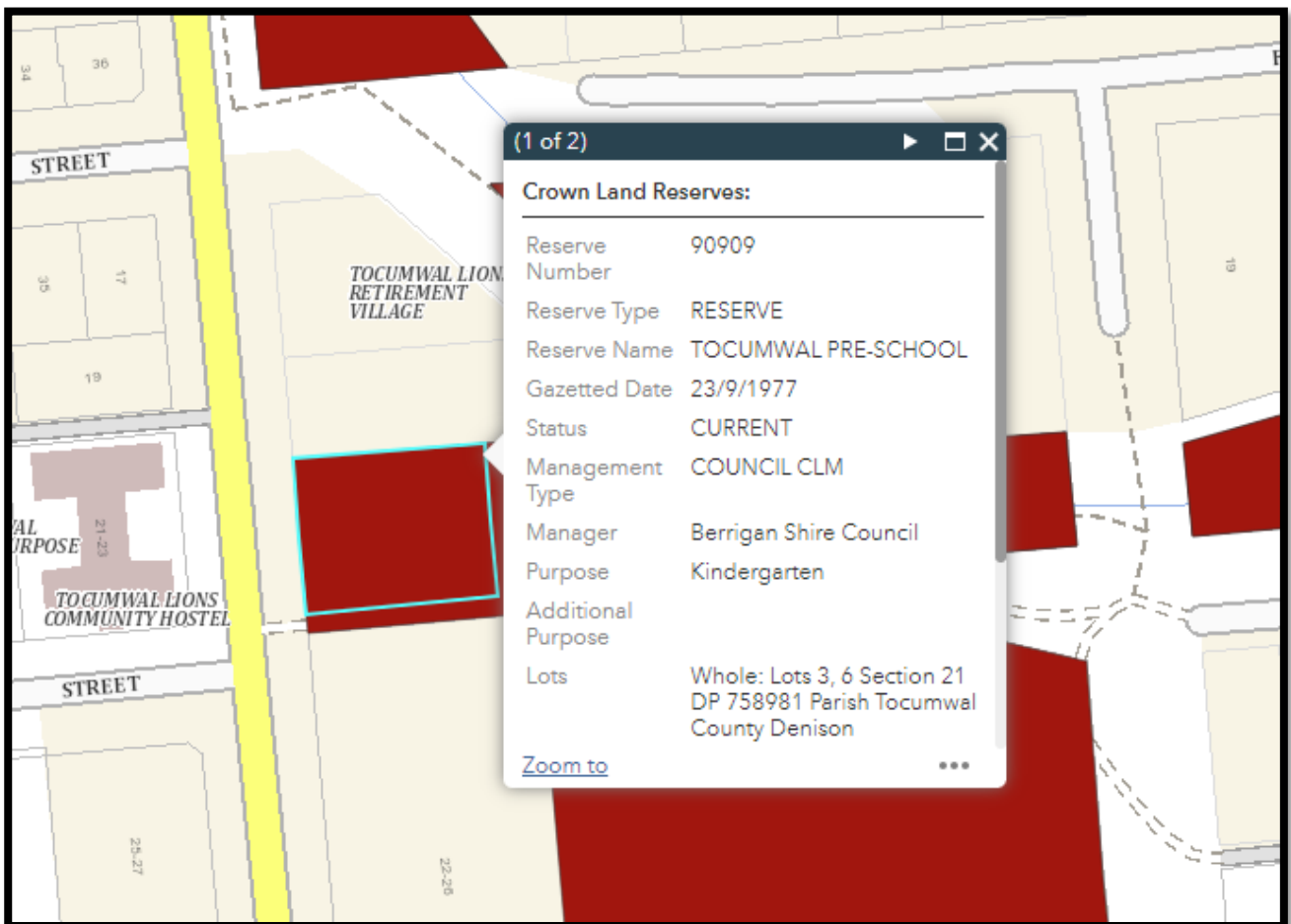
Council has responsibility for the Crown reserve from which Tocumwal Preschool operate. The Preschool operate completely autonomously from council and effectively manage the reserve themselves.

This report recommends council divest itself of its responsibility to manage the reserve. The Preschool committee is willing to take on that responsibility directly.

Background

Tocumwal Preschool Reserve (Reserve No. 90909) is a Crown Reserve for which council has been appointed the Crown Land Manager.

The reserve consists of the entirety of Lots 3 and 6, Section 21 DP 758981 (28-30 Jerilderie St).



The reserve is home to Tocumwal Little Explorers, a community-run pre-school and long day care facility. The facility is operated by Tocumwal Preschool Kindergarten Association Inc. (TPKA), an incorporated association.

While the reserve is officially under the control of council, historically council has not exercised direct or indirect control over the reserve. Indeed, it wasn't until 2017 council became aware it was the Crown Land Manager of the reserve. There is no occupancy agreement in place between the Crown, council and TPKA regulating their occupation.



The only matter where council has intervened in the operation of the reserve was in 2021. TPKA were successful in obtaining a grant to demolish their old facility and construct a new building capable of meeting modern standards for a day care facility. Council insisted TPKA use a council officer to manage the project and construction contract. This official donated his time outside his work commitments to make this project happen. The arrangement was successful in avoiding many of the issues relating to grant funded construction projects by community groups.

While in a strict legal sense council owns the preschool building, there is no lease agreement with TPKA and council do not insure the building.

Issues

The current informal arrangement suits TPKA and council. TPKA do not want council involvement with the management and delivery of their service and Council has no desire to be involved in any case.

However, informal, unwritten agreements are inherently risky. There is no clear delineation of responsibilities between council and TPKA, merely “custom and practice”. If an incident or dispute occurred, council may find itself exposed to financial and reputational loss.

Risks include:

- loss of, or damage to, the facility,
- injuries to children in the facility relating to poor maintenance,
- liability for services connected to the facility – natural gas, electricity, waste management etc. and
- disputes over control over the facility.

Process

Council has provisional approval from Crown Lands to hand over management to TPKA, subject to TPKA agreeing to take on this role as an incorporated association.

Council has written confirmation TPKA are willing to take on management of the reserve.

The next step is for council to submit a written request to Crown Lands requesting relinquishment of their Land Manager role of Reserve 90909 accompanied by a Letter from the Tocumwal Preschool Kindergarten Association Inc. requesting to become the Crown Land Manager of Reserve 90909, along with a copy of their incorporation certificate.

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

The building has not been included in council’s asset management and facility maintenance plans. If council wished to retain control of it, these plans would need to be revised to take it into account.

Issues and Implications

Policy

- [Land acquisition and disposal](#)
- [Leasing and licencing policy](#)



Financial

Council does charge TPKA for use of the site and does not use its own funds to maintain the land and buildings.

TPKA constructed the building from its own funds, supplemented by grants. Council's only contribution was design and construction of the car park, which the council treated as an "in-kind" contribution. Council is not handing over an asset constructed using council funds.

Legal / Statutory

- *Local Government Act 1993*
- *Crown Land Management Act 2016*

If council retains the reserve, any subsequent lease with TPKA would need to comply with the *Retail Leases Act 1994*

Community Engagement / Communication

Council has consulted with the board of TPKA. Given the facility will remain in public hands and will continue to be used for the same purpose, management consider broader consultation is not needed.

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

If council retains the reserve, it will need to consider the cost of maintaining the facility and how that could be offset by any rent charged to TPKA.

It would be difficult to justify charging TPKA a market rent for use of the building they constructed.

It is extremely likely the costs of maintaining the building over time would be significantly greater than any rental income council would receive.



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

TPKA funded the construction of the building and have effectively managed the site for over 20 years. Council looking to retain control of the reserve and dictate to TPKA the terms of their occupancy would likely cause alarm and unrest in the community.

3. Positive consequences

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

Working cooperatively with TPKA to leave them in control of their own building and remove council from any “land manager” obligation in relation to the site would be a win for council and a win for TPKA.

Options

There are three main options available to formalise the relationship between Council and TPKA for this reserve.

1. Hand over Crown Land Management
2. Prepare a Crown Land lease
3. Form a committee under s355 of the Local Government Act

Hand over management

The first option is to hand over the role of Crown Land Manager to TPKA.

This option would place the future of the reserve in the hands of TPKA, with no threat of a future Council eviction from the site. It would also remove Council from all involvement and risk exposure with the reserve.

The land itself does not have any particularly strategic value to Council that would justify Council retaining an interest in the reserve.



Crown Lands would not allow council to divest itself of management responsibilities for the reserve unless there was another organisation willing and capable of acting as Crown Land Manager. This would almost certainly need to be an incorporated association with perpetual succession. TPKA would appear to meet these requirements.

This is **management's preferred outcome**, subject to Crown Lands and TPKA concurrence.

Crown Land lease

The usual solution for matters such as these is a Crown Land lease. The lease would clearly set out the roles and responsibilities of the Crown, council and the lessee.

To enter into a Crown Land lease, council must have a Crown Land Plan of Management (PoM) in place in line with the requirements of the *Crown Land Management Act 2016*. There is no PoM for this reserve. Developing a PoM could take up to 12 months. Developing and negotiating a lease could run concurrently.

Crown Lands set a statutory minimum rent for any Crown Land lease. At present this is set at \$595 per annum. This is not a large figure, but it would be an additional cost to TPKA. Council could make a matching donation, outside the lease, of \$595 to TPKA to offset this figure.

This option would still leave council with some risk associated with the management of the reserve.

Overall, this option could be supported.

S355 Committee

The quickest option to formalise a relationship with TPKA is to appoint TPKA as a volunteer committee of management under s355 of the Local Government Act with delegated authority for care, control and management of the reserve.

In effect, the board members of TPKA would sit on two separate groups:

1. TPKA, which operates the preschool and long day care facility, and
2. Tocumwal Preschool Reserve Committee of Management, which manages the reserve itself.

There is precedent for this form of relationship. Berrigan Shire Council leases the Tocumwal Railway Station from VicTrack. The building is occupied by Tocumwal Lions Club. Rather than a sub-lease, Tocumwal Lions Club formed a s355 committee with their members being the members of the committee. The Lions Club are expected to hold separate meetings and separate bank accounts for their occupation of the station.

This option is not supported. A s355 committee is legally council and this model would see council definitively accept all risks associated with the operation of the reserve. The Tocumwal Railway Station model is not a model to be emulated, it should be regularised itself.

It would also blur the lines between management of the reserve and operation of the facility, which is undesirable and could lead to the misapprehension Council has a role in providing the childcare service.

Conclusions

This is a rare opportunity for council to divest itself of responsibility for a Crown reserve where the occupier is both willing and capable to take on that responsibility itself. It could be a model for similar arrangements elsewhere.





8.20 2024 Financial Year Results (Late Covering Report)

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:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council

This report is not available at the time of publishing the agenda.

It will be provided prior to the meeting.



8.21 Finance - Accounts September

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_September 2024.pdf (under separate cover)

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2024,
- b) confirm the accounts paid as per Warrant No. 09/24 totaling \$14,407,205.30 and note the report on investments attached.

Purpose

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

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 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 September 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 September 2024, totaling \$14,407,205.30 and will be submitted for confirmation of payment as per Warrant No. 09/24.
- 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 decreased by \$40,853.46 since August. However, funds have increased by \$2,320,089.70 compared to the same period last year.

Statement of Bank Balances as at 30 SEPTEMBER 2024

Bank Account Reconciliation

Cash book balance as at 01 SEPTEMBER 2024	\$ 18,066,094.30
Receipts for SEPTEMBER 2024	\$ 2,366,351.84
Term Deposits Credited Back	\$ 2,000,000.00
	\$ 22,432,446.14
<i>Less Payments Statement No 09/24</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) Payroll	\$ 798,916.48
Electronic Funds Transfer (EFT) Creditors	\$ 1,539,297.20
Term Deposits Invested	\$ 12,000,000.00
Loan repayments, bank charges, etc	\$ 68,991.62
Total Payments for SEPTEMBER 2024	\$ 14,407,205.30
Cash Book Balance as at 30 SEPTEMBER 2024	\$ 8,025,240.84
<i>Bank Statements as at 30 SEPTEMBER 2024</i>	\$ 8,025,240.85
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 SEPTEMBER 2024	\$ 8,025,240.85

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	181	5.00%	26/03/2025	\$ 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%	3/10/2024	\$ 5,000,000.00	AA-
NAB	SEWER	159/24	83	4.90%	19/12/2024	\$ 2,000,000.00	AA-
NAB	GENERAL	160/24	153	5.07%	27/02/2025	\$ 2,000,000.00	AA-
NAB	GENERAL	161/24	214	5.07%	29/04/2025	\$ 2,000,000.00	AA-
NAB	WATER	162/24	242	5.04%	27/05/2025	\$ 2,000,000.00	AA-
NAB	WATER	163/24	334	4.95%	27/08/2025	\$ 2,000,000.00	AA-
NAB	GENERAL	156/24	368	5.25%	10/06/2025	\$ 2,000,000.00	AA-
NAB	SEWER	157/24	365	5.30%	30/07/2025	\$ 2,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	4.82%	30/09/2025	\$ 2,000,000.00	AA-
WESTPAC	SEWER	144/19	552	4.95%	1/10/2025	\$ 2,000,000.00	AA-
WETSPAC	SEWER	158/24	729	4.95%	30/07/2026	\$ 2,000,000.00	AA-
						\$ 33,090,003.47	

Total Funds Held at 30 SEPTEMBER 2024

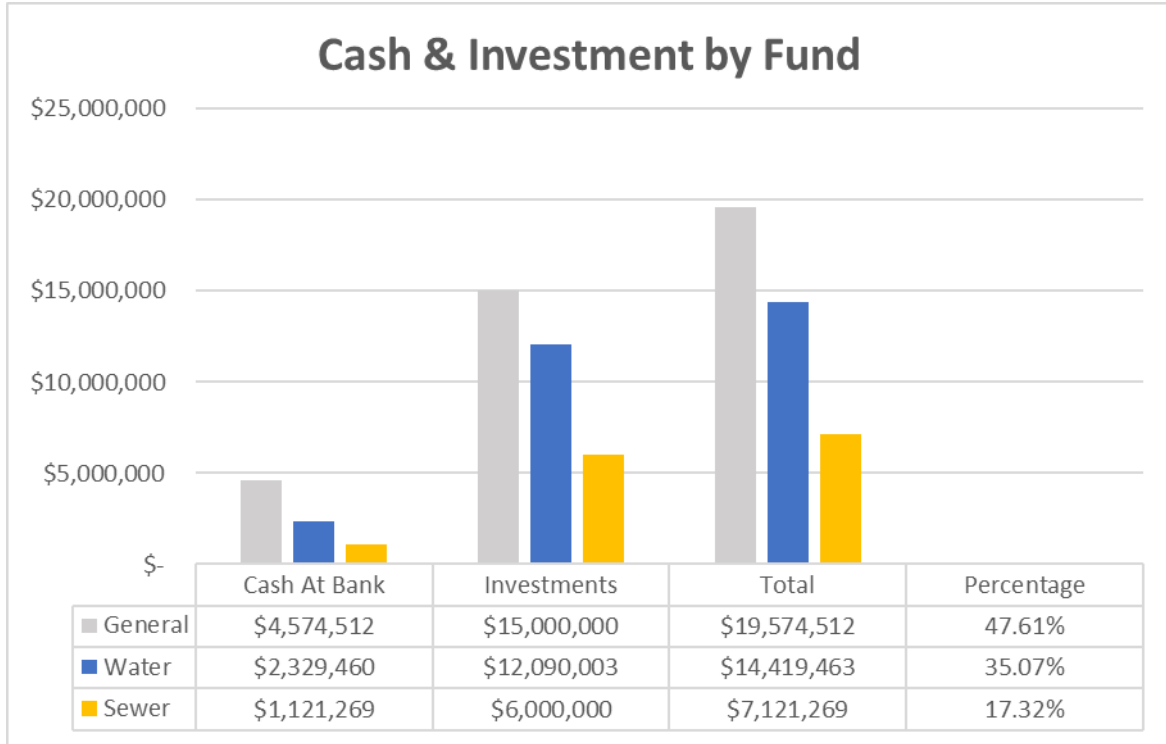
\$41,115,244.32

Genevieve Taylor
Genevieve Taylor - Finance Manager

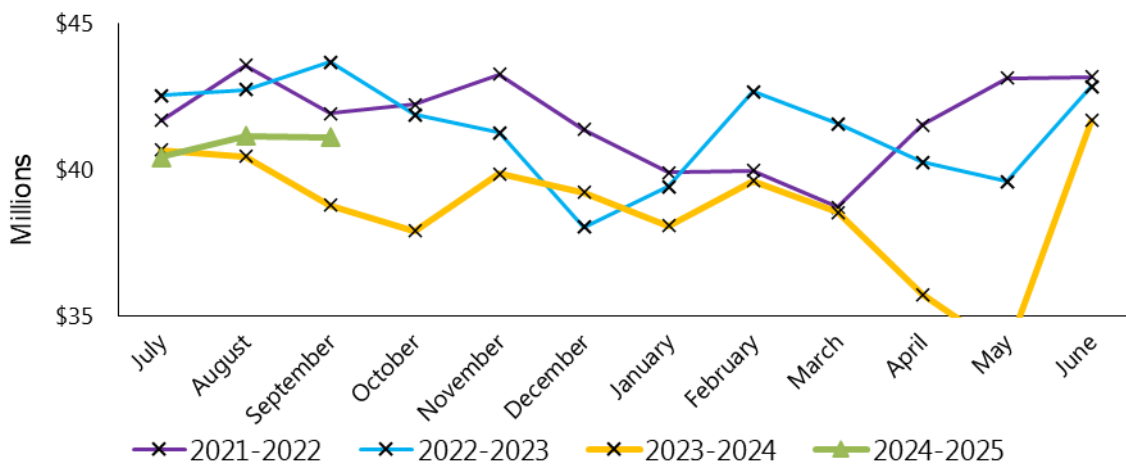
*The Council also receives an additional 0.25% commission
**The Council also receives an additional 0.20% commission



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

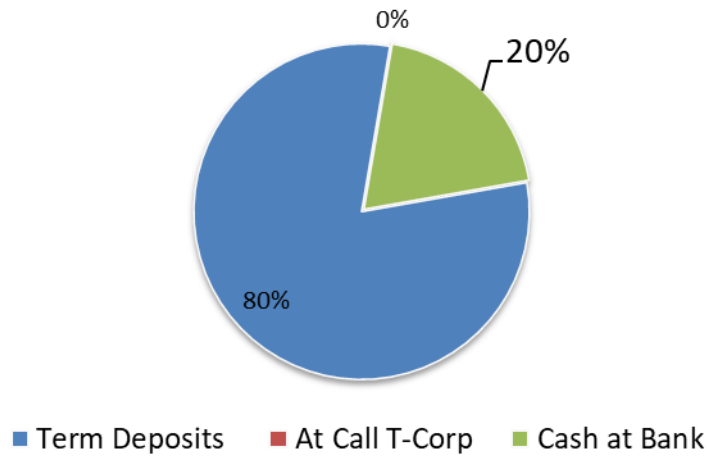


Total Cash and Investments

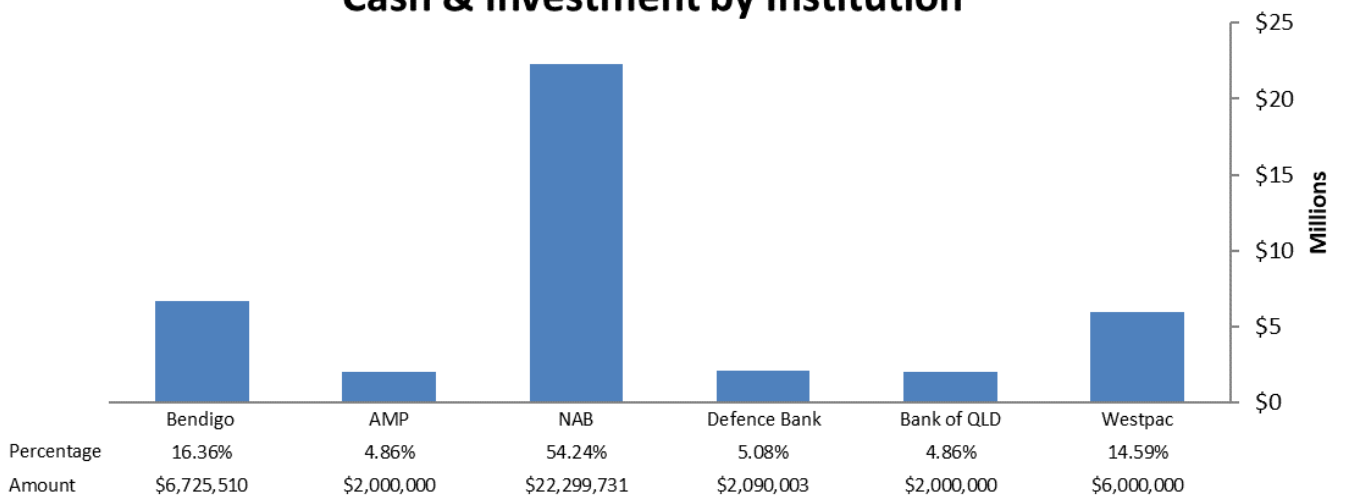




Cash & Investment by Type

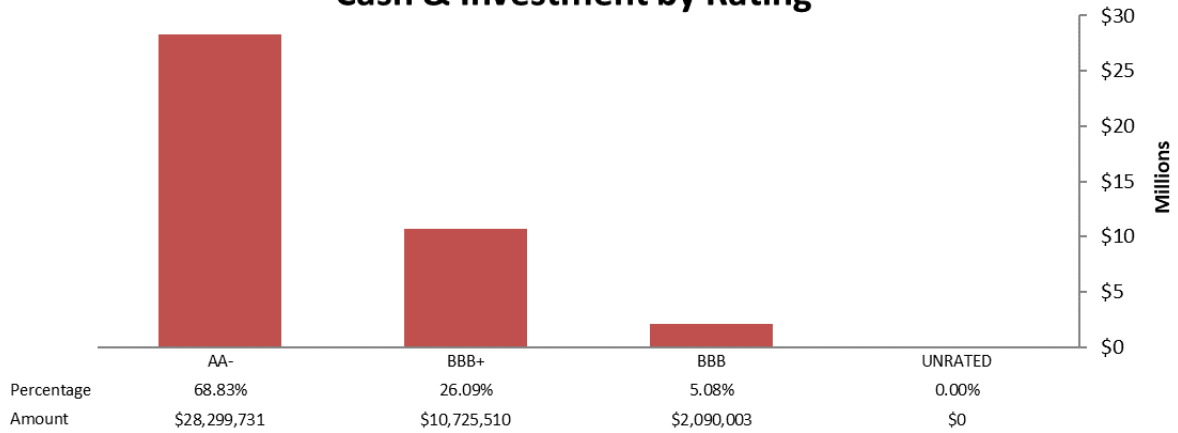


Cash & Investment by Institution





Cash & Investment by Rating



Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BENDIGO BANK	365	\$2,000,000.00	4.75%	26/09/2024
WESTPAC	365	\$2,000,000.00	5.28%	30/09/2024

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BENDIGO BANK	181	\$2,000,000.00	5.00%	26/03/2025
NAB	83	\$2,000,000.00	4.90%	19/12/2024
NAB	153	\$2,000,000.00	5.07%	27/02/2025
NAB	214	\$2,000,000.00	5.07%	29/04/2025
NAB	242	\$2,000,000.00	5.04%	27/05/2025
NAB	334	\$2,000,000.00	4.95%	27/08/2025
WESTPAC	365	\$2,000,000.00	4.82%	30/09/2024

*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 \$5,749,476 as of 30 September 2024. This includes both external borrowings (\$3,262,466) and internal borrowings from Council's Sewer Fund (\$2,487,010). Council has not yet drawn down on any new borrowings in the 24/25FY.

Please see below Council's current borrowings:

Institution	Fund Borrowing	Purpose	Loan Amount	Interest Rate	Opening Balance @ 1.07.2024	Principal	Interest	Closing Balance @ 30.09.2024
NAB	General	LIRS Drainage Loan	\$1,630,000	4.26%	\$115,312	\$49,075	\$1,047	\$66,237
ANZ	General	LCLI Lewis Cr/Fin Park Loan	\$1,000,000	2.32%	\$619,208	\$24,489	\$3,544	\$594,719
NAB	Water	LCLI Barooga WTP	\$4,000,000	1.48%	\$2,699,290	\$97,780	\$9,867	\$2,601,510
Sewer Fund	General	General Fund	\$1,000,000	1.48%	\$715,269	\$24,433	\$2,646	\$690,836
Sewer Fund	Water	Finley WTP	\$2,600,000	1.48%	\$1,859,700	\$63,527	\$6,881	\$1,796,174
		TOTALS	\$10,230,000		\$6,008,779	\$259,304	\$23,985	\$5,749,476



8.22 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_August 2024.pdf (under separate cover)

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2024,
- b) confirm the accounts paid as per Warrant No. 08/24 totaling \$3,242,036.24 and note the report on investments attached.

Purpose

This report is designed to inform Council of its cash and investments as at 31 August 2024 and for council to authorise expenditure for the month ending 31 August 2024.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 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 31 August 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2024, totaling \$3,242,036.24 and will be submitted for confirmation of payment as per Warrant No. 08/24
- 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 \$711,406.07 since July. Funds have also increased by \$700,587.09 compared to the same period last year.

Statement of Bank Balances as at 31 AUGUST 2024

Bank Account Reconciliation


Cash book balance as at 01 AUGUST 2024	\$ 17,366,753.83
Receipts for AUGUST 2024	\$ 3,941,376.71
Term Deposits Credited Back	\$ -
	<u>\$ 21,308,130.54</u>
Less Payments Statement No 08/24	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) Payroll	\$ 904,003.62
Electronic Funds Transfer (EFT) Creditors	\$ 2,271,790.71
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,241.91
Total Payments for AUGUST 2024	\$ 3,242,036.24
Cash Book Balance as at 31 AUGUST 2024	<u>\$ 18,066,094.30</u>
Bank Statements as at 31 AUGUST 2024	\$ 18,066,094.31
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 AUGUST 2024	<u>\$ 18,066,094.31</u>

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-
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WESTPAC	SEWER	144/19	552	4.95%	1/10/2025	\$ 2,000,000.00	AA-
WETSPAC	SEWER	158/24	729	4.95%	30/07/2026	\$ 2,000,000.00	AA-
						<u>\$ 23,090,003.47</u>	

Total Funds Held at 31 AUGUST 2024

\$41,156,097.78

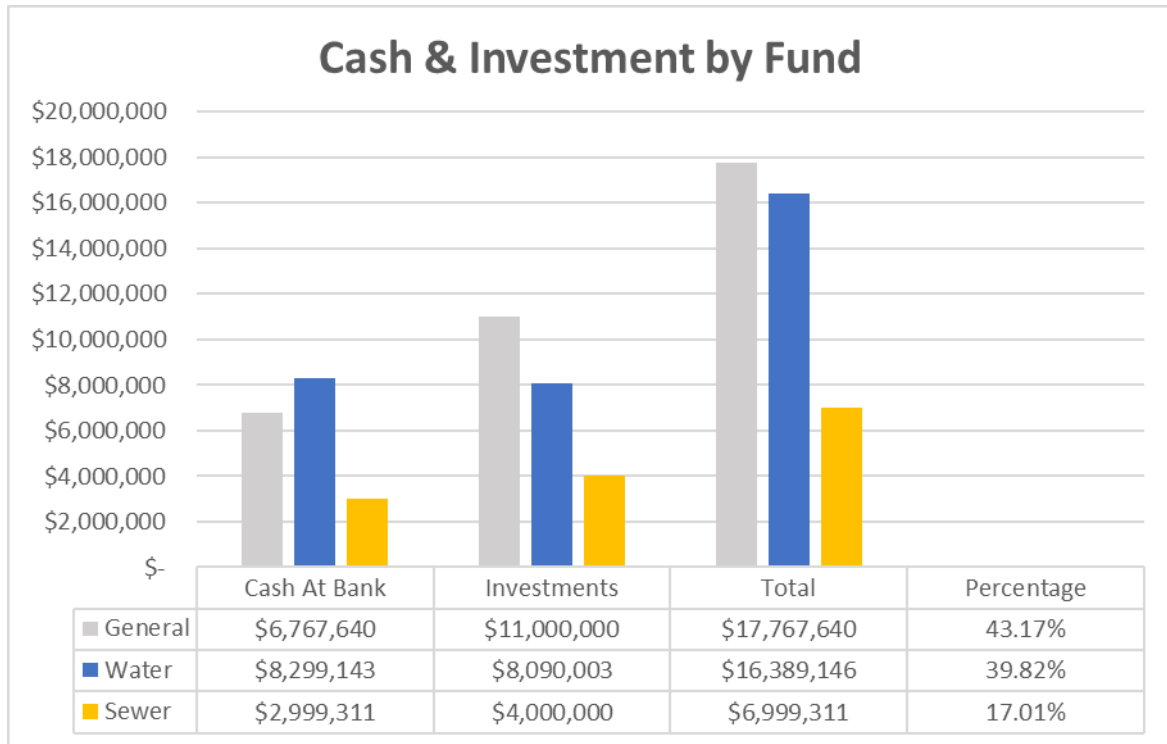

Genevieve Taylor - Finance Manager

*The Council also receives an additional 0.25% commission

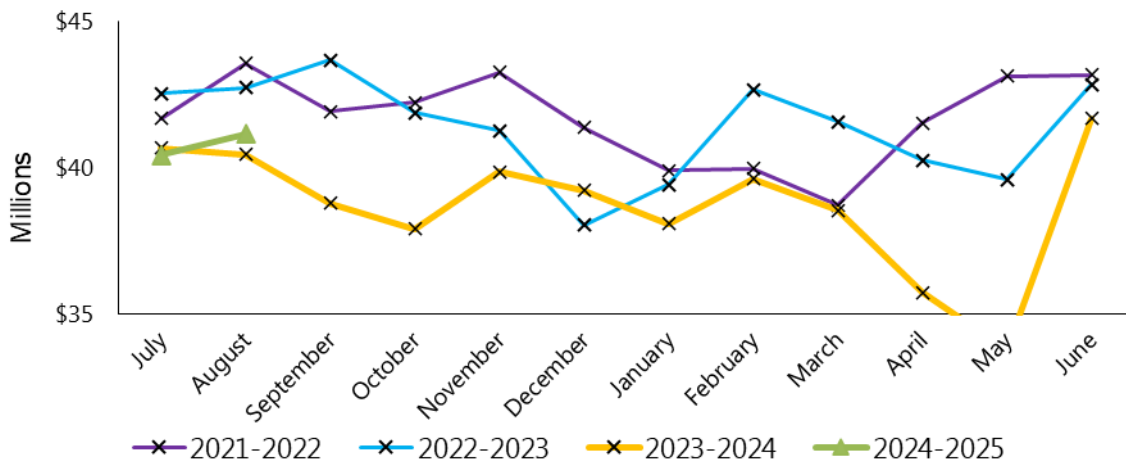
**The Council also receives an additional 0.20% commission



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

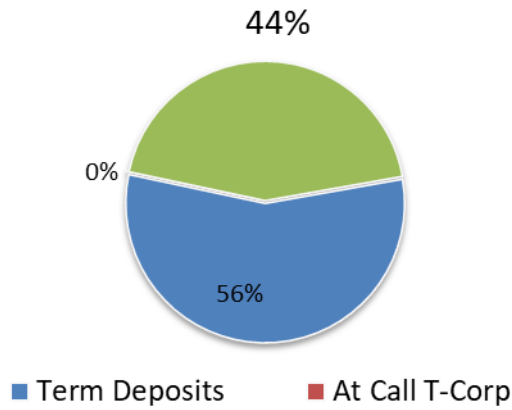


Total Cash and Investments

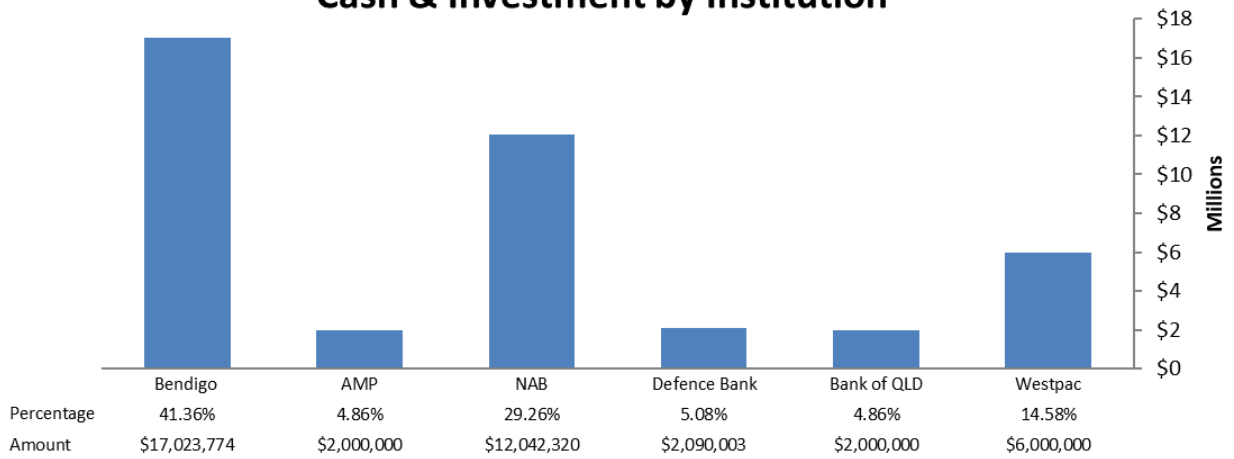




Cash & Investment by type

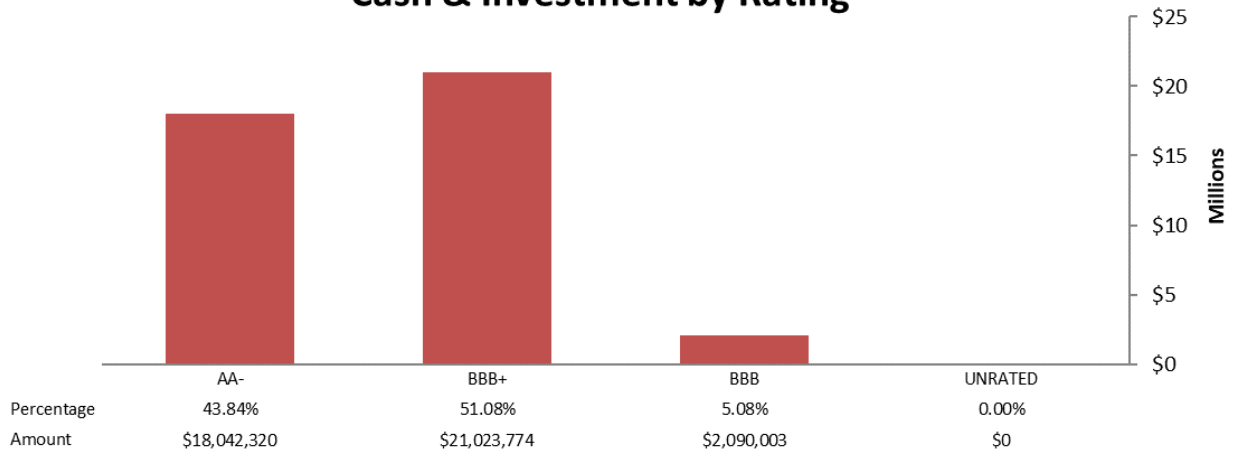


Cash & Investment by Institution





Cash & Investment by Rating



Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
-----------------------------	-------------	--------	---------------	---------------

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
-------------------------------	-------------	--------	---------------	---------------

*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 \$5,836,016 as of 31 August 2024. This includes both external borrowings (\$3,319,687) and internal borrowings from Council's Sewer Fund (\$2,516,329). Council has not yet drawn down on any new borrowings in the 24/25FY.

Please see below Council's current borrowings:

Institution	Fund Borrowing	Purpose	Loan Amount	Interest Rate	Opening Balance @ 1.07.2024	Principal	Interest	Closing Balance @ 31.08.2024
NAB	General	LIRS Drainage Loan	\$1,630,000	4.26%	\$115,312	\$32,666	\$748	\$82,645
ANZ	General	LCLI Lewis Cr/Fin Park Loan	\$1,000,000	2.32%	\$619,208	\$16,310	\$2,379	\$602,898
NAB	Water	LCLI Barooga WTP	\$4,000,000	1.48%	\$2,699,290	\$65,146	\$6,618	\$2,634,144
Sewer Fund	General	General Fund	\$1,000,000	1.48%	\$715,269	\$16,289	\$1,764	\$698,980
Sewer Fund	Water	Finley WTP	\$2,600,000	1.48%	\$1,859,700	\$42,351	\$4,587	\$1,817,349
		TOTALS	\$10,230,000		\$6,008,779	\$172,762	\$16,096	\$5,836,016



8.23 2023-24 Annual Financial Statements (Late Covering Report)

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:	Service Provider: The full cost (apart from fees for cost recovery, grants etc) of a service or activity is met by Council

This report is not available at the time of publishing the agenda.

It will be provided prior to the meeting.

8.24 T01-24-25 Annual Plant Hire Rates for 2024-25

Author:	Operations Manager - Transport, Darron Freund
Strategic Outcome:	IN. Our Infrastructure
Strategic Objective:	IN-B. We can move through our shire, and to other places with ease
Delivery Program:	IN.1. Improve the road network to ensure safety, and connectivity.
Council's Role:	Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level
Appendices:	Nil

Recommendation

That Council:

1. accept all compliant tenders for the 2024-25 financial year for T01-24-25 Annual Plant Hire Rates and
2. authorise its Seal to be affixed to the relevant contracts in the presence of two signatories authorised to affix the seal, pursuant to Regulation 400 of the *Local Government (General) Regulation 2021*.

Report:

The Council wish to compile a list of available specific items of Plant for hire to supplement its own Plant and Fleet. This list is to enable the Council to select suitable Plant on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Annual Plant Hire contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday, 12 June 2024. At the time of closing a total of twenty seven submissions were received.

Submissions were received from the following organisations:

1. Bell Civil
2. Bencon Civil
3. Bild Infrastructure
4. Border Backhoe Services Pty Ltd
5. Brooks Hire Services PTY LTD
6. Coates Hire Operations Pty Limited
7. Conplant PTY LTD
8. ConX Hire
9. Crawford Civil PTY LTD

10. CRS (NSW) PTY LTD
11. Deniliquin Irrigation Contracting PTY LTD
12. Drainflow Solutions PTY LTD
13. HiWay Stabilisers Australia PTY LTD
14. Luxton Plant Hire
15. Olex Civil
16. Orange Hire
17. Pascoe Grading and Earthmoving Contracting
18. Peter Mohr Berrigan Water Cartage
19. Porter Plant
20. Precision Grading PTY LTD
21. Rollers Australia PTY LTD
22. Shore Hire PTY LTD
23. Sibraa Landscaping and Gardening
24. Stephen Haynes PTY LTD
25. The Stabilising PTY LTD
26. Total Drain Cleaning Services PTY LTD
27. Tribuzi Transport and Plant Hire PTY LTD

Consideration of the Tenders

All Tenders were considered by the Tender Evaluation Committee consisting of Darron Freund, Dean Loats and George Edwards.

The following Tenders submitted were deemed compliant with the specification and are recommended to be accepted:

- Bell Civil
- Bencon Civil
- Bild Infrastructure
- Border Backhoe Services Pty Ltd
- Brooks Hire Services PTY LTD
- Coates Hire Operations Pty Limited
- Conplant PTY LTD
- ConX Hire
- Crawford Civil PTY LTD
- CRS (NSW) PTY LTD
- Deniliquin Irrigation Contracting PTY LTD
- Drainflow Solutions PTY LTD
- Luxton Plant Hire
- Olex Civil
- Orange Hire
- Pascoe Grading and Earthmoving Contracting
- Peter Mohr Berrigan Water Cartage
- Porter Plant
- Precision Grading PTY LTD
- Rollers Australia PTY LTD
- Shore Hire PTY LTD
- Stephen Haynes PTY LTD

The Stabilising PTY LTD
Total Drain Cleaning Services PTY LTD
Tribuzi Transport and Plant Hire PTY LTD

The following tender submitted requires a conflict of interest consideration. Once the conflict of interest matter has been determined this tender may be returned to council for future consideration.

Sibraa Landscaping and Gardening

The following Tenders submitted were deemed non-compliant with the specification and are to be rejected:

HiWay Stabilisers

Supervisor

The superintendent of the contract will be the Director Infrastructure and the superintendent's representative will be the Operations Manager – Transport.



8.25 Barooga raw water intake remediation works

Author:	Operations Manager Sustainability, Vageesh Nonavinakere
Strategic Outcome:	IN. Our Infrastructure
Strategic Objective:	IN-B. Our hidden infrastructure works and meets the needs of our community
Delivery Program:	IN.3. Strive to deliver best practice waste, water, sewerage and stormwater.
Council's Role:	Asset Owner: As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
Appendices:	1. Exemption from procurement process - Barooga raw water intake remediation

Recommendation

That Council, in relation to the Barooga raw water intake

1. award the quotation submitted by Soil Conservation Services for the remediation of the riverbank at the Barooga WTP raw water intake for the contract value of \$356,457 excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required.
2. authorises its Seal to be affixed to all documents relating to this contract in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the *Local Government (General) Regulation 2021*;
3. appoint Michael Eddie as the contract Authorised Person;
4. authorise the Authorised Person to approve variations on the contract up to a maximum value of 10% of the contract sum.

Purpose

The purpose of the report is to consider and award a contract for the remediation of the riverbank at the Barooga Water Treatment plant raw water intake.

Summary

Barooga Water Treatment Plant (WTP) sources raw water from the edge of Murray riverbank, located at the end of Buchanan's Road. Due to several flood events, the natural slope along the riverbank experienced significant erosion causing erosion and resulting in a relatively steep slope, exposing council's water intake facility.



The slope provides support to council's key infrastructure including intake pipes and associated pumps. Therefore, it is essential to reduce the risk of the interruption to the operation of the facility which could potentially lead to disruption of water services to Barooga town supply.



Figure 1 Aerial image of the site from 2019 (Metromap)

Background

In the March Ordinary meeting, Council resolved to progress the remediation as follows:

8.3 Barooga Raw Water Intake

Resolved OCM 060/24

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

That Council, in relation to the Barooga raw water intake

1. note the geotechnical investigation work undertaken to date and direct the Chief Executive Officer to continue investigations on available remediation options;
2. given the urgency of the matter, delegate authority to the Chief Executive Officer to determine the remediation method,
3. direct the Chief Executive Officer to provide a report to the next ordinary Council meeting on options to fund the remediation.

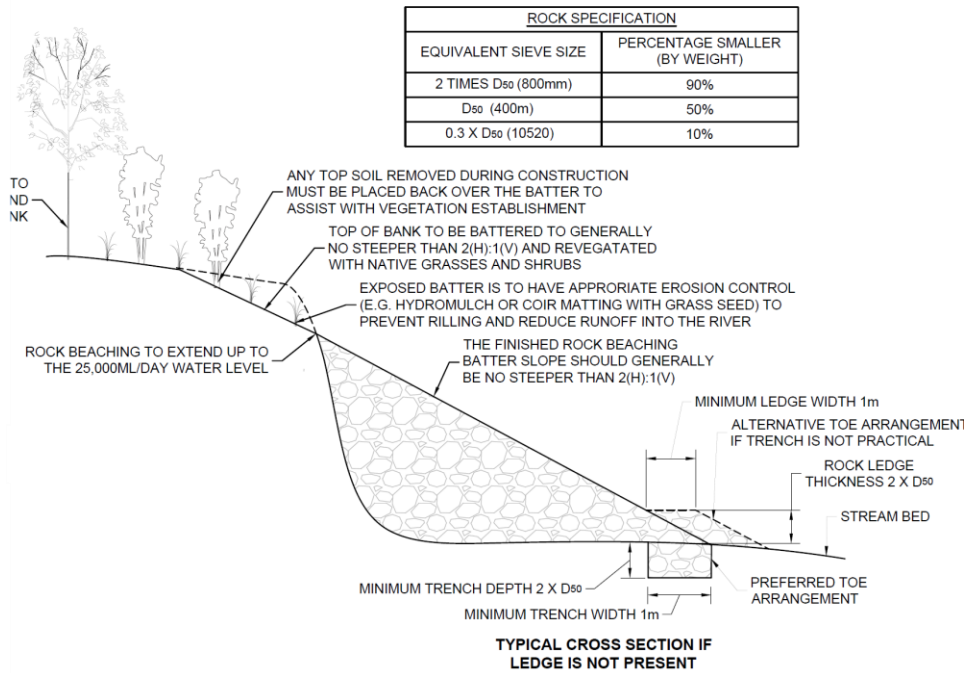
CARRIED



Remediation Method

Following the March meeting, Council Officers have engaged further with the Soil Conservation Commission of NSW (Soil Conservation Services or SCS) to investigate and provide advice on the preferred method of remediation.

Based on the September 23 Geotechnical report provided by consultants GHD, SCS have determined that a Revetment Wall design using “Rock Beaching” as the preferred method of remediation.



Funding

Based on the preliminary estimates provided in the report to the March Ordinary meeting, Council allocated a budget of \$1,000,000 for these works in the 24/25FY Capital Budget, with funds coming from the Water Fund.

Description	Status	Cost
Geotechnical Investigation	Completed	\$55,500
High level project cost estimate	Completed	\$6,000
Detailed Design	To be approved	\$85,000
Estimating consultant after final design	Estimated	\$50,000
Tender ready and procurement	Estimated	\$60,000
Estimated construction cost estimate (high level)	To be tendered	\$520,000
Project management	Estimated	\$60,000
Intake pipe work removal and reinstall	Estimated	\$50,000
Contingency	Estimated	\$140,000
Total Estimated cost		\$1,026,500



Project Cost at Completion

Based on the proposed remediation method, SCS have provided a construction methodology and quotation of \$356,457 excl GST to undertake the remediation works. As part of this quotation, SCS have nominated some aspects of the scope to be finalised:

- complete a Review of Environmental Factors (REF),
- obtain a permit from Crown Lands,
- confirm access to enable construction of a temporary ramp to enable rock placement and
- confirm protection requirements for the existing pipe installation.

Once these aspects are known, SCS can confirm a fixed price for the works. Council Officers estimate a likely cost increase from finalising these aspects of \$200,000.

Based on this increase, the estimated cost at completion is \$723,394.10:

Project item		Amount
Initial SCS quotation		\$356,457.00
Possible increase through negotiation		\$200,000.00
Subtotal		\$556,457.00
Project Management	10%	\$55,645.70
Contingency	20%	\$111,291.40
Cost at Completion		\$723,394.10

This estimated provides significantly better value for money than the initial estimate.

Procurement

SCS is a business unit of the Department of Primary Industries and Regional Development that were formed in 1940 to support the State Soil Conservation Act.

Under Section 55 (3) (b) of the *Local Government Act 1993*, council does not need to invite tenders for “a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown”.

As such, Council can enter into a Contract with SCS without undertaking an open tender process.

Given the:

- value for money shown in the quotation by SCS,
- critical nature of the work (there is a high risk of slope failure, damaging the water intake for Barooga) and
- council does not have an alternate water intake.

Council officers therefore recommend awarding the quotation submitted by Soil Conservation Services for the remediation of the riverbank at the Barooga WTP raw water intake for the contract



value of \$356,457.00 Excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required.

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

Water Supply Asset Management Plan

Issues and Implications

Policy

- Procurement and disposal policy

Financial

Council allocated a budget of \$1,000,000 for these works in the 24/25FY Capital Budget, with funds coming from the Water Fund.

Legal / Statutory

Under Section 55 (3) (b) of the *Local Government Act 1993*, Council does not need to invite tenders for “a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown”.

Council’s procurement process documents this decision in an Exemption from Procurement Process Authorisation form attached to this report.

Community Engagement / Communication

A permit to undertake the works will be obtained from Crown Lands.

Human Resources / Industrial Relations (If applicable)

The project will be managed by external resources, experienced in geotechnical remediation.

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

Although the spend represents a minor financial loss for Council when considered against its operating budget, if works do not occur very soon, the impact on Council’s financial position will be



much greater with the replacement of the structure also possibly required to ensure Barooga’s continued access to water.

2. Built environment

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

A further high-water event or flood will damage the infrastructure further and may require replacement of the pipes, pump etc.

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

Should another event occur and the raw water intake infrastructure lost, the community of Barooga and indeed the entire Shire would be affected as potable water would need to be sourced from other water treatment plants in the Shire until the infrastructure could be fixed.

Conclusions

Given the:

- value for money shown in the quotation by SCS,
- critical nature of the work (there is a high risk of slope failure, damaging the water intake for Barooga) and
- council does not have an alternate water intake.

Council Officers therefore recommend:

Award the quotation submitted by Soil Conservation Services for the remediation of the riverbank at the Barooga WTP raw water intake for the contract value of \$356,457.00 Excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required.



Exemption from Procurement Process Authorization

Activity: Raw water intake riverbank restoration, Barooga

30 September 2024

Version Control

Version	Description of Change	Author	Date
1	Proposal for exemption	Vageesh Nonavinakere	30 Sep 2024

BSC170:V02
Issue Date: 10-09-2024



Table of Contents

1. Purpose of Form.....	3
2. Application Details	3
3. Reason Exemption Sought	3
4. Justification for Exemption.....	4
5. Proposal, Endorsement and Authorisation	5

BSC170:V01
Issue Date: 10-09-2024



This form is to be completed to apply for authorization for exemption from the requirements of the Council's procurement framework. Any application for exemption must be supported with detailed information qualifying the need for exemption. The application must be endorsed by the relevant Director before being submitted to the General Manager for approval. It is at the General Manager's discretion whether to grant or not an application for exemption.

Applications must provide all supporting information attached to the application where available.

The exemption process is primarily to be used for expenditure less than \$250,000.

All expenditure where the whole-of-life cost is anticipated to be \$250,000 (inc. GST) or greater cannot be exempt from the requirements as contained in the NSW Local Government Act (1993) or the NSW Local Government (General) Regulations (2021).

Completion of this form does not constitute approval or that the proposed supplier will be selected.

1. Purpose of Form

To obtain exemption from:

- ✓ The procurement process as detailed in Council's procurement framework (i.e. exemption from process)
- ✓ The use of identified aggregator contracts that would satisfy the requirement
- ✓ The use of Council preferred supplier lists / panel contracts
- ✓ Other – Please provide detail – To engage a specialist firm who are experts in doing similar kind of works

2. Application Details

Details of Application	
<i>Date of Application:</i>	24 Sep 2024
<i>Applicant Name and title:</i>	Ben Berry, Program Coordinator
<i>Proposed Supplier:</i>	Soil Conservation Service Department of Primary Industries and Regional Development
<i>Supplier Contact:</i>	0418 484 329; Ben.berry@scs.nsw.gov.au
<i>Cost:</i>	\$356,457 + GST
<i>Description of product / service being procured:</i>	Provide long term stability to the Barooga raw water intake facility by: <ul style="list-style-type: none">• Armouring the bank face protecting against regulated and flood flows• Protecting against wave induced erosion• Stabilizing the bank toe against slide failure
<i>Details of application being sought:</i>	Riverbank underneath council's facility was subject to erosion in 2022 post a significant flood event. This has put the intake facility at risk and in need for urgent remedial works. The whole Barooga town water supply is dependent on this facility.

BSC170:V01
Issue Date: 10-09-2024



3. Reason Exemption Sought

Tick the box next to the relevant condition under which the exemption is being sought.

- ~~Repair or maintenance parts are unavailable from sources other than the original equipment manufacturer or their designated service dealer.~~
- ~~Upgrade to existing software — available from this software vendor who sells on a direct basis.~~
- ~~Continuity of assets / fleet type (manufacturer, make, model etc. — provide further detail below)~~
- Sole supplier of a patented or licensed product.
- Sole provider of service/maintenance/product
- ~~Service/commodity is unique.~~
- Other (please provide detail below)

Under Section 55 (3) (b) of the Local Government Act, Council does not need to invite tenders for “a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown”.

4. Justification for Exemption

In the space below, please provide all relevant details as to the justification for the exemption being sought to support the application. Information to include:

- the process used to attempt to locate additional supplier, e.g. internet search or consultation with other staff / Councils;
- other suppliers that supply similar but not identical equipment (please provide a quote to assist with price justification);
- qualification as to why existing arrangements are not suitable in this instance;
- information that the proposed solution satisfies the Council’s guiding procurement principles, e.g. Value for Money, probity considerations etc.

Information Supporting Application:

Additional details as to reason exemption is being sought as required above:

- Through the preliminary phases of the Project development, an engineer’s estimate of construction cost was obtained by a highly experienced independent consultant
- The estimate of cost to complete was in the order of \$1,000,000
- Based on the quotation from SCS, the likely cost to complete is reduced to \$723,394.10 which provides significant improvement in value for money to Council

BSC170:V01
Issue Date: 10-09-2024



5. Proposal, Endorsement and Authorization

Applicant	
Name	Vageesh Nonavinakere
Signature	
Date	30 Sep 2024

I certify that to the best of my knowledge the information provided, including the reasons, explanations and documentation supporting this application is true and accurate and that my actions are in compliance with the Council's guiding procurement principles including Value for Money and Probity considerations.

Director Endorsement	
<input checked="" type="checkbox"/> Endorsed	<input type="checkbox"/> Not Endorsed
Name	Gary George
Signature	 <small>Gary George (Oct 10, 2024 11:59 GMT+11)</small>
Date	10/10/24
Comments	

Chief Executive Officer Approval	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Name	Karina Ewer
Signature	
Date	10/10/24
Comments	Given this is specialised work and the quotes from the relevant Stat

BSC170:V01
Issue Date: 10-09-2024











BSC170 - Exemption from Procurement Process Authorisation - 30.09.2024 for Council Report

Final Audit Report

2024-10-10

Created:	2024-10-10
By:	Matthew Hansen (matthew.hansen@berriganshire.nsw.gov.au)
Status:	Signed
Transaction ID:	CBJCHBCAABAA9p3XXQZsEb_VLAilzDzsmIroNty_PSPc

"BSC170 - Exemption from Procurement Process Authorisation - 30.09.2024 for Council Report" History

-  Document created by Matthew Hansen (matthew.hansen@berriganshire.nsw.gov.au)
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-  Document emailed to Gary George (gary.george@berriganshire.nsw.gov.au) for signature
2024-10-10 - 0:41:36 AM GMT
-  Document emailed to Karina Ewer (karinae@berriganshire.nsw.gov.au) for signature
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-  Document e-signed by Karina Ewer (karinae@berriganshire.nsw.gov.au)
Signature Date: 2024-10-10 - 0:45:40 AM GMT - Time Source: server
-  Document e-signed by Gary George (gary.george@berriganshire.nsw.gov.au)
Signature Date: 2024-10-10 - 0:59:47 AM GMT - Time Source: server
-  Agreement completed.
2024-10-10 - 0:59:47 AM GMT





8.26 Country Universities Centres Southern Riverina - Update

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	EC. Our Economy
Strategic Objective:	EC-A. An economy characterised by growth, diversification, and a skilled workforce
Delivery Program:	EC.4. Advocate for accessible education, training, and employment pathways.
Council's Role:	<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> <p>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</p>
Appendices:	<ol style="list-style-type: none">1. MOU CUC Southern Riverina (under separate cover)2. Community Partnership Prospectus_CUC Southern Riverina Final 27.08.24 (under separate cover)3. CUC Country University Centre Advertisement4. Finley Drivetime5. Deniliquin Drivetime

Recommendation

That Council receive and note this report.

Report

The establishment of Country Universities Centres in the Southern Riverina is a project supported by the previous Council. The original concept was to establish four centres across the Southern Riverina in each Deniliquin, Finley, Hay and Moama. A steering committee was formed to manage the process of developing the project scope and to apply for grant funding. I was appointed to the steering committee as the local government representative.

Hay Shire Council withdrew quite early in the development of the project as they have a Community Learning Centre that is substantially underutilised. TAFE and Hay Shire therefore embarked on their own application as the model for the centre is substantially different to the ones we would like to establish.

The initial grant application was therefore made for Deniliquin, Finley and Moama. The application was unsuccessful and we received considerable useful feedback to commence preparing for the second round of grant funding. The importance of the site being delivered in Finley is that it has the TAFE facility there and we would be using an underutilised space at that facility under lease. This will significantly reduce the capital costs for the project (as we do not need to build new infrastructure)



and importantly aligns with the federal government's wish to use TAFE facilities and partner with TAFE wherever possible.

We received notification in late June 2024 that the second grant round would open early September and close in October 2024. The steering committee then commenced working on gathering the required data. We realised at that time there were decisions being asked of the committee that were not within its remit (to decide on the structure of the project going forward to meet the feedback of the funding body etc).

As such, the committee requested a meeting of the councils still engaged with the project and met in Deniliquin on 15 July 2024. It was agreed at that meeting that all three councils wished to continue on the agreed path and that a Memorandum of Understanding (MOU) would be developed with the councils, the steering committee and CUC Central as to roles and responsibilities, agreed outcomes etc for the project. The MOU is included at Appendix 1.

The committee have also been working on a prospectus (Appendix 2) which will provide demonstrated community partnerships as per the feedback received. A pledge form is generally sent with the prospectus. At the time of writing this report, we had raised \$50,000 towards the project.

The Pastoral Times and Southern Riverina News have further provided \$6,000 worth of advertising across both papers for August and September. The advertisements run are included at Appendix 3.

To provide council with an understanding of the different areas the Deniliquin and Finley sites will cover, maps are provided at Appendix 4 and 5. Berrigan Shire Council staff developed these maps as part of their in kind support.

The initial grant application was written by TenderRight. They are well known across councils and widely used in this area. The initial grant application cost \$8,000 which was split between 3 councils (Berrigan Shire, Edward River and Murray River Councils). The second grant process will cost \$6,000 as much of the data needs to be updated and there is a significant review of the original application underway. The cost for this council will then be \$3,000. That money will come from the advocacy budget I have of \$20,000 for the 2024 – 25 financial year.

I have delivered another information lunch for business owners on 2 October 2024. We have also undertaken a considerable social media campaign across both Council areas to increase awareness of the project in the community.

At the time of writing, the committee has received approximately \$281,000 in pledges to support the delivery of this project and to demonstrate considerable community support. This reduces the application to \$1.7M. Given there is \$16M for the establishment of 10 centres, this amount means we are applying for 2 centres at a cost of \$1.7M.

I will keep council updated on the progress of this project as we submit the grant application and the outcomes. Hopefully, then the updates will be on the delivery of this important project.



A Country Universities Centre in our region would be game changing!



As a local business owner, or individual within the Berrigan Shire Council or Edward River Council areas you can support the application of a CUC in both Deniliquin and Finley by completing our short Business Skills Gap survey.

The opportunity

We are proud of the people who live in our community, and they deserve the same opportunities to access higher education as their friends and family who live much closer to a university.

- According to the 2021 Census, only 2% of our total population were attending University full-time or part-time, and less than half of these positions were held by people under the age of 25 years old
- Distance and the rising cost of living make it incredibly difficult for people in our region to go to University; and
- Our Bachelor attainment rates are 5.4% lower than the average for Regional NSW.

A Country University Centre in the Southern Riverina would help local people achieve their own ambitions and promote growth and a thriving economy.

Together with our partners, the CUC-Southern Riverina collective hopes to create **a pivotal hub for educational advancement and community development**, and with our combined support, it will flourish and expand its positive influence.

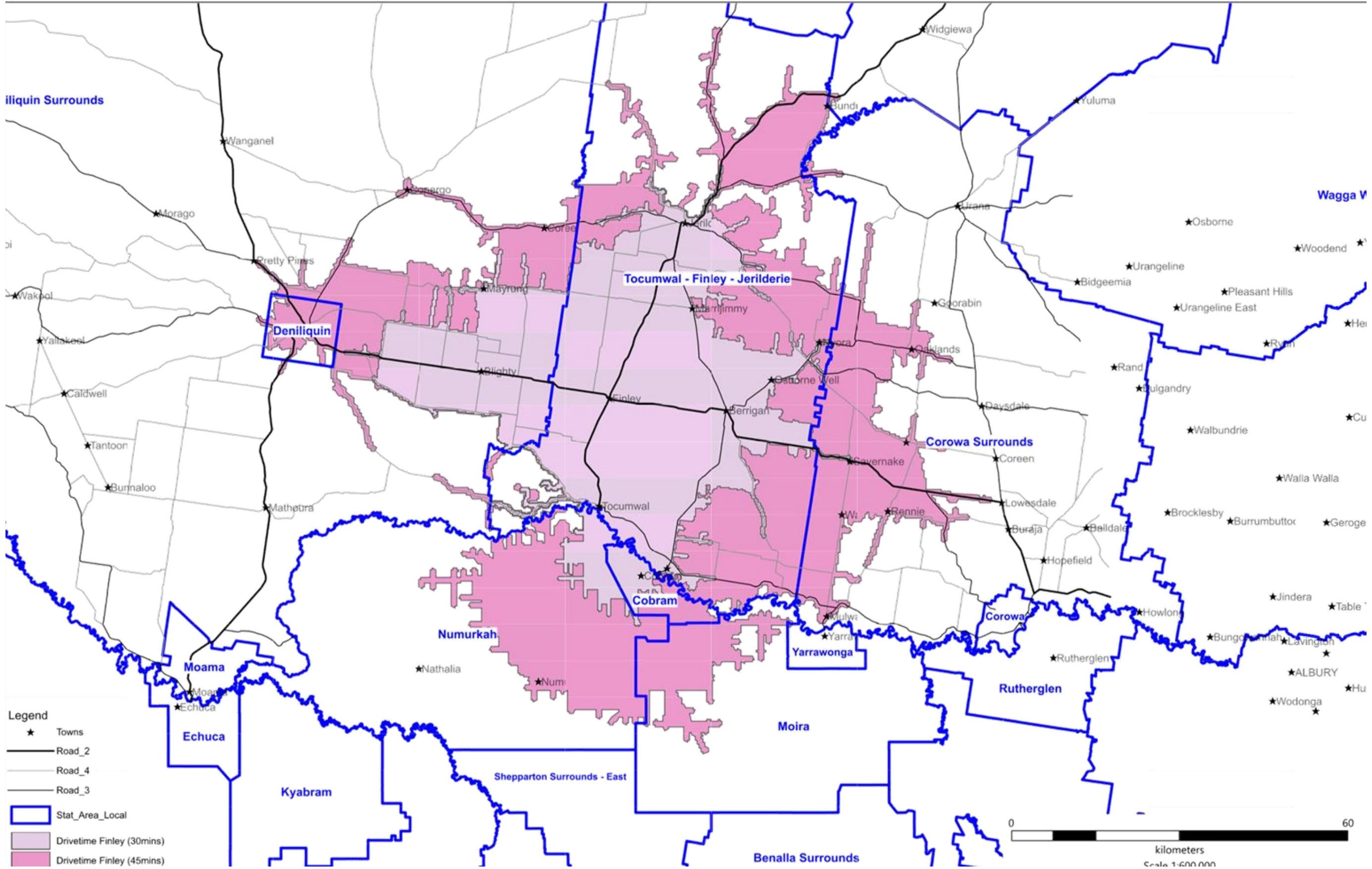


Country Universities Centre
Southern Riverina Survey



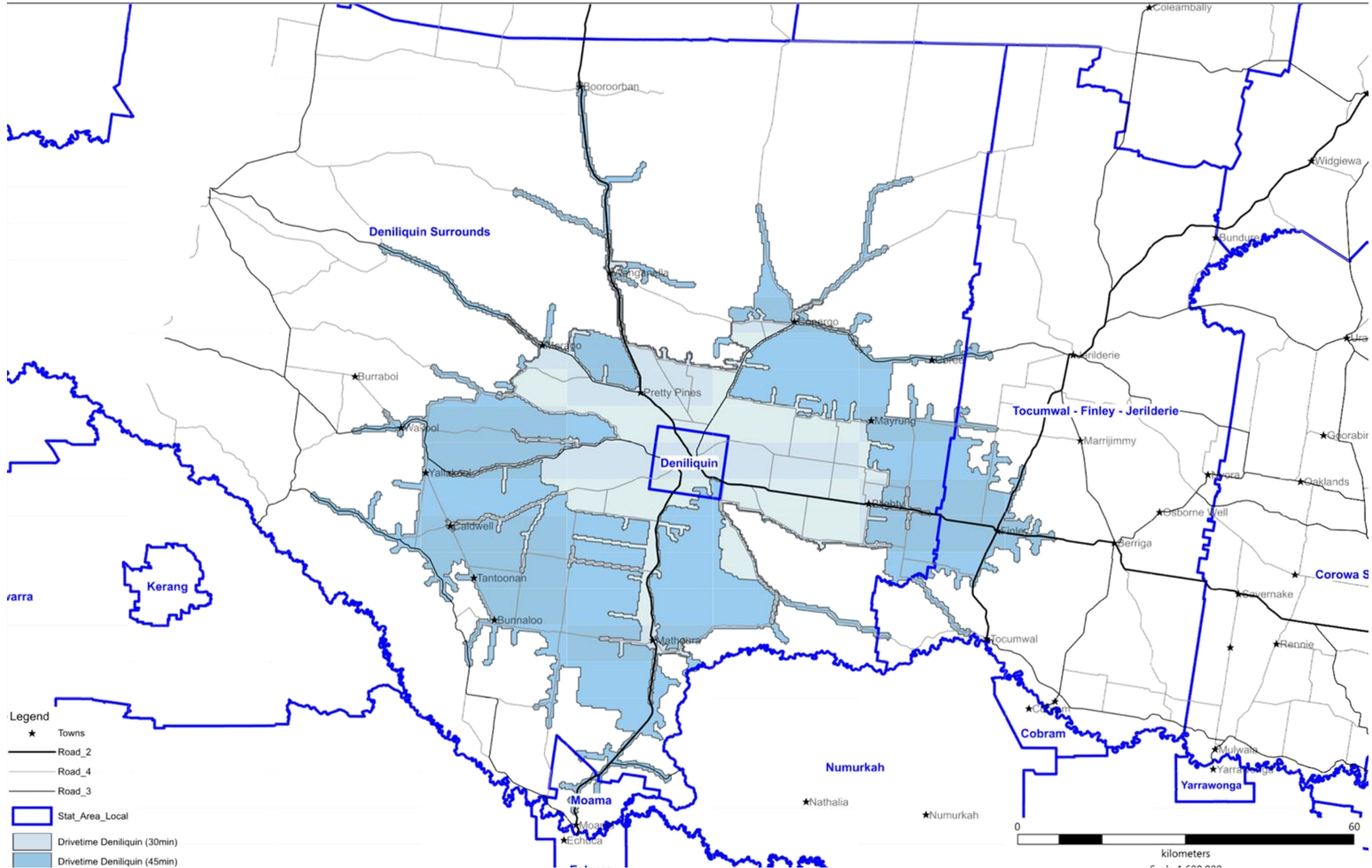


Finley Drive Time (per Statistical Area)





Deniliquin Drive Time (per Statistical Area)





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 T13-23-24 Barooga WTP Sludge Lagoon

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



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 20 November 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](#).