



ORDINARY MEETING OF COUNCIL

Wednesday 20 April, 2022

at 9:15am

Council Chambers

56 Chanter Street, Berrigan



Agenda



Council Meeting

Wednesday 20 April, 2022

BUSINESS PAPER

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 20 April, 2022** when the following business will be submitted:-

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

A handwritten signature in blue ink that reads "K. Ewer".

KARINA EWER
CHIEF EXECUTIVE OFFICER

1. OPENING OF MEETING

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

Confidential matters of Council will not be audio recorded.

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

An audio recording of the Council Meeting will be taken for administrative and minute preparation purposes.

2. ACKNOWLEDGEMENT OF COUNTRY

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

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

4. CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 16 March, 2022 be confirmed.

5. DISCLOSURES OF INTEREST

6. MAYORAL MINUTE(S)

Nil

7. REPORTS OF COMMITTEES

7.1 Audit, Risk and Improvement Committee Meeting Minutes

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note the Minutes of the Audit, Risk and Improvement Committee from the meeting held on Wednesday 30 March, 2022.

Report:

Included in this report as “**Appendix 7.1-A**” are the Minutes from the Audit, Risk & Improvement Committee (ARIC) meeting held on Wednesday, 30 March, 2022, for Council’s information.

8. REPORTS TO COUNCIL

8.1 Council Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note the Council Action List Report

Report:

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

8.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2022,
- b) Confirm the accounts paid as per Warrant No. 03/22 totaling \$2,558,488.21, and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 March 2022 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 March 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 March 2022, totaling \$2,558,488.21 and will be submitted for confirmation of payment as per Warrant No. 03/22
- 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 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) The balance of Council's general Fund has decreased by \$4.75M compared to funds held in the general fund in July 2021. With the substantial increases in operating costs including the costs of materials for capital projects discretionary spending in future may need to be funded via borrowing externally. The general fund bank account will increase in the coming months with the receipt of the advance Financial Assistance Grant in April and final rates instalments due in May. Overall funds have decreased by \$3.87M compared to the same period last year, the decline in funds was expected due to ongoing large capital projects.

- f) Further information regarding Council’s investments is attached to this Agenda as “Appendix 8.2-A”.

Statement of Bank Balances as at 31 MARCH 2022

Bank Account Reconciliation

Cash book balance as at 1 MARCH 2022	\$11,908,229.26
Receipts for MARCH 2022	\$ 1,302,948.15
Term Deposits Credited Back	\$ -
	<u>\$13,211,177.41</u>
<i>Less Payments Statement No 03/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 909,722.94
Electronic Funds Transfer (EFT) Creditors E039310-E039529	\$ 1,582,721.95
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,043.32
Total Payments for MARCH 2022	<u>\$ 2,558,488.21</u>
Cash Book Balance as at 31 MARCH 2022	<u>\$10,652,689.20</u>
<i>Bank Statements as at 31 MARCH 2022</i>	
	\$10,651,068.32
Plus Outstanding Deposits	\$ 1,620.88
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 MARCH 2022	<u>\$10,652,689.20</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	GENERAL	133/17	182	**0.85%	23/05/2022	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	365	**0.80%	19/10/2022	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	**1.25%	23/03/2023	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,000,000.00	BBB+
Central Murray Credit Union	SEWER	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,000,000.00	AA-
						<u>\$ 28,025,954.84</u>	

Total Funds Held at 31 MARCH 2022

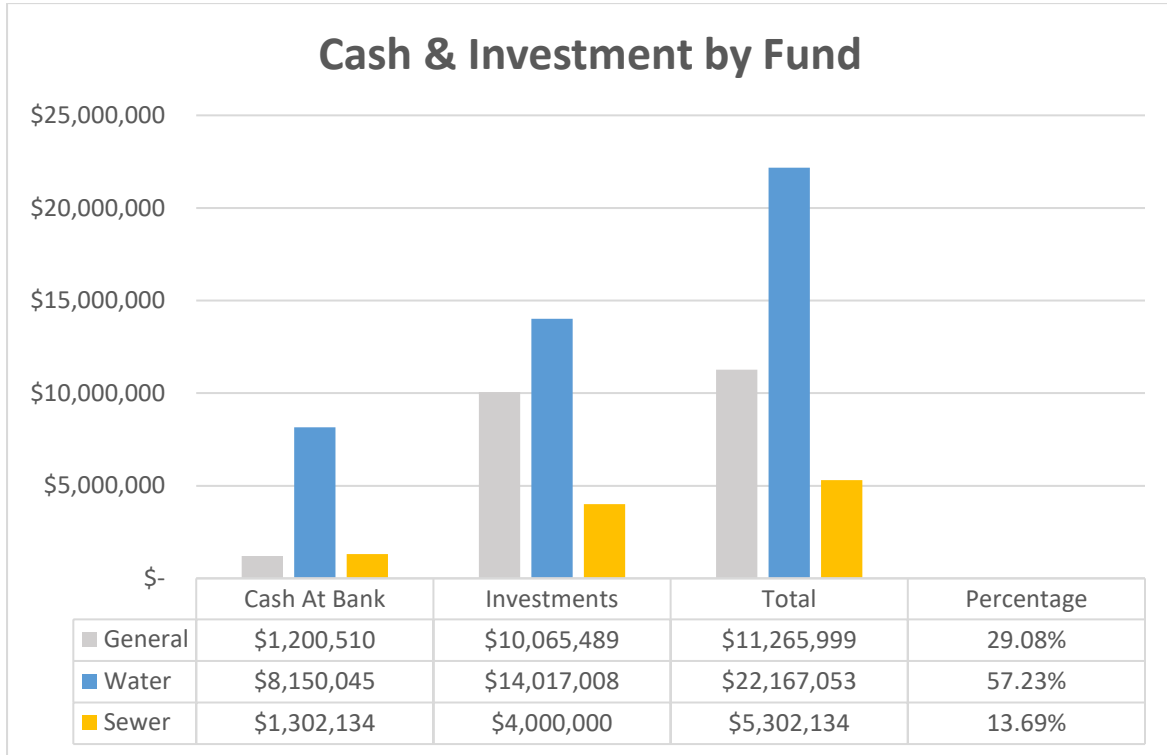
\$38,678,644.04

Tahlia Fry - Finance Manager

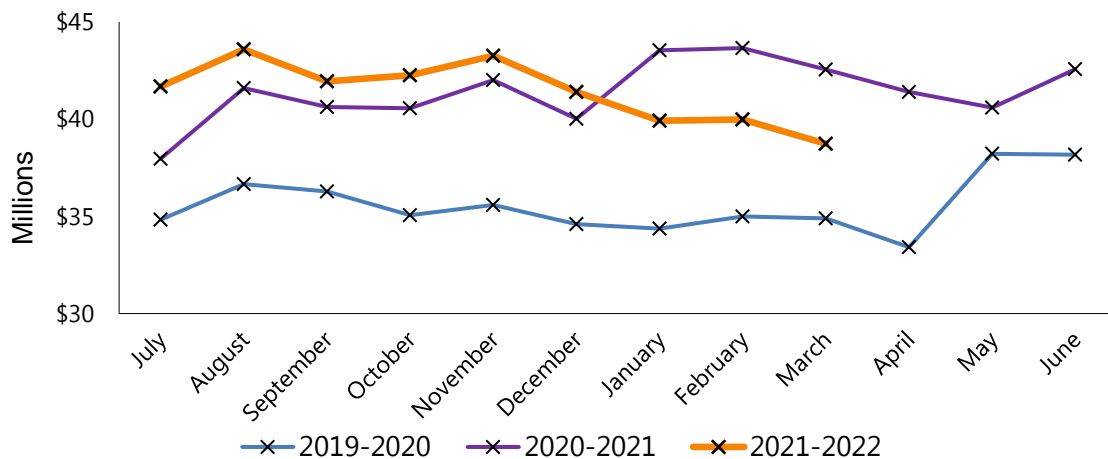
*The Council also receives an additional 0.25% commission

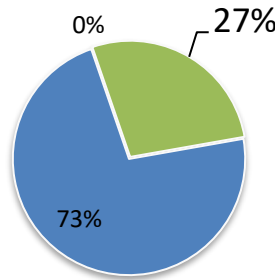
**The Council also receives an additional 0.20% commission

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

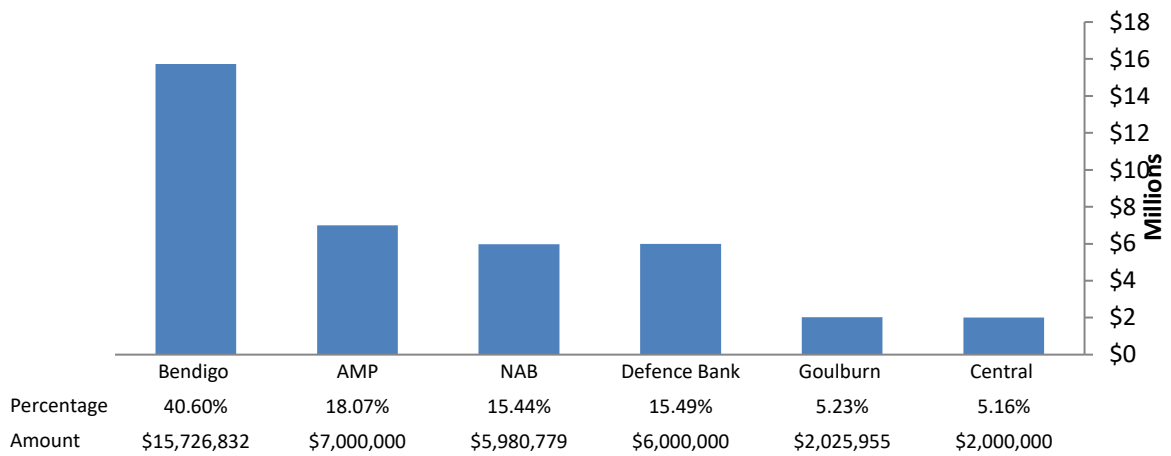


Total Cash and Investments





■ Term Deposits ■ At Call T-Corp ■ Cash at Bank



Term Deposits Credited Back

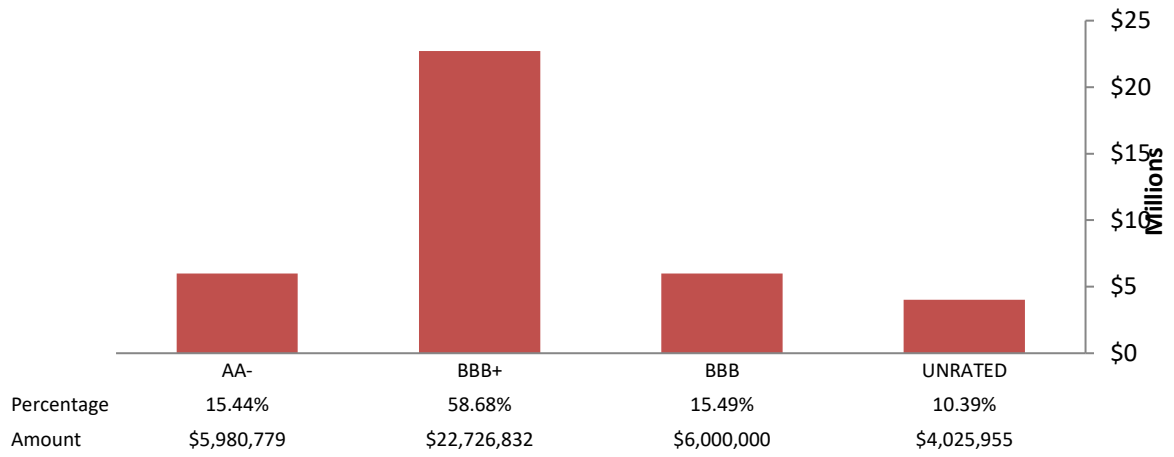
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 2,000,000.00	**0.3%	23/03/2022

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 2,000,000.00	**1.25%	23/03/2023

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



8.3 International Women's Day

Report by: Manager Library Services, Anne Nevins

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That the Council note this report.

Report:

March 8th, International Women's Day 2022, hosted by CEO Karina Ewer with guest speaker, Gerdette Rooney, was again overwhelmingly a successful day.

93 guests listened intently as Karina outlined and interwove IWD with the lives of women during the past. Karina detailed her mother's experience's as a single mother and family members fight for equality since the 1950's. The audience related closely with these experiences. Karina answered questions – many of them relating to the present and Karina's intentions for the future.

After lunch, Irish ex-pat, Gerdette Rooney, entertained with her stories of travel and friendship. The fact that she has always been drawn to learning about different cultures was clearly visualized with the overhead projection of photos she supplied. Gerdette then sold and signed many of her books: "Womadic Wanders: Stories of a compulsive traveller".

Disappointingly, two speakers were unable to attend due to the flooding in Penrith.

A delicious two course lunch was supplied by Finley RSL and the Berrigan Cricket Club boys, Andrew and Graham, volunteered their time to ensure everyone had the opportunity to purchase from the bar.

8.4 ARIC Appointment and Terms of Reference

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. revoke the ARIC Terms of Reference adopted on 20 October, 2021;
2. adopt the ARIC Terms of Reference included as "**Appendix 8.4-A**";
3. appoint a councillor as a member of the ARIC;
4. appoint an alternate councillor as a member of the ARIC during the appointed councillor member's absence.

Report:

Following the induction of the Audit Risk and Improvement Committee (ARIC) in February, the newly appointed members expressed concern that there was no councillor representation on the ARIC.

It was a decision of the previous Council not to appoint a councillor representative to the ARIC, with the Terms of Reference adopted on 20th October, 2021.

The ARIC acknowledged that the draft guidelines, *Risk Management and Internal Audit for local councils in NSW*, August, 2021, and the *Local Government Regulations (to be confirmed)* specifically "allows councils to appoint a councillor that satisfies the eligibility requirement outlined in these Guidelines as a non-voting member of its committee".

The Berrigan Shire Council ARIC have specifically stated that through individual experiences, they have never had to vote on an issue. They understand and adhere to their roles as strictly members of an advisory committee only and believe that voting rights should be extended to the councillor representative, if they are at some stage required.

As a result of discussions with the ARIC members, a resolution from the meeting held on Wednesday, 30th March, was to alter the Terms of Reference to include a councillor representative as a voting member, and also to appoint an alternate member if that councillor representative was absent.

Cr. Cornwall-McKean has expressed an interest to be a member of the Committee and has undertaken the training as part of her Professional Development Plan.

8.5 Risk Appetite Statement

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: The Council adopt the Risk Appetite Statement included as “Appendix 8.5-A”.

Report:

At Council’s Corporate Workshop, Craig Hutley of Marsh Insurance, and Damien Connell of Statewide Mutual presented a workshop and assisted in the determination of risk appetite levels for Council.

An outcome of the workshop was the development of the Risk Appetite Statement.

As a matter of process, the Risk Appetite Statement was presented for discussion at the Audit Risk and Improvement (ARIC) meeting held on Wednesday, 30th March. The ARIC commended Council on the levels identified and noted that it was an appropriate document.

Included as an appendix to this report is the Risk Appetite Statement for Council’s review and adoption.

The purpose of the Risk Appetite Statement is to guide council when making decisions. It will also feed into the Strategic Risk Plan and help identify where council’s highest risks lie and where we need to prioritise actions, and ensure our controls are providing adequate protection.

8.6 Agreement with Service NSW

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation: That the Council delegate authority to the Chief Executive Officer to enter into an agreement with Service NSW.

Report:

The purpose of this report is to provide background information and seek support to enter into an agreement with Service NSW and to consider future business improvement initiatives.

The Council currently has an agreement in place with Service NSW to promote and provide access to NSW Government information and services to better assist business owners and to support the local economy. The support provided by the Council to individuals and businesses to access these services has been invaluable, particularly during these challenging times over the past two years.

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions, and to access support.

The services provided to business owners include:

- Business Concierges offering over-the-phone, email and face-to-face support and case management.
- An online Business Profile to make it faster and easier for business owners to transact with NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.
- Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

A new Partnership Agreement ("**Appendix 8.6-A**") has been developed to provide consistency across all councils, reflect the broader focus of Service NSW for Business and provide the opportunity Berrigan Shire Council to engage with all services across Service NSW now and

into the future.

The new Partnership Agreement includes further detail and clarity about the roles and responsibilities of all agencies in relation to the collection, storage and security of personal information.

The intention of the Partnership Agreement is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

8.7 Special Request for Interment in Barooga Cemetery

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: The direction of Council is sought.

Report:

A special request has been received for a family to place ashes into a new burial plot in the monumental portion of the Barooga Cemetery. A copy of the request is attached as “Appendix 8.7-A”.

Council’s current policy for Monumental and Lawn Cemeteries stipulates that ashes may not be a first interment in any monumental or lawn section. A copy of the policy is attached as “Appendix 8.7-B”.

The family are wishing to place a headstone at the graveside of their late relative, which is not possible in the Ashes portions in any of Council’s cemeteries.

This request is brought to the Council for decision as it contradicts its current policy, and the nature of the request is a sensitive matter.

I further wish to highlight that the previous Council allowed a similar request for ashes to be interred into the same portion of the same Cemetery.

Spaces for grave spaces does not pose an issue in the monumental section of the Barooga cemetery, with the only concern being a precedent setting for these types of requests should it be allowed.

8.8 Commemorative Wreaths Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council:

- revoke the Commemorative Wreaths Policy adopted on 17 May 2017
- adopt the Commemorative Wreaths Policy set out below:



Policy

19

COMMEMORATIVE WREATHS

Strategic Outcome:	Supported and engaged communities	
Policy type	Administrative	
Date of Adoption:	20 April 2022	Minute Number: :
Date for Review:	15 April 2026	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces Commemorative Wreaths Policy adopted 17 May 2017	
Delivery Program Link:	3.1.3.1 Promote the social and economic wellbeing of Shire residents and the inclusiveness of our communities through social planning and community development activities	

1. POLICY STATEMENT

Berrigan Shire Council has a responsibility under section 8A of the *Local Government Act 1993* to provide strong and effective representation and leadership for its community

As such, it is appropriate that the Council participate in community commemoration services on days such as Anzac Day, Remembrance Day and the like – as the representative of the community of Berrigan Shire.

Participation in these services will most often take the form of the laying of a wreath

2. PURPOSE

This policy provides guidance to Councillors and Council staff on the provision and laying of wreaths in commemoration services

3. SCOPE

This policy applies to all Councillors, Council staff and other Council officials.

4. OBJECTIVE

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

5. DEFINITIONS



Policy

Commemorative service: A service held to honour and preserve the memory of a person or persons, or an event. This is most commonly – but not always – a service to recognise the war service of Australian military personnel.

Official service: A service organised by a local sub-branch of the Returned and Services League of Australia

6. POLICY IMPLEMENTATION

6.1 Anzac Day (25 April)

The Council will provide wreathes for all official Anzac Day services held in Berrigan Shire and Cobram/Barooga

6.2 Remembrance Day (11 November)

Subject to invitation by the local organising body, the Council will provide wreathes for an official Remembrance Day service held in Berrigan Shire and Cobram/Barooga

6.3 Other commemorative events

On occasion, the Council is invited to participate in other commemorative events such as the anniversaries of significant war-related events. It may also be invited to participate in non-military commemorative events such as ones recognising emergency service personnel or victims of natural disasters.

Where a service of this nature is held in Berrigan Shire or in Cobram/Barooga, the Mayor is delegated the authority to make a decision regarding the Council's participation in the event and/or the provision of a wreath.

Where a service is held outside the Berrigan Shire or Cobram/Barooga, a decision to participate will be referred to the Council.

6.4 Attendance

If the Council chooses to provide a wreath for a service, the Council will also endeavour to have a Councillor attend the service to lay the wreath on behalf of the Council and the community of Berrigan Shire.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*



Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

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

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

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

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

*Ph: 03 5888 5100
Email: mail@berriganshire.nsw.gov.au*

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Michelle Koopman
1.1	17/05/2017	Minor review	Matt Hansen
1.2		Minor revisions - formatting	Matt Hansen

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Use of the Council Chambers policy.

The existing policy can be found at:

<https://www.berriganshire.nsw.gov.au/files/policies/Commemorative%20Wreaths%2019.pdf>

The review found that the policy is fit-for-purpose and can be re-adopted with only cosmetic changes.

8.9 Street Banners Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council revoke the Street Banners Policy adopted on 14 December 2016.

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Street Banners Policy.

The existing policy can be found at:

<https://www.berriganshire.nsw.gov.au/files/policies/Street%20Banners%2055.pdf>

This policy was originally written to complement a project proposed by the Berrigan Shire Combined Chambers of Commerce. The project was to install poles to display promotional banners across all four towns. These banners would be consistent in all four towns – promoting a local event with the banners changing regularly. This project did not proceed.

Council staff consider this policy can be revoked.

8.10 Use of the Council Chambers Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

- revoke the Use of the Council Chambers Policy adopted on 14 December 2016; and
- adopt the Use of the Council Chambers Policy set out below:



Policy

34

USE OF THE COUNCIL CHAMBERS

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	20 April 2022	Minute Number:	
Date for Review:	15 April 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Use of the Council Chambers Policy adopted 14 December 2016		
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council		

1. POLICY STATEMENT

The Berrigan Shire Council Chambers is a venue suitable for use by a range of groups for meetings. The Council has an interest in ensuring that the space is made available to these groups.

However, the Council has interests that it needs to ensure are protected as part of this use. These include:

- Security of the Council Administration Office as a whole
- Workplace Health and Safety issues relating to the Council Administration Office's status as a workplace
- The perception of others of Council endorsement of the views of other groups using the Chambers.

It is important that these competing aims are assessed when allowing use of the Council Chambers by groups other than the Council.

2. PURPOSE

This policy aims to regulate the use of the Council Chambers by organisations other than Berrigan Shire Council.



Policy

3. SCOPE

This policy applies to:

- Community groups and other organisations wishing to use the Council Chambers as a meeting venue.
- Council staff responsible for managing the use of Council facilities.

4. OBJECTIVE

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

2.1.2.1 Provide facilities and support including financial to elected Council

5. DEFINITIONS

Council chambers: the room in the Council Administration Office building where the Council meetings are held as well as the adjoining Mayoral office, kitchen and associated toilets. The "Council Chambers" does not include other rooms and spaces in the Council Administration Office building.

6. POLICY IMPLEMENTATION

6.1 Council

The primary use of the Council Chambers is for meetings of the Council and its committees, and this use takes priority over all others.

Other internal uses should be made booked the Council's usual booking procedures.

The Council Chambers may also be used for other Civic and Mayoral receptions convened by the Council or other meetings deemed by the Chief Executive Officer, the Mayor or the Council as a whole to be directly associated with the Council's activities.

6.2 Permitted use

6.2.1 Community Groups and government organisations

Meetings for community purposes or by other government agencies will be permitted in the Council Chambers with the authorisation of the Chief Executive Officer, or the Council by resolution.

No fee shall be payable for use of the Council Chambers by authorised groups.



Policy

6.2.2 Other groups

As a general rule, "for-profit" businesses and other associations not operating for community purposes will not be permitted to use the Council chambers.

However, the Chief Executive Officer may permit such use where, in their judgement, it does:

- not impact on the Council's use of the facility, or
- not bring the Council into disrepute.

A fee may be charged by the Council for this use.

6.2.3 Prohibited use

Meetings supporting political parties or candidates must not be held in the Council Chambers.

This does **not** prohibit:

- local Members of Parliament using the Chambers to meet with constituents, or
- candidates for political office addressing the Council

6.3 **Bookings**

To ensure that double-bookings are avoided, all use of the Council chambers by external organisations must be booked through the Council's formal booking procedure via the Council's customer service team.

On booking, the user body will be provided with a copy of this policy.

6.4 **Facilities**

External organisations using the Council chambers are to supply their own refreshments such as tea, coffee, milk and the like.

Groups wishing to use the W-Fi and/or videoconference facilities must contact the Council's Information and Communication Technology team in advance. Use of these facilities must comply with the Council's Information and Communication Technology policies and procedures.

The group wishing to hold the meeting will appoint a designated person to be responsible for the security of the Council's building and property during and following the meeting.

The designated person will also be responsible for the safety of the persons attending the meeting and ensure that all attendees follow the Council's workplace health and safety policies and procedures.



Policy

Unless specifically requested, groups using the Council Chambers will **not** be required to provide evidence of public liability insurance coverage

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Work Health and Safety Act 2011*

7.2 Council policies and guidelines

- Governance Policy (to be developed)
- Code of Conduct
- Councillors Expenses and Facilities Policy
- Work Health and Safety Policy
- Information and Communication Technology Policy
- Communication Devices and the Internet Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

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

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



Policy

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

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

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BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Matt Hansen
1.1		Minor review (detail)	Matt Hansen

Report:

As part of the ongoing review of Council policies, Council staff have reviewed its Use of the Council Chambers policy

The Berrigan Shire Council Chambers is a venue suitable for use by a range of groups for meetings. The Council has an interest in ensuring that the space is made available to these groups.

However, the Council has interests that it needs to ensure are protected as part of this use. These include:

- Security of the Council Administration Office as a whole
- Workplace Health and Safety issues relating to the Council Administration Office's status as a workplace
- The perception of others of Council endorsement of the views of other groups using the Chambers.

It is important that these competing aims are assessed when allowing use of the Council Chambers by groups other than the Council

This policy aims to regulate the use of the Council Chambers by organisations other than Berrigan Shire Council.

The staff review determined that the policy was still fit-for-purpose with some minor amendments – mainly related to use of Wi-Fi and videoconferencing facilities.

8.11 Community Assistance Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: That the Council:

- revoke the Requests for Donations and Financial Assistance adopted on 16 November 2016; and
- adopt the Community Assistance Policy set out below:



Policy

4

COMMUNITY ASSISTANCE POLICY

Strategic Outcome:	Supported and engaged communities		
Policy type	Administrative		
Date of Adoption:	20 April 2022	Minute Number:	
Date for Review:	15 April 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Requests for Donations and Financial Assistance Policy adopted on 16 November 2016		
Delivery Program Link:	3.2.1 - Provide opportunities for life-long learning, cultural expression and recreation. 4.2.1 Implement the Berrigan Shire Tourism Strategy		

1. POLICY STATEMENT

Berrigan Shire Council receives many requests from various community organisations and individuals for financial and/or in-kind assistance. This policy outlines the circumstances, levels, types and methods of assistance Council may provide in response to these requests.

2. PURPOSE

The purpose of this policy is to set clear parameters for those requesting assistance, and to establish guidelines for Councillors and staff when assessing requests and determining the ability of Council to provide the requested resources.

3. SCOPE

This policy applies to:

- individuals and organisations seeking donations and financial assistance from the Council;
- individuals and organisations seeking in-kind assistance from the Council; and
- Councillors and council staff assessing applications for assistance.



Policy

4. OBJECTIVE

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

3.2.1 Provide opportunities for life-long learning, cultural expression and recreation.

4.2.1 Implement the Berrigan Shire Tourism Strategy

5. DEFINITIONS

- Commercial Entity:** A commercial entity is any individual or organisation that is operating a business on a commercial basis. This includes businesses operating on a not-for-profit basis.
- Community Event:** For the purposes of this policy, a community event is a locally organised event promoting a local cause or benefit.
- In-kind assistance:** Support provided by Council in the form of materials or services at no charge to the individual or organisation.
- Special events:** A special event includes (but is not limited to) the following:
- Picola Football Netball League, and Murray Football Netball League Grand Finals (if held in the Berrigan Shire)
 - Berrigan and Finley Agricultural and Horticultural Shows
 - Berrigan Gold Cup
 - Finley Rice Strippers Ball
 - Other events as determined by the Chief Executive Officer (CEO) on a case-by-case basis
- Traffic Committee:** Advisory committee comprised of representatives from Council, Roads and Maritime Services, and NSW Police, to consider traffic control issues and event applications.
- Traffic Management** For the purposes of this policy, traffic management is defined as the preparation of traffic management plans (TMP) and the erection of signage. It does not include traffic control.

6. POLICY IMPLEMENTATION

6.1 Requests for financial assistance



Policy

All requests for financial assistance must be made in writing and addressed to the Chief Executive Officer (CEO).

The Council may consider requests for donations and funding assistance at any time, however the Council has more capacity to respond to requests that are made in time for inclusion in its annual Operational Plan. In general, this requires organisations to submit a request to the Council by March for inclusions in the Operational Plan and budget for the following financial year.

Applicants are encouraged to contact the Council to discuss their proposal. Depending on the size and nature of the request, the Council may consider making any assistance contingent on meeting certain criteria.

In general, assessment of any request will be based on community, social and economic need, project outcomes and the documented strategic priorities of the Council. Priority will be given to organisations/individuals directly connected with the Berrigan Shire, i.e., residents, businesses, service organisations, etc.

The Council is obliged to ensure any funding provided is consistent with the requirements of s356 of the *Local Government Act 1993*.

6.1.1 Specific requests for financial assistance

The Council provides Council staff with some discretion to make decisions regarding donations and funding assistance in certain specific cases. These include:

- refund of Development Consent and other application fees;
- assistance to attend sporting and other events;
- capital grants and assistance to Council volunteer committees;
- scholarships; and
- assistance to fund events and tourism initiatives.

Requests outside these specific cases will require the Council to specifically approve any assistance by resolution or by inclusion in the Council's Operational Plan.

6.1.2 Refund of Development Consent and other Application Fees

Organisations and individuals may request the Council waive development applications or other fees in lieu of direct support. Whilst this is not a direct donation from the Council, the Council will recognise the value of this support in its operational budget.

In consideration of requests:



Policy

- The Council will pay the application and inspection fees for non-commercial activities of community and charitable organisations upon request and acceptance by the Deputy CEO. Funds for this purpose will be allocated in the Community Works budget.
- Where the activities contain a commercial component, the request is to be referred to Council for decision.
- Where a request is made by a commercial organisation, the Deputy CEO will assess the request against the general guidelines of this policy. If, in the opinion of the Director Corporate Service, the request has some merit, the request will be referred to the Council for consideration, otherwise it will be refused.

Organisations requesting the Council waive any development application fees are encouraged to pay the fees up-front when their application is lodged. If the Council approves the request to waive fees, then the Council will refund those fees to the applicant. Otherwise, the application will not be formally accepted by the Council until the Council considers the request for the waiving of fees and makes payment on behalf of the applicant.

The Council will not waive any fees it is required to collect on behalf of a third party, such as the Building Industry Long Service Levy.

6.1.3 Requests for financial assistance to attend sporting and other events

In recognition of the distances and expense of travelling to State or National competitions, the Council provides assistance to individuals selected to represent the region, the State or the Nation.

The Council shall reimburse up to \$100 towards the cost of attending a sporting or other event provided:

- the individual is 18 years of age or under, and
- the individual is a resident of the Berrigan Shire, and
- the individual has been selected to represent the region, the State or Australia in a State, National or International championship.

This assistance is provided to individuals selected in representative teams only. It is not provided to individuals in local teams where the team as a whole, representing the region- i.e., Berrigan Public School wins the local and regional netball competition and is invited to play as a team at State level.

Applications for assistance under this scheme are to be made directly to the Deputy CEO for assessment and payment.

6.1.4 Requests for Capital Grants and Assistance from Council Volunteer Committees



Policy

The Council recognises its volunteer committees are responsible for the operation and maintenance of Council controlled facilities and need assistance with funding significant capital improvements. Funding assistance to these committees will be provided on the following basis:

- The funds are used for capital improvement of a Council facility
- The relevant volunteer committee of management will retain control of the funds and liability for any loans
- The maximum project value is \$50,000. Projects over this value will be considered independently on their merits as to whether any contribution will be made and if so, upon what terms and conditions
- The Council will maintain an aggregate cap of \$100,000 on loan contributions and commitments under this scheme at any time.

Applicants are strongly encouraged to make requests for funding under this scheme through the Council's annual integrated planning and reporting process. Applications outside this process may be presented to the Council for consideration with the consent of the Mayor or Chief Executive Officer.

All funding provided under this scheme will be made either through inclusion in the Council's Operational Plan or via a formal resolution of the Council. If approved by the Council, funding assistance will be provided in the following form:

- A grant of no more than one third of the total project value, plus; or
- A loan, at a subsidised interest rate, of no more than one-third of the total project value.

This is subject to confirmation of the committee's willingness and ability to fund the remaining cost of the project.

Any loan under this scheme will be provided on the following terms:

- The term of the loan to be:
 - no longer than three years for amounts under \$5,000; or
 - five years for larger amounts
- Loan repayments to be no less than semi-annually
- The interest rate charged will be 50% of the interest rate earned by the Council on its most recent term deposit.

6.2 Requests for in-kind assistance

In-kind assistance may include (but are not limited to) site preparation, waste collection or traffic management. Requests for in-kind assistance must be made in writing to the Deputy CEO. Requests



Policy

will be discussed with the relevant Manager and assessed for suitability, considering the costs associated with the assistance requested, and availability of staff.

In-kind assistance will only be made to events classified as community events.

The Council will track the cost of all in-kind assistance made under this policy and include this in its annual report

Where Council is unable to provide in-kind assistance, the organiser will be required to source these services from a contractor at their own cost.

6.2.1 Traffic management

Assistance with traffic management may include:

- preparing a suitable traffic management plan for an event; and
- implementing a traffic management plan – including:
 - providing, installing, and removing traffic control signs and barriers; or
 - providing traffic controllers

Organisers of events requiring traffic management must ensure documentation is prepared and submitted in time (a minimum of three months in advance) for a meeting of the Local Traffic Committee.

Requests for in-kind assistance where Local Traffic Committee approval is required will not be granted until a follow up review is conducted taking into consideration the requirements imposed by the Local Traffic Committee.

6.2.2 Special events – waste collection

The Council will cooperate with the organisers of special events regarding collection and disposal of waste associated with the event. Generally, this will be by way of providing bins to allow the normal kerbside collection service to collect. The Council will not pass on the costs of collection to the special event organisers for this service.

Where this is not possible or practicable, the Council may allow access outside normal hours to a waste management facility for special events.

If access is allowed, the following arrangements, before the event, will apply:

1. An authorised representative of the special event organisers will arrange a suitable time with an appropriate Council representative for after hours access to the facility.



Policy

2. The representative will pay any appropriate tipping fees based on an estimate of the type and quantity of the refuse expected to be disposed of. An adjustment to these fees may be made after the event if the types and quantities are materially different.
3. The normal fee charged for opening the facility outside normal hours will be waived.

6.2.3 Other events – waste collection

Other events requesting waste collection will be considered on a case-by-case basis. Eligible events must meet the criteria for community events and must request assistance in writing to the Deputy CEO.

Requests for subsidised tipping fees and the like will be considered as part of the written request for in-kind assistance.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Template Guidelines (2002)*

7.2 Council policies and guidelines

- Berrigan Shire Council 2027 (Community Strategic Plan)
- Event Management Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each



Policy

document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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Email: mail@berriganshire.nsw.gov.au*

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Michelle Koopman

APPENDICES

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Requests for Donations and Financial Assistance Policy.

This policy sets out how the Council assists (either financial assistance or in-kind assistance) community groups and individuals over and above its normal services.

The proposed policy includes a series of revisions to the current policy which can be found at <https://www.berriganshire.nsw.gov.au/files/policies/Requests%20for%20Donations%20&%20Financial%20Assistance%20Policy%2004.pdf>

This includes a new name – "Community Assistance Policy".

The significant change included in this policy are:

1. formalising arrangements for provision of traffic management, and
2. inclusion of in-kind waste management services for community events.

8.12 Waste Collection and Disposal Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation: That the Council:

- revoke the Waste Collection and Disposal Policy adopted on 17 July 2019; and
- adopt the Waste Collection and Disposal Policy set out below:



Policy

78

WASTE COLLECTION AND DISPOSAL POLICY

<input type="checkbox"/>	
Strategic Outcome:	Sustainable natural and built landscapes
Policy type	Administrative
Date of Adoption:	17 March 2022 Minute Number:
Date for Review:	17 March 2026
Responsible Officer:	Director Technical Services
Document Control:	Replaces the Waste Collection and Disposal Policy adopted 17 July 2019
Delivery Program Link:	1.3.2 Manage landfill, recycling and waste disposal
<input type="checkbox"/>	

1. POLICY STATEMENT

Management of a waste collection disposal and recycling system for Berrigan Shire is one of the core responsibilities of Berrigan Shire Council.

This policy establishes a framework under which the Council will deliver these services.

2. PURPOSE

The purpose of this policy is to plan and provide an environmentally sustainable and effective system for waste disposal in line with the *Waste Avoidance and Resource Recovery Act 2001*, other legislation and community expectations.

3. SCOPE

This policy applies to all waste management activities undertaken by Berrigan Shire Council.

4. OBJECTIVE

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

- 1.3.2 Manage landfill, recycling, and waste disposal

5. DEFINITIONS



Policy

Hardwaste:	Includes waste that is neither putrescible (organic) or recyclable.
Greenwaste:	Includes garden waste, tree lopping and lawn clippings.
Putrescible:	Organic waste that is capable of decomposing (i.e. Food scraps, etc.)
Recyclables:	Includes materials able to be recycled in accordance with national standards, e.g., cardboard, paper, plastics, metal, batteries, tyres and whitegoods, etc.
Scavenging:	The removal of items previously left as waste from a waste management facility by the public.

6. POLICY IMPLEMENTATION

6.1 Waste management facilities

6.1.1 Location

Berrigan Shire Council will operate the following facilities:

- Berrigan Waste Management facility – receives all types of waste;
- Tocumwal Waste Management facility – receives only clean hardwaste, recyclables and greenwaste;
- Finley Recycling Centre – receives only recyclables

6.1.2 Hours of Operations

Opening hours for these facilities are set out in Table 1:

Facility	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Berrigan	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm	Closed	Closed	12:30pm – 4:00pm
Tocumwal	Closed	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm
Finley	Closed	Closed	Closed	Closed	Closed	Closed	8:30am – 12:00pm

Table 1

Opening hours for these facilities will only be modified by resolution of the Council.

All waste management facilities will be closed on the following days:



Policy

- Christmas Day
- Good Friday
- ANZAC Day

While open, use of the facility will be supervised by an authorized Council employee at all times. Access to the facility outside normal opening hours is prohibited, except as otherwise allowed for in this policy.

6.1.3 Fees and charges

On application, not-for-profit community operated Opportunity Shops selling second-hand furniture may be allowed to dispose of up to 4m³ of non-putrescible waste per calendar year free of charge at the Council's waste management facilities.

Organisations seeking this allowance must apply annually and in writing. The Chief Executive Officer (CEO) will determine the eligibility for this allowance. The Environmental Engineer will keep a register of those organisations eligible for the allowance.

The Environmental Engineer will keep a record of quantities of waste disposed by these organisations and submit this information to the Council by way of a report to a Council meeting on an annual basis as well as in the Council's Annual Report.

Waste collection required as part of special events within the Shire will be considered under the Council's Community Assistance Policy.

6.1.4 Scavenging rights

The Council will not allow any scavenging at any of its waste management facilities under any circumstances.

6.2 **Kerbside collection**

6.2.1 Services

The Council will offer the kerbside collection services as shown in Table 1.



Policy

Name	Service
Domestic waste collected	1 x weekly collection of 120 litre small garbage bin (green); 1 x fortnightly collection of 240 litre recycling bin (blue)
Additional service (collected)	1 x weekly collection of 120 litre small garbage bin (green)
Uncollected (vacant)	Charged on vacant land within the collection zone – no service is provided
Business/Non Residential garbage	1 x weekly collection of 240 litre bin (green)
Garbage and recycling	1 x weekly collection of 240 litre bin (green); 1 x fortnightly collection of 240 litre recycling bin (blue)
Recycling collected	1 x fortnightly collection of 240 litre recycling bin (blue)

Table 2

6.2.2 Serviced area

The garbage and recycling services are normally only provided to those that are within the town boundary.]

Under certain circumstances, Council's service provider will collect outside the town boundary if a significant number of people request the service.

6.2.3 Voluntary service

Residents outside the service area may avail themselves of the waste kerbside collection service. A request for this service will be passed onto the Environmental Engineer to assess in line with this policy.

The Environmental Engineer will determine the nearest collection point where the resident will need to bring their bins for collection.

Any property provided with a garbage service under this section will also receive a recycling collection service.

6.2.4 Fees and charges

Fees and charges for these facilities will be set annually via the:

- Fee and Charges Register
- Rating and Revenue Policy, and
- Through the Council's rates and charges resolution.



Policy

6.2.5 Compassionate service

The Council will provide a larger 240 litre bin for the garbage service for residents with special waste collection needs relating to their medical care, e.g. dialysis machine and adult incontinence aids, etc.

Each request for a larger bin under this section will be assessed on their merits by the Environmental Engineer.

Residents will be asked to provide evidence, i.e. a medical certificate or a statutory declaration in support of their request.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- Local Government Act 1993
- Local Government (General) Regulations 2005
- Waste Avoidance and Resource Recovery Act 2001
- Reducing Waste: Implementation Strategy 2011- 2015

7.2 Council policies and guidelines

- Fees and Charges Register
- Waste Management Asset Management Plan
- User Fees and Charges Policy
- Commercial Credit Policy
- Community Assistance Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY



Policy

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

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0		Removal of waste services in kind. New format	Matt Hanse

APPENDICES

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Waste Collection and Disposal policy.

Management of a waste collection disposal and recycling system for Berrigan Shire is one of the core responsibilities of Berrigan Shire Council. This policy puts in place a framework under which the Council will deliver these services.

The purpose of this policy is to plan and provide for an environmentally sustainable and effective system for waste disposal in line with the *Waste Avoidance and Resource Recovery Act 2001*, other legislation and community expectations.

The existing policy can be found at:

<https://www.berriganshire.nsw.gov.au/files/policies/Waste%20Collection%20&%20Disposal%2078.pdf>

The proposed policy is not significantly changed from the existing policy, other than Council assistance with waste management for "special events" has been moved to a new Community Assistance Policy covered in a separate report.

8.13 Website Listings and Management

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: That the Council:

1. not pursue further, the listing of all businesses in the Berrigan Shire on Council's website;
2. provide links on the Berrigan Shire website when it is updated, to external providers for events at a local, and regional level; and
3. not develop a Community Groups listing for the Berrigan Shire website when it is updated, though Council does direct Council staff to ensure appropriate details of its section 355 Committees are included on its new website when that website is ready for publication.

Report:

At the March Corporate Workshop there were a number of General Business Outcomes that required further staff consideration. This report is to allow consideration of the following three matters:

1. **Business Directory** – is it possible for Council to add to their website and maintain?
2. **Calendar of Events** – is it possible for Council to include on their website and maintain?
3. **Community Group Contacts** – is it possible for Council to include and maintain a list on their website.

Business Directory

Research indicates this has been attempted by Council in the past, though in hard copy format. Immediately the booklet was produced it was out of date. Herein lines the consideration Council are required to make.

There are a number of matters that need to be considered prior to making a decision as to whether Council wish to go ahead with this idea.

1. Council staff will need to contact each business and request their permission to advertise on Council's website. Some may not wish to be included.
2. There are some very strict rules placed on some industries as to how they are advertised. This includes all advertising, even business listings such as this one. For instance, plumbers and other regulated trades are required to include their license

numbers and other essential details; Registered Training Organisations must include the National VET symbol and their registration number along with (in some cases) the courses they are qualified to teach. Council staff cannot be expected to know all of the rules that dictate the advertising requirements for each given industry.

3. Once uploaded Council staff will need to at least annually go through the entire process again to ensure the list is as up to date as possible and to check the rules for each industry as outlined above as they do change quite regularly.

Council staff are currently investigating the possibility of upgrading Council's website and moving to another platform. That platform does offer a module that will allow for business owners to upload their own business details to Council's website. This would alleviate the above expressed concerns to a large degree. What it does not address however is that when businesses close down, change hands, or change their registration / license details, or the rules of their industry change surrounding advertising, that Council staff cannot guarantee the business owners will update their listings. Equally, those who close down or move may not think to update their listings on Council's website. The cost of the additional "plug in" is also unknown at this time.

From previous experience, a licensed industry operator was contacted by their industry as Council (not this one) had their details incorrectly listed on their site. The person was threatened with significant fines and suspension if the advertising was not removed immediately. Equally Council were issued a notice to remove the advertising immediately or face legal action.

Most people, other than perhaps some of our Baby Boomers, when looking for contact details of a service or business they need now turn to Google or other similar search engine. Even the Yellow Pages is rarely accessed these days and certainly hard copy editions are rarely printed.

Recommendation: I do not recommend Council go ahead with this idea. I believe it will be resource intensive to manage and will distract staff from doing the work already assigned to them to delivery Council's Delivery and Operational Plans.

Calendar of Events

A site already exists under Murray Regional Tourism that outlines the events across the region. The site is at the following link <https://www.visitthemurray.com.au/search/What's+On/>. Council also has an event page on their website that is linked to Sun Country on the Murray available at <https://www.visitthemurray.com.au/places-to-go/central/suncountry/things-to-do/events> and a link to Gateway NSW at the Tocumwal Chamber of Commerce website <https://tocumwalchamber.com/>. All provide considerable information regarding what is on both local and across the broader region.

The Murray Regional Tourism and Sun Country on the Murray sites do rely on the event organisers being listed with the Australian Tourism Data Warehouse and the information is directly uploaded from there. The Tocumwal Chamber of Commerce site is still under

construction to a large extent but we do believe that will be more actively managed in the future.

Recently, the Finley Chamber of Commerce have also commenced development of a local events calendar. It may be useful for Council to also provide a link to this calendar once it is finalised and live on the Finley Chamber of Commerce website.

Recommendation: I do believe sufficient information already exists online to demonstrate the number and types of events currently occurring both in the Berrigan Shire Council area and across the region. The onus is however on the event holders to ensure their event is included on the ATDW site. Merran regularly works with community groups and event managers to ensure they understand the importance of the ATDW site and how advertising of their event flows from this group to others who cross promote. Adding another event calendar to Council's website does have the ability to be lost in a sea of information already available.

Community Group Contacts

In the Berrigan Shire there are literally hundreds of community groups. These range from small informal groups (such as play groups) through to large and sophisticated ones (such as Rotary). To be able to capture all community groups in a single would involve a huge amount of work on the behalf of staff to both find every possible group, engage with them and then ask permission to add them to the contacts list.

Where the groups cease to function, change hands / committee members etc, it is unlikely Council would be contacted to update the details in every instance, leaving what would be incorrect information on Council's website. Complaints would no doubt then come from the incorrect information being presented. Again Council staff would need to engage at least annually with every single group to work out if the contact details are correct.

At this time, through Facebook and Google I am able to find innumerable groups who both meet / don't meet / hold events / don't hold events or just chat online. All are equally important community groups but the level of engagement needs to be assessed as does the time impost on staff. An estimate of the time it would take to establish which community groups to put on a contact list, engage with them, develop and maintain a list would be about half a Full Time Equivalent position (0.5FTE). That does not include the time taken to field complaints about community groups that are not listed or not listed correctly.

Recommendation: I am not sure this is the best use of Council resources given most people, if they want to join a community group in their area, find those groups themselves fairly easily and will go out of their way to establish contact.

The purpose of this report is to discuss with Council a clear direction regarding the above issues so that Council staff may commence investigations into each matter if that is the desire of Council. If further investigation is required, full reports including operational and resourcing costs will be submitted to future Council meetings. If Council do not wish to



pursue any or all of the above matters, a shortened version of this report will be presented to the April meeting for final direction.

8.14 Councillor Talking Posts

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: that the Council engage with the community as per the outline contained in report 8.14 Councillor Talking Posts, with those meetings occurring – *Council decision*

Report:

At the Corporate Workshop Councillor Marriott asked if staff would be able to arrange Councillor Talking posts as a weekly event. Personally, I think weekly is too often and will lead to people not attending, plus there is considerable time required to organise these and ensure rooms are booked, morning tea provided (if that is to be the case) etc.

This report is to provide for discussion thoughts regarding how often Councillors would like to engage with the community and the intent of that engagement. I would suggest perhaps two Councillors, once per quarter at the libraries in each town as per the below example:

April 2023	Berrigan Library	Cr Reynoldson Cr Paine
	Barooga Library	Cr Cornwell-McKean Cr Marriott
	Tocumwal Library	Cr Hatty Cr McNaught
	Finley Library	Mayor Hannan Cr Taylor

July 2023	Berrigan Library	Cr Cornwell-McKean Cr Taylor
	Barooga Library	Cr Reynoldson Cr Marriott
	Tocumwal Library	Mayor Hannan Cr Paine
	Finley Library	Cr McNaught Cr Hatty
October 2023	Berrigan Library	Cr McNaught Cr Hatty
	Barooga Library	Mayor Matt Hannan Cr Paine
	Tocumwal Library	Cr Reynoldson Cr Taylor
	Finley Library	Cr Cornwell-McKean Cr Marriott

I understand these sessions will be important for Councillors to engage with the community in a more active way as this was the promise of most people who ran for Council at the last election. I hold concern staff will be given an increased workload as a result of these meetings without the community understanding the intent of the sessions and that any requests from the community at these sessions will need to align with either our strategic outcomes our current Delivery Plan. I think it is therefore very important a framework regarding implementation of ideas and expected outcomes can be developed and managed appropriate to resource limitations.

It should be noted that once a Delivery Plan is set (after it is sent to the community for comment), then any changes to the Delivery Plan need further community consultation and a new document developed and sent out for community comment. This is a very long process and will distract staff from actual delivery of outcomes.

Councillors will be actively engaging with the community in the first half of the next financial year (July to December 2022) regarding the review of the Community Strategic Plan and the review of the Local Environment Plan. These are significant bodies of work. It is thought the format suggested above would then ensure Councillors are able to engage with the community regarding the actual implementation of the Delivery Plan and Community Strategic Plan to ensure staff remain on track.



Engaging in this way will ensure the community will not be overwhelmed with the amount of engagement and will ensure the messages are not confusing.

The question then is, should the sessions be held on the same week and at different times or across all weeks of the month, again at different times to allow for different audiences.

8.15 Tocumwal Chamber of Commerce Request

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: The direction of the Council is sought.

Report:

Council has received a request from the Tocumwal Chamber of Commerce (the Chamber) for consideration of ongoing support of their activities at the current Tocumwal Visitor Centre site. The letter is attached at "**Appendix 8.15-A**".

At the October 2021 Ordinary Council meeting, Council determined the following:

Karina Ewer (Chief Executive Officer)

– Visitor Information Centre

263 Resolved Crs Bruce and Jones that the Council do not pay the rent until it receives formal request to extend the agreement for Council to consider

In reality, Council ceased paying the rent at the end of the Agreement term with the Chamber, as staff did not have delegated authority to continue payments past the cessation date of that Agreement. Payment therefore did cease after the September account was paid.

It should be noted Council continue to pay for the phone and internet connection even though agreement was made between the President of the Tocumwal Chamber of Commerce and the Deputy CEO to cease that payment as at 28 February 2022. Given meetings with the Chamber had not yet occurred regarding the opening of Council's Visitor Centre as requested in the below resolution, those payments are continuing and currently cost Council just under \$100 per month.

7.12 Tocumwal Visitor Information Centre

21 **Resolved** Crs Cornwell-McKean and Hatty that:

1. the Council operates an accredited Visitor Information Centre (VIC) to represent the whole of the Berrigan Shire area in the Tocumwal Foreshore Building, staffed by Council employees and volunteers;
2. the Council allocates a budget for the employment of a Visitor Services Officer (2x Part-time = 1 FTE) and the initial set-up and ongoing operations and maintenance of a VIC;
3. the CEO with Councillor Paine and Hatty to engage with existing operator as per the ability to continue to operate in partnership rather than in competition.

The first meeting with the Chamber at the Tocumwal Visitor Centre was held on 15 February 2022. The President of the Chamber and a number of others were there, including Cr Ted Hatty and I. It was agreed at that meeting, that Cr Hatty would undertake some further investigations as to whether the research undertaken by Council staff was adequate and represented the views of the businesses, particularly in Tocumwal.

Cr Hatty did go to business in Tocumwal and found support for Council operating an accredited yellow "I" Visitor Centre was in fact at the rates reported in previous discussions as an outcome of the review of the Tourism Strategy (which is currently ongoing).

A second meeting was established with the Chamber on 23 March 2022 at which the new Secretary of the Chamber and a number of other members were present. At that meeting it was agreed Council and Chamber can work together as Council sees the opportunity of the current shop front remaining as it not only provides a different tourism product (the space is operated more as a travel advisory hub) but also provides point of sale space for local produce suppliers that would otherwise not be able to afford their own stand alone shop front.

Whilst the Chamber representatives did support the different focus of Council's centre, they also verbally requested Council consider what supports might be possible to keep the current facility operating at least until the Chamber is also able to recover its operations to full capacity following Covid.

The letter attached is a result of the discussion outlined above.

For Council to continue the funding provided in the past the below outlines the costs involved and impact to Council's budget.

Item	Item Rate	Annual Cost
Rent of the Railway Café	\$2,600 per quarter	\$10,400
Internet and Phone	\$100 per month	\$1,200
Total Current Operating Costs		\$11,600

Council usually also provides each of the Chambers \$1,000 to spend on Christmas activities. The only condition is that the Chambers write to Council to explain how they have spent the money (i.e. decorations, function, activities etc). Tocumwal Chamber did not notify Council of how their 2020 contribution was spent, hence they did not receive a 2021 contribution, though they were reminded on at least two occasions to provide one so Council could provide the 2021 contribution. This was not forthcoming.

Background Information

For Council to pay the rent etc at the current Tocumwal Visitor Centre, Council entered into an agreement with the Tocumwal Chamber of Commerce. At the August 2020 Ordinary Council meeting, the following was moved:

Resolution:¶

188 → Crs Jones and Glanville that the Council advise the Tocumwal Chamber of Commerce & Tourism that it will support the operation of the relocated Visitor Information Centre by providing a rental subsidy of \$200 per week and meeting the current level of internet and mobile phone services for a period of three years and subject to no material business or commercial operations being conducted from the site.¶

189 → **Amendment** Crs Bruce and Reynoldson that the Council advise the Tocumwal Chamber of Commerce & Tourism that it will support the operation of the relocated Information Centre by providing a rental subsidy of \$200 per week and meeting the current level of internet and mobile phone services for a period of one year with a review after that time and subject to no material business or commercial operations being conducted from the site.¶

¶

→ The amendment became the motion and when put as the motion was again carried.¶

¶

The letter subsequently sent to the Tocumwal Chamber of Commerce is attached at "Appendix 8.15-B".

It is believed, the intent of the above resolution was to ensure the Tocumwal Visitor Centre did not go into direct competition with other Tocumwal businesses who were not receiving Council support to operate. No complaints regarding the Visitor Centre practice of selling local produce have been received.

I am unaware of any further negotiations taking place that would have allowed for the selling of produce on the site.

It should be noted the selling of produce has become an integral part of the delivery model for the Tocumwal Visitor Centre and it is believed, an important point of sale for some local producers who would otherwise not have the opportunity to sell their produce through a shop front.

Purpose

The purpose of this report is for Council to consider what might be appropriate support to provide the Tocumwal Chamber of Commerce, remembering the expectation from other Chambers may be that the same level of financial support be offered to them.

Options

At this juncture it is felt Council have a number of options in relation to providing the assistance requested by the Tocumwal Chamber of Commerce to maintain their operations. These options are listed below:

1. That Council do not provide any further support to the Tocumwal Chamber of Commerce to support the operations of the Tocumwal Visitor Centre;
2. That Council continue to pay for only the phone and internet service provision for the next X years.
3. That Council continue to pay for the rent, phone and internet services for a period of x months (it could be that the amount reduces by a percentage over time)
4. That Council continue to pay for the (*services to be specified by Council*) for a period of X months (it could be that the amount reduces by a percentage over time)
5. That Council continue to support the operation of the Tocumwal Visitor Centre under formal agreement with the Tocumwal Chamber of Commerce for (a period set by Council)

8.16 CEO Performance Agreement Quarterly Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council note the quarterly report for CEO Performance Agreement.

Report:

At the January Ordinary Council meeting, Council confirmed the CEO Performance Agreement, with many of the outcomes requiring quarterly reporting. This report is intended to provide Council with a quarterly update as to where all projects are at.

The information below is provided for information purposes.

Community Strategic Plan Review

KPI Commence review of Council's Community Strategic Plan in line with LG Act requirements

Response The Community Strategic Plan will initially be reviewed as a statutory requirement. Full review of the Community Strategic Plan has been scheduled between July and December 2022.

Councillor Induction and Training

Prepare for the induction of new Councillors and their training as per the requirements of the LGA Act

Complete

Local Environmental Plan Review

Engage a consultant to conduct Council's LEP Review, including the development of a Township Master plan for each of the four townships. Aim to have the Review completed in as short a time frame as possible.

A consultant has been engaged and full review of the LEP will be undertaken during July to December 2022.

Governance

Align Council's governance requirements with the outcomes expected under the LG Act

Reviewed Policies:

- Code of Conduct (Jan 2022)
- Code of Conduct Administrative Procedures (Jan 2022)
- Councillor and Staff Interaction Policy (Feb 2022)
- Vaccinations Policy (Feb 2022)
- Drug and Alcohol-Free Workplace Policy (Feb 2022)
- Staff Remuneration Review Policy (Feb 2022)
- Workplace Smoking Policy (Feb 2022)
- Water Trading Policy (Feb 2022)
- Reimbursement of Relocation Expenses Policy (Feb 2022)
- Social Justice Framework (Feb 2022)
- Community Engagement and Community Participation Plan (Feb 2022)
- Motor Vehicle Policy (March 2022)
- Library Service – Children and Young Persons Policy (March 2022)

Excess Leave Liabilities

Reduce Council's current excess leave liability by a third of its current level by 30 June 2022. Ensure reporting is undertaken on at least a quarterly basis until the liabilities are within acceptable ranges as set out in the Employee Leave Policy.

HR Scan provided at April 2022 meeting. Further HR Scans will align with normal quarterly reporting.

Organisational Realignment

Complete the organisational realignment to allow for all vacancies to be filled effectively. Report to Council on the final results of staff engagement and vacancy rates on at least a quarterly basis.

Complete

Information Technology

Complete the review and update the IT Strategy and present to Council for consideration and implementation.

A significant review of IT requirements is currently underway. A review of the IT Strategy is expected to be presented at the June Strategic and Policy Workshop and Ordinary Council meetings.

Audit Risk and Improvement Committee

Complete development of the ARIC and advertise and select appropriate external representatives for that panel.

Complete

Staff Culture

Actively engage with staff to ensure a culture of quality and customer focus is instilled in all employees

- First BBQ breakfast held immediately after my arrival and was well received
- Employee Awards and Recognition Ceremony – 23 September 2021
- There has been a considerable amount of change and a huge staff turn over in the first half of this financial year. Further work, including a culture survey is planned for the second half of the financial year and reports on the findings of that survey will be made to Council once they are analysed.
- Third All Staff breakfast outlined my expectations and management style and was well received
- Review of internal communications has resulted in a number of changes, including changes to the Weekly Update format, texting messages to all staff to ensure broader reach, dissemination of Executive Leadership Team meeting minutes to keep staff up to date.
- Pulse Surveys have commenced 8 April 2022.

Community Engagement

Continue to engage with community sectors to understand business and individual needs and where Council might provide appropriate levels of support according to approved Council roles.

Project Milkshake - Finley

Pre-development meetings complete. Development Application is currently being assessed.

Tocumwal Truck Stop Project

Development Approval submitted. The project is currently out for community consultation.

Tocumwal Industrial Precinct

A subdivision certificate was issued on Monday 13 December 2021 which allows the proponent to lodge the title with the Land Registry Service.

Complete

Tocumwal Poly Pipe Project

Pre Development meetings completed. Awaiting submission of Development Approval

Other Meetings

- Tocumwal Foreshore Committee
- Murray Regional Tourism Board
 - 7 Feb 2022 – Revitalising the Murray Workshop
 - 8 Feb 2022 – MRTB Update on project roll out
 - 24 Feb 2022 – Site tours Berrigan Shire and Board meeting
 - 24 March 2022 – Board Meeting
- Murray River Council Community Strategic Plan
- Tocumwal Tourist Park
- Tocumwal Chamber of Commerce
- Aerodrome User Group
- Freight Operators
- Tocumwal Carpark
- Tocumwal Aviation Museum
- RAMJO Board
- Murrumbidgee Local Health District

Advocate

Continue to advocate for the community to ensure the best health and wellbeing outcomes and to ensure equitable access to Council facilities and operational outputs.

Issue	Work
Insurance in Tocumwal	Wrote to Insurance Council of Australia Looking to meet with Mayor relevant Minister to continue to raise matter
Murray Darling Basin Authority	Requested consideration of events on the Murray prior to releasing excess water. Response received. Now included in strategic management discussions
NSW Rural Fire Service	Have requested access to rating database to allow for bushfire preparations. Council however are not the owners of the information (Land Titles Office) and access is too broad to ensure it is for only the purpose stated. Being discussed at RAMJO GMs meeting
Industrial Advisory Group	Commencing engagement with renegotiation of Local Government (State) Award
Australian Local Government Association	Five motions to be debated at the National General Assembly representing concerns of this region
Sussan Ley	Meeting with Mayor Matt and I regarding Federal Election and delivering Advocacy Document

Murray Regional Tourism Board	Ensuring representation of Berrigan Shire, RAMJO and NSW LG is considered in the development and delivery of tourism product and marketing of the area
RAMJO Water Subcommittee	Direct engagement with review of RAMJO Water Position Paper
RAMJO Shared Service Subcommittee	Chair of committee working to deliver shared services across the RAMJO area
MOU Berrigan, Moira, Federation and Indigo	Working on cross-border collaboration and mutual interests
Central Murray County Council	Ensuring Berrigan interests are represented in the finalisation of the dissolution of the Central Murray County Council
MLHD Working Group	Looking to develop network to address health provision deficiencies in area
Advocacy Document	Prepared to ensure focus on issues specific to the Shire and region through the Federal Election process
National Heavy Vehicle Regulator	Working with to ensure freight operations can be supported in Shire in managed way into the future

Strategic Partnership Discussion Paper

Prepare a paper that will set out a plan for development of private and public sector partnerships. The plan should include consideration of Council’s access to grant funding and strategic partnerships to underpin investment and economic development in the Shire.

White Paper presented to Council for consideration at the April Ordinary Council meeting. Refinement underway and hoped to be presented, including Policy document to June 2022 Ordinary meeting.

Rebranding

Complete a Rebranding Strategy for Council’s consideration

This matter was discussed at the Corporate Workshop and marked the commencement of this project. Currently survey out for community consideration as to whether there is support for Rebranding Process to be undertaken.

Leadership Development

Identification of leadership development opportunities from the Chief Executive Officer’s Hogan Personality Assessment, nomination of actions to improve leadership behaviours and building those actions in a Leadership Development Programme

Further discussions with Stephen Blackadder have not yet occurred.

Knowledge exchange and opportunities

Organise visits and knowledge exchange opportunities with other CEOs and CEOs of Councils similar to Berrigan in other Australian States

Am engaging relatively regularly with Clare Keenan (CEO Moira Shire).

Working with Phil Stone (Edward River Shire) on MIL Bridges issue.

Have engaged well with RAMJO GMs and am developing good rapport I believe.

Acknowledge I need to engage more directly with broader NSW GM community. Will look to attend at least one LG Professionals arranged GM Networking meeting.

Australian Company Directors Course

Complete Australian Company Directors Council by 30 June 2022 to help with strategic focus and exposure to other areas for advocacy.

Booked for all Councillors and Rohit Srivastava. Will sit my assessment prior to January 2022 when everyone else in that group do as well.

Other Projects out of Scope

MOU – Tocumwal Aviation Museum (design, construction and maintenance of Beaufort Garden) – COMPLETED

Tocumwal Caravan Park Lease Extension Request

Murray Irrigation Limited – management of Bridges across the MIL footprint

Board Member (RAMJO Appointment) – Murray Regional Tourism as of December 2021

RAMJO Water Subcommittee

RAMJO Energy Subcommittee

Central Murray County Council finalisation

MOU Indigo, Moira, Federation and Berrigan Shires

Town Beach Matter

MOU Tocumwal Golf and Bowls Club

8.17 Unsolicited Proposal – Tocumwal Caravan Park Lease Extension

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. not support the Unsolicited Proposal to proceed to Stage 1b as it does not meet the requirements of uniqueness for such a proposal, nor does it offer sufficient value to the community to warrant further investigation.

OR

2. direct the Deputy CEO to establish a suitably qualified Steering Committee, including the Deputy CEO, to assess the Unsolicited Proposal, and report the findings back to Council at a future meeting; and
3. direct the CEO to write to the Lessees of the Tocumwal Caravan Park outlining their decision and the reasons for that decision as per the requirements of the Unsolicited Proposals Guideline

Report:

At January's Ordinary meeting, Council were presented with a report outlining an Unsolicited Proposal offered to Council by the lessees of the Tocumwal Caravan Park (Tocumwal Tourist Park).

At that meeting Council resolved as follows:

7.8 Unsolicited Proposal – Tocumwal Caravan Park Lease Extension

- 17 **Resolved** Crs Taylor and McNaught that the Chief Executive Officer work with the proponent to develop their proposal for Council's consideration.

I met with the lessees on 14 February 2022 and commenced preparation of the Unsolicited Proposal Stage 1 Document as a result. It should be noted, I have met with the lessees on the initial proposal previously and that included a site visit.

According to the Unsolicited Proposals Guideline (attached at "**Appendix 8.17-A**") previous meetings and the January Ordinary meeting discussion would constitute the completion of the Pre-Submission Concept Review. Council's decision noted above, moved the submission to Stage 1a (Initial Submission and Preliminary Assessment).

The Initial Submission is included at "**Appendix 8.17-B**" and includes a cover letter from the applicants asking Council to consider their request. I have included the process of assessment in section 2 to 4 so that both the lessees and Council understand what is required of this part

of the process and where it will go from here should Council believe the proposal meets the requirements of the Unsolicited Proposal assessment.

The purpose of this report is to present the Proposal to the Council for further consideration.

To adhere to the requirements of the management of Unsolicited Proposals, Council will need to appoint a Steering Committee to assess the proposal and make recommendation as to whether the proposal should progress to Stage 1b. Council may also decide they have sufficient understanding of the proposal to decide whether the application should proceed to Stage 1b or not.

It should be noted that as I have prepared the Proposal on behalf of the proponents (as directed by Council and despite the requirements of an Unsolicited Proposal application) I cannot be part of any assessment of the proposal at this time. I believe I have essentially been removed from this process even if Council, or a Steering Committee suggests, the Proposal is sufficient to meet the requirements of further assessment.

Should Council decide they would like external assessment of the proposal, I will require their direction to engage a sufficiently qualified panel to do so. I would recommend Matt Hansen, as Deputy CEO may be able to form part of that Steering Committee.

8.18 Social Media Management

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: that the Council:

1. complete a full review of its Social Media Policy prior to allowing comments to be “turned back on” on any of its Social Media platforms. That Policy should include a framework that will allow staff to decide how and when to moderate posts, how and when to remove posts and how any relevant records must be kept;
2. direct staff that on adoption of the reviewed Social Media Policy, Council allow comments to be “turned on” for relevant posts and during working hours (Monday to Friday). Where posting is turned off out of hours a message stating the following will apply: *We’ve closed comments as a moderator resource is currently not available. For more information: [a link to our Social Media Policy shall be provided];*
3. direct staff to use relevant Social Media Platform screening practices to allow for the “tagging” of words or phrases that will ensure, as much as is possible, that any comment using those words or phrases will be immediately “hidden” until Council’s moderator is able to assess the post, noting that may not be for more than 72 hours should the post occur on a Friday afternoon and Monday being a public holiday;
4. delegate to the Communications Co-ordinator the ability to remove repeat offenders (those who continue to post defamatory or bullying style comments etc) from Council’s social media platforms as required; and
5. direct staff to investigate the costs of Social Media Monitoring and Management Software and provide a report to Council for consideration.

Report:

At Council’s October 2021 Ordinary meeting Council moved the following:

7.17 Social Media – Comments

- 255 **Resolved** Crs Traylor and Reynoldson that the Council,
1. Note the High Court of Australia’s findings in Fairfax Media Publications Pty Ltd v Voller;
 2. Direct the Chief Executive Officer to undertake a review of the Council’s exposure to liability via third-party comments left on its social media platforms including actions to mitigate this risk;
 3. Endorse the action of the Chief Executive Officer to temporarily disable the comments function on the Council’s Facebook and Instagram platforms - with comments to remain disabled until this review is complete and presented to the Council for consideration.

The Review of Council’s Social Media usage and risks is considered in the report attached at **“Appendix 8.18-A”**.

The purpose of this report is for Council to consider the Social Media Review and the risks highlighted within that document, and to seek Council’s permission to undertake the work associated with the recommendations as made in the Review. Council may choose to include timelines for each of the relevant recommendations to occur within.

8.19 Tocumwal War Memorial Hall Shopfront

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. revoke the existing delegation made to the Tocumwal War Memorial Hall Committee of Management, and
2. make the following delegation to the Tocumwal War Memorial Hall Committee of Management:
 - a. To give care, control, and management of the Tocumwal War Memorial Hall – specifically excluding enforcement, regulatory revenue functions and any sub-letting or licensing to third parties – to a committee comprising community members and/or Councillors as appointed from time to time vide Section 355 of the *Local Government Act 1993* subject to the exercise of such authority conforming with the direction of the Council.
3. include for consideration a grant of \$8,000 to the Tocumwal War Memorial Hall Committee of Management in the draft 2022/23 budget for the 2022/23 financial year and subsequent years
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.

Report:

The Tocumwal War Memorial Hall is situated on Crown Land for which the Council has been designated Land Manager. In turn the Council has delegated “care, control and management” of the Hall to a volunteer committee of the Council established under s355 of the *Local Government Act 1993*.

The Hall includes a small shopfront that for many years has hosted a laundromat business. The agreement between the Committee of Management and various occupants in this time has been somewhat informal although a Crown Land licence to occupy was prepared in 2021.

As mentioned above, the arrangement and relationship has been between the occupant and the Committee of Management, including setting and collecting rent. Managing a commercial tenancy arrangement is not a skillset that Council expects of its volunteer committees nor is it consistent with its adopted Volunteer Committee Guide to Operations.

Council staff met with the Committee of Management and both parties have agreed that the commercial arrangements for the War Memorial Hall shopfront should be controlled by the Council.

This will see the Council:

1. Manage the relationship and legal matters relating to the tenancy
2. Receive the rent associated with the tenancy
3. Pay any outgoings associated with the shopfront tenancy

This will require:

1. An amendment of the delegation to the Tocumwal War Memorial Hall Committee of Management to exclude the portion of the site occupied by the shopfront.
2. Where possible and feasible, separating services such as power and water from the hall and shopfront
3. An increase in the operating grant paid to the Committee to compensate for the rent foregone. This would be funded by the rent received by the Council from the shopfront.

There are some works that will need addressing, including separation of services where required. An estimate is not available at the time of writing this report but unlikely to be more than \$5,000.

The licence agreement with the current occupier expired on 31 December 2021 and Council staff are negotiating a 12-month extension with the licensee. Ideally, the Council would provide the operators with a lease for exclusive occupation. This would give both the Council and the operators some certainty to invest in the development and operation of the s

To move to a formal lease however Crown Land NSW will require a formal survey of the site and a new cadastre plan drawn up for the site, clearly showing the extent of the lease. This will take time to develop.

Financial

The additional grant paid to the Committee of Management will be offset by the rent received. There may be some outgoings relating to water consumption and power – which ideally will be built into the licence/lease.

There are some works required to separate services. An estimate is not available at the time of writing this report but unlikely to be more than \$5,000.

Arranging a lease will require a formal survey and drafting a new cadastral plan. Legal advice in the preparation of a Crown Land lease would also be required. This cost could be up to \$15,000.

Risks

This proposal will allow the Council to better manage its risk exposure to tenancy agreements for the shopfront.

The main risk is the potential undermining of the Committee's role in managing the Hall, however the current committee supports the proposal.

8.20 Development Application 20/22/DA/D5 - Proposed Residential Storage Shed – 11 Riley Court, Tocumwal

Report by: Building and Planning Manger Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council approve Development Application 20/22/DA/D5 for a Proposed Storage Shed, subject to the following conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the plan/drawing Best Sheds Job No: 1015012735 Sheet 1-7 , Oz Building design Job No: 008 Sheet A101 A103 A 106 Dated 3/4/2022 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Use

This approval is granted for the shed to be used for Residential storage purposes normally associated with a residence. No other use is permitted for the shed unless prior approval is obtained from Council.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate"(Section 6.7 *Environmental Planning and Assessment Act 1979* (EP&A Act)).

Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for each structure;
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY;
- c) notified the Council of the appointment;
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building is involved; and
- e) given the Council at least 2 days notice of the intention to commence erection of the building. "(Section 6.7 EP&A Act).

Critical State Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act)

Concrete Footings

With reinforcement steel in position, before concrete is poured.

Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 6.3 and 6.18 EP&A Act)

Compliance with Building Code

All building work must be carried out in accordance with the provisions of the Building Code of Australia

Permitted hours for building work

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

Stormwater

Roofwater runoff from any structure is to be retained on site and should be collected and stored for recycling and reuse. An adequate water supply must be maintained for domestic use. Over flow from the onsite water storage use is to be drained to the Riley Court Kerb.

Excavations and Backfilling

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Signs Erected on Building and Demolition Sites

- (a) A Sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited, and

-
- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

(b) Any such sign is to be removed when the work has been completed. (Clause 78H of the Regulation).

Landscaping Screening

Prior to the issuance of the Construction Certificate, a landscaping plan is to be supplied to the Council to show the type and variety of the plan that will be planted to help reduce the visual impact of the Northern shed wall. This will need to be to the satisfaction of the Council's Development Manager and be of a non-deciduous plant type to ensure screening is in place all year round.

Contamination discovered during works

(1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—

- (a) all works must stop immediately, and
- (b) the Environment Protection Authority and the council must be notified of the contamination.

(2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

Rainwater tank

All costs are to borne by the landowner if any nuisance or damage is caused by the rainwater tank by seepage of water to any adjoining property.

Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
-

Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note—

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

Section 68

Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any works commencing on site.

Division:

In Favour:

Against:

Report:

Purpose of Report

This report is provided to Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application as we have received a submission on the proposal.

Proposal

The subject application is for a proposed Residential Storage Shed. This item was brought to the November 2021 and the February 2022 Council meetings and the determination had been deferred. The applicant has lodged a Development Application for the dwelling and the Council has conducted a site inspection on the 23 March 2022.

The proposed garage proposes 9m width, 10.5m depth and approximately 3.8m in height and a 3m gutter/eave height. The proposed colours and finishes were received Slate Grey for roof and walls and Smooth Cream for the trims. There are 3 roller doors facing the street frontage each being 2.5m high by 2.6m wide I PA door eastern wall and 2 windows on the back wall.

The proposed has now been amended to 2 metres from the side northwest boundary and 200 millimetres from the rear boundary. This was amended after discussions from the site meeting with Council with owner. New plans where received and displayed for comment to the adjoining property owner.

After the adjoining property owner reviewed plans a meeting was held on the 8th April 2022. All parties agreed that the proposed is more considerate of overshadowing impacts the development will have. The option of having the shed tilted and parallel with the one of the rear boundaries was discussed and the turning movements to the shed was not suitable given the location of the dwelling rear corner and existing fence location. Two changes where considered and agreed upon onsite. The shed be moved back a further 300mm to the rear and slim line tanks be the preferred option for the tank. The owner agreed for this change. This has been noted on the plans.

Figure 1 – Site Plan

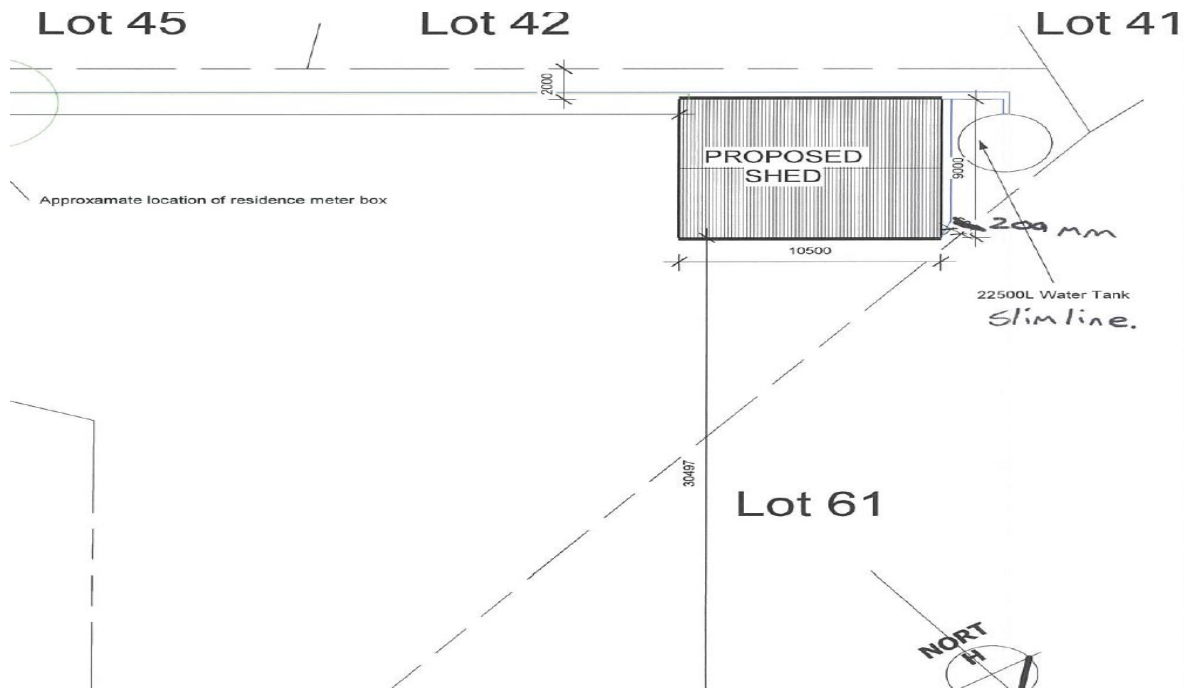
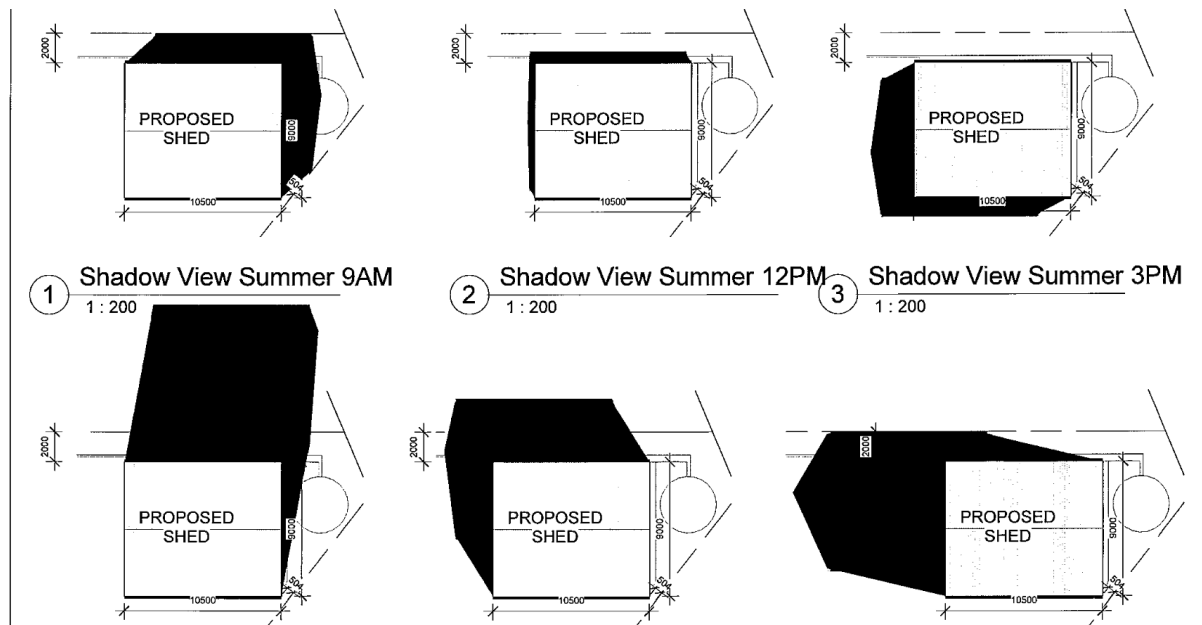


Figure 1 – Over shadowing Diagram



Executive Summary

The proposed development was advertised to the adjoining properties owners on the 7th September 2021. The owners were given 14 days to comment on the proposal.

Council received a submission on the 15 September from the property owner of 7 Riley Court Tocumwal. Council's Development Manager attended the site on the 16th of September to consult with the owner in relation to the concerns raised. From this the applicant was then sent a request for further information and to revise the original plan with updated plans that took into account issues that were raised through notification process.

Council then received a revised plan with new overshadowing diagrams on the 29 September 2021. The New Plan was then sent on for comment to the adjoining property owner. Council received further comment from the owner of 7 Riley Court requesting the shed be moved to an alternate position, which was marked on draft plan see "**Appendix 8.20-A**".

The applicant considered the plan and responded with the following:

"In the Berrigan Shire Development Control Plan 2014, under section 2.10 Energy efficiency it states " Buildings shall be designed to ensure living areas and private open space of adjoining residences maintain at least three hours direct sunlight between 9am and 3pm at the Winter Solstice. Overshadowing diagrams may need to be provided to demonstrate this development control can be achieved". The detailed Shadow diagrams provided clearly shows that between 12PM and 3PM there will be no overshadowing of the adjoining property living areas or private open space and the boundary fence will stop any intrusion at 12pm as shown on the diagram as the shed is now 3 Metres off the side boundary and any shadowing will not hit the fence not the adjoining property within this time frame.

Because of the odd shape of the block moving the shed to different location isn't an option as the shed won't fit on the eastern side and the suggested move to on an angle won't work as I need to be able to back a boat trailer into the shed and this would make this impossible.

Please submit this to council for approval. Could you provide a time frame for a decision."

As the applicant has stated above, the preferred location of the shed is in its revised position

The application also seeks a variation to the Development Control Plan (DCP) from chapter 2 Residential Development Part 2.5 Building setbacks. *within the RU5 (>1500m²) zone, a minimum 1.5 meters from the secondary boundary and 5 meters from the rear boundary."*

The justification sent through is considered satisfactory, as this will allow for a better building design and provide the flexibility for use of solar energy in the future. This is expanded on in the Development Assessment Report attached as "**Appendix 8.20-B**" on page 6-8, also in the updated site plan attached as "**Appendix 8.20-C**".

The proposed 22,500L rainwater tank will be for collection of the stormwater and a backup water supply for a future sprinkler system. The tank is a similar colour to the existing site fences and the location and height of the rainwater tank is as appropriate given it is located behind

the shed wall and partially screened by the shed itself. There is a condition imposed to ensure all costs to be Bourne by the landowner if the tank is to cause any nuisance or damage to any adjoining property.

The over shadowing that will still impact the adjoining property shown in the diagrams is between the morning hours of 9am -12 pm in the winter solstice. The existing property has an 1,800 mm high boundary fence swimming pool and patio that will have an impact. The impact will be only between the early morning hours and for a small period. As stated in the justification, the property will still have access to a minimum of 3 hours direct sunlight as per the (DCP) part 2.10.

Given there is an 1,800mm high fence already installed and the sheds gutter/eave height of 3 metres and the side setback at 3 metres from the North, the impact is considered justifiable on the basis it meets the criteria for *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP) Part 3D Inland Code. The required criteria is a State Planning Principal that allows Complying Development Certificates (CDC) to be approved by any Principal Certifying Authority (Building Certifier) without the need for Development Consent.

The proposed development could have been constructed with a (CDC) if it met the following clauses in the SEPP:

- A dwelling house be constructed or a consent issued for a dwelling
- Rear setback expectation required:

Lot Size	Height	Setback
- >1,500m ²	- 0m-4.5m	- 10m

If the above had been complied with, the application would have fallen under the criteria for Complying Development and been issued without any notification or the chance for the adjoining property owners to make a submission

The side setback required for the Complying development is below. The lot has frontage of 9m therefore could have been constructed within 900mm from the boundary if the above clauses where meet.

Lot width at the building line	Minimum required setback from each side boundary
6m-18m	900mm
>18m-24m	1.5m
>24m	2.5m

The over shadowing is justifiable, in that the new setback has exceeded the Complying Development clause by 2,100mm. If the applicant decided in a future application to meet the Complying Development criteria, the proposal could be approved with greater detrimental

effects to the property of 7 Riley Court than what is proposed now with the building in its current location including some minor overshadowing.

The views or potential decrease in the value of the property if the shed is to be constructed has been assessed as appropriate with regard to the construction of existing residential storage sheds, which are all in close proximity to the area. The views lost to any scenery in the area is minimal and there is no privacy issue as no windows are facing the north side. The construction of storage sheds in the rear of the property is a common theme in the area. A condition will be placed on the Development Consent that the Northern wall be screened by vegetation to lessen the appearance and give an aesthetically pleasing outlook from the adjoining property.

As at the time of lodgement the property had yet to have a DA lodged for a dwelling. Since lodgement a DA had been lodged for a dwelling house and the use is satisfied that it will be for residential storage purposes. The intention is that the shed be used to store a Ski Boat and motor vehicle. There is a proposed toilet and shower room which will be for an ancillary use to a future swimming pool. It is not part of this application and will require further Development Consent. That application will only be considered once a dwelling is constructed.

Planning Framework

The Development Application has been assessed against the Heads of Consideration under Section 4.15 of the EP&A Act, Local Environmental Plan 2013 and Development Control Plan 2014 and is considered satisfactory. As the impacts from the proposal have been considered and addressed.

A copy of the Development Assessment Report is provided at **"Appendix 8.20-B"**.

A copy of the construction plans at **"Appendix 8.20-A"**

Photos of the site and adjoining property is provided at **"Appendix 8.20-C"**

A copy of the DA dwelling Plans house plans at **"Appendix 8.20-D"**

A copy of amended Site and shadow plans at **"Appendix 8.20-E"**

Options:

The Council has the following options in relation to this report:

1. Approve the application; or
2. Approve the application, subject to conditions; or
3. Refuse the application.

8.21 Workforce Roundtable

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation: that the Council receive and note this report.

Report:

A meeting was convened on the 24th of March to discuss the general lack of workforce in all employing industries in Berrigan Shire. The agenda was developed in response to numerous conversations between Councillors, Council Officers and the local business community. The session was attended by a diverse group of business owners/managers representing manufacturing, agriculture, health, education, retail, hospitality and accommodation and the Clubs.

The session was facilitated by Jane Harris from Lead Diversity and the following notes are a summary of the discussion. In coming weeks an action plan will be developed to reflect what can be done now, and into the future, to begin to address this issue. Discussion indicated that workforce pressures had been identified many years ago as a looming problem as the tail end of the Baby Boomer generation was reaching retirement but that the problem has been exacerbated by pandemic-driven early retirement.

Berrigan Shire Council Workforce Roundtable.

Desired outcomes:

The following outcomes were presented to the participants at the beginning of the workshops:

- Understand more about the current workforce issues being experienced across the shire
- Identify any ideas or opportunities to solve the problem
- Commence an action plan

Workshop summary:

What is the problem?

- Employers in Berrigan Shire, across all industries, are struggling to fill multiple vacancies.
-

-
- These vacancies can be permanent or seasonal and exist from entry level to the highly skilled.

What is the current situation?

After a quick question, around the room we identified the following vacancies:

- 34 Permanent positions
- 75 casual positions

These estimates are conservative, and participants indicated they could likely take more, if people were available. These figures also did not include the seasonal vacancies that are largely coming to an end for this season.

Participants also raised the following current challenges:

- Tradies have all left the area (13 from FHS last year went to bigger centres)
- Reliability is an issue – people not wanting to work
- Accommodation is severely lacking. If we find people, we can't accommodate or house them
- Habits have changed eg. No gap year
- Backpackers have been missing
- Competing with big government contract work @ \$50/hr
- Disproportionally high unemployment in the 18-24yr age group

What is our desired future state?

- Pay parity – People not leaving the area for better pay or opportunity
- Improved service delivery
 - Induction done well
 - Not throwing people in the deep end
- Full employment/decreased unemployment with an available casual workforce
- Housing availability
- Temporary accommodation availability

What are some of the root causes?

- Tough for landlords having accommodation (Getting houses wrecked)
- Lack of development due to lack of trades people
- People coming back/retiring to the area and not seeking employment
- Money and incentives lacking or more attractive elsewhere
- Perception of a lack of services (Mental health) and therefore an inability to support the wellbeing of our workforce
- Skilled courses have dropped over 30-40yrs
- Broken up within the shire, haven't worked together – towns can be parochial.

-
- Lack of induction and education facilities. The person being employed usually brings someone else with them and we need to think about their needs as well.
 - We have grown too quickly
 - Haven't promoted career progression of local work
 - Different work preferences/flexibility
 - Pension limitations restricting workforce participation for over 65's

What are some ideas and solutions to address these root causes?

- Attracting refugee population to our region
- Addressing Govt. red tape issue for Vic builders to operate in NSW – insurances and homeowners warranty
- Tax cuts for regional workers
- Farm housing – So many around that are not being used. Helping farmers to see how to make money, shifting the focus from backpackers to Full-time workers.
 - Co-operative for maintenance
 - Induct to farmhouse
- Rental rules – if someone is making a mess of your house the landlord needs to be able to get them out without drama and hassle.
- Introductory induction packages – FFNC has an example
- Collaboration:
 - Real estate talk to employers
 - Creating networks
 - Job boards
- Courses – rebates to assist people to do qualifications (chemcert)
- Immigration and visa rules:
 - Rebates to assist
 - Education/support to make it happen
 - Partnership with universities
 - Job agency/service
 - Already in the country – visa requires fast track
 - Red tape to enrol kids in Australian schools

8.22 Development Assessment & Control Community Consultation Policy

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council revoke the Development Assessment and Control Community Consultation Policy.

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Development Assessment and Control Community Consultation Policy.

The existing policy can be found at:

[Development Assessment & Control Community Consultation 56.pdf \(nsw.gov.au\)](#)

This policy has been replaced by the recently adopted 16 February 2022, [Community Engagement Framework and Community Participation Plan](#)

Council staff consider this policy can be revoked.

8.23 Submission: Local Contributions Reform

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council endorse the Local Infrastructure Contributions Submission attached as “**Appendix 8.23-A**”.

Report:

The Council at its Ordinary Council Meeting 19 January 2022 and subsequently at its Corporate Planning Workshop March 2022 considered the implications and impact of NSW Planning Reforms specifically:

- New Approach to Re-zoning (due February 2022)
- State Significant Agricultural Land (January 2022); and
- Local Infrastructure Contributions (due March 2022).

Attached for Council endorsement is the submission prepared and submitted 30 March 2022 to the NSW Department of Planning.

8.24 Berrigan Shire Council Information Guide

Report by: Information and Records Officer, Arpita Khare

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That pursuant to section 21 of the *Government Information (Public Access) Act* the Council adopt the Berrigan Shire Council Information Guide attached as “Appendix 8.24-A”

Report:

The [Government Information \(Public Access\) Act 2009](#) (GIPA Act) provides a range of obligations on the Council – and all NSW Government instrumentalities – regarding the provision of information to the public.

One of the obligations the Council is required to meet is to “adopt” an Agency Information Guide. The Agency Information Guide must be published on the Council’s website.

[Section 20 of the GIPA Act](#) states:

(1) An agency (other than a Minister) must have a guide (its "agency information guide") that:

(a) describes the structure and functions of the agency, and

(b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and

(c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and

(d) identifies the various kinds of government information held by the agency, and

(e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and

(f) specifies the manner in which the agency makes (or will make) government information publicly available, and

(g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

(2) An agency must make government information publicly available as provided by its agency information guide.

Further information on the Agency Information Guide is available on the Information and Privacy Commission website

[Section 21 of the Act](#) requires that the Agency Information Guide be adopted at periods of no less than 12 months (i.e. at least annually).

While the Act uses the term “adopt” this does not mean “adopt” in the sense of “pass by voting” as most of the bodies covered under the Act cannot make resolutions. Instead, it means to “take on for use”. However, it would be more straightforward and transparent to demonstrate compliance with the Act by adopting it by resolution of the Council.

The Agency Information Guide was last adopted by the Council in November 2021. This review has been brought forward as a result of the election of the new Council in December 2021. The next review will be in November 2022.

8.25 ABS Regional Population Growth – 2020/21

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

Report:

The Australian Bureau of Statistics (ABS) annually releases estimates of the resident populations of a series of sub-national areas - including local government areas. The ABS released the 30 June 2021 figures in March 2022.

The estimated resident population for Berrigan Shire at 30 June 2021 is 8,8810, an increase of 25 from the previous year (0.3% growth). The increase is the result of:

- a net increase of 4 migrants from overseas, and
- a net increase of 38 migrants from elsewhere in Australia coming to Berrigan Shire,
- less a “natural decrease” (births less deaths) of 17.

The net increase from elsewhere in Australia is of note. While migration from overseas has declined as a result of the international border closure, internal migration to Berrigan Shire has been very strong.

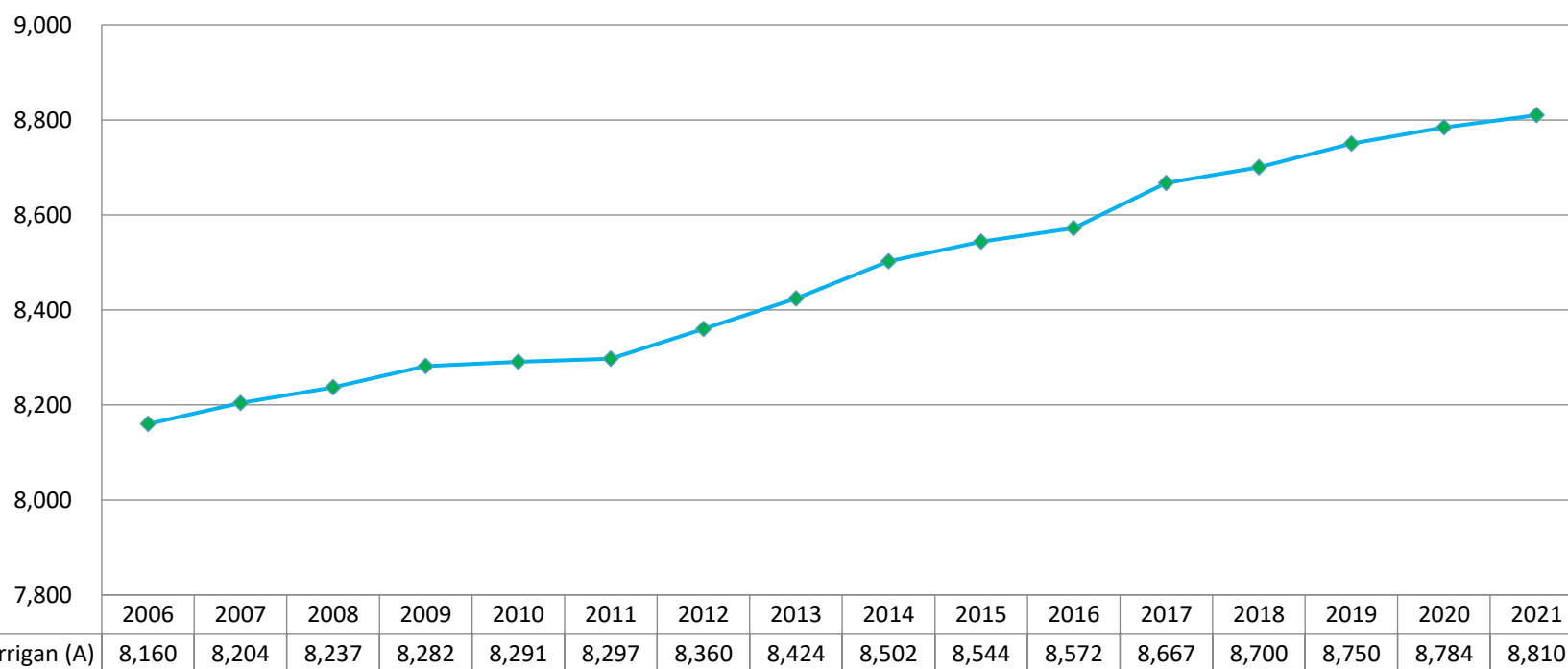
The result is consistent with the Berrigan Shire Vision as set out in the Community Strategic Plan.

*In 2027 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to **attract residents, families and tourists.***

This increase in resident population is consistent with the trend of the last 15 years as shown in the chart on the following page. There is no reason to consider that this trend of population growth is likely to change in the short to medium term.

The figures released by the ABS continue call in to question the methodology used by the NSW Department of Planning Industry and the Environment (DPIE) in preparing their population projections. The most recent set of population projections released by DPIE have Berrigan Shire’s population peaking at 8,728 in 2036 - a figure the ABS estimated Berrigan Shire has already exceeded in 2019.

Berrigan Shire Estimated Residential Population 2007-2021



8.26 Development Determinations for Month of March 2022

Report by: Executive Support Officer, Melissa Kennedy

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council receive and note this report.

Report:

APPLICATIONS DETERMINED FOR MARCH 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
76/22/DA/D5	RESIDENTIAL STORAGE SHED	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)	ANNETTE REDDING	MR BJ HEATH AND MS AC REDDING	Rejected 16-03-2022	\$ 16250.00	Active 78	Total 78
100/22/DA/D5	RESIDENTIAL STORAGE SHED	29-35 KELLY STREET, TOCUMWAL NSW 2714 (Lot136//DP752296)	SIGRUN ROUND	MRS S ROUND	Approved 22-03-2022	\$ 30000.00	Active 50	Total 50
105/22/DA/D5	RESIDENTIAL STORAGE SHED	76-78 FINLEY STREET, FINLEY NSW 2713 (Lot1//DP200744)	DARREN JOHN	MR D JOHN AND MRS JN JOHN	Approved 04-03-2022	\$ 18000.00	Active 0	Total 22
107/22/DA/D9	2 LOT SUBDIVISION	1 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot1//DP1224006)	OVENS & MURRAY LAND SURVEY	MR BT AND MRS KL O'DWYER	Approved 02-03-2022	\$ 0.00	Active 20	Total 20
109/22/DA/D1	4 X INDEPENDENT LIVING UNITS	104 HAMILTON STREET, FINLEY NSW 2713 (Lot//DP1236476)	HABITAT PLANNING	FINLEY REGIONAL CARE LIMITED	Approved 16-03-2022	\$ 560175.00	Active 24	Total 24
110/22/DA/D5	STORAGE SHED	39-40 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot42//DP1118257)	GRAHAM SPENCER	MR GG SPENCER	Approved 04-03-2022	\$ 50000.00	Active 16	Total 16
111/22/DA/D5	RESIDENTIAL STORAGE SHED & CARPORT	10 BUDD STREET, BERRIGAN NSW 2712 (Lot3//L/DP2512)	STEPHEN LIDSTER	MR SJ LIDSTER AND MS DD HANSON	Approved 10-03-2022	\$ 18000.00	Active 20	Total 20
112/22/DA/D5	RESIDENTIAL STORAGE SHED	9 IVIE AVENUE, BAROOGA NSW 3644 (Lot30//DP1093869)	MATTHEW MILLER	MR MD KELLY AND MRS KE KELLY	Approved 14-03-2022	\$ 8500.00	Active 22	Total 22
29/22/CD/MM	CINEMA STORE ROOM	26 DAWE AVENUE, FINLEY NSW 2713 (Lot245//DP1016411)	KENNEDY BUILDERS	FINLEY REGIONAL CARE LIMITED	Approved 15-03-2022	\$ 35000.00	Active 23	Total 23
113/22/DA/D1	RESIDENTIAL STORAGE SHED	12 BROOKS AVENUE, BAROOGA NSW 3644 (Lot39//DP42493)	SAMUEL LEIGH	MR SR LEIGH	Approved 14-03-2022	\$ 9800.00	Active 2	Total 19
31/22/CD/M2	ALTERATIONS TO ENTRY WAY	58-60 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot6/3//DP758981)	CHRISTOPHER STEWART	MR CM STEWART AND MRS LW STEWART	Approved 15-03-2022	\$ 3000.00	Active 19	Total 19
115/22/DA/D5	CARPORT	72 COLLIE STREET, BAROOGA NSW 3644 (Lot73//DP570014)	MELAINE BOWDEN	MR DJ BOWDEN AND MRS MA BOWDEN	Approved 04-03-2022	\$ 7500.00	Active 12	Total 12
117/22/DA/D9	2 LOT SUBDIVISION	112 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP1108495)	ESLER & ASSOCIATES	MS MA SMITH	Approved 28-03-2022	\$ 0.00	Active 26	Total 26
120/22/DA/D1	BV DWELLING & ATTACHED GARAGE AND	58 DENISON STREET, FINLEY NSW 2713 (LotB//DP402348)	TREVOR MCCAWE	MRS KM MCCAWE AND MR TR MCCAWE	Approved 28-03-2022	\$ 478200.00	Active 22	Total 22

	ABOVEGROUND SWIMMING POOL							
121/22/DA/D5	STORAGE SHED	13 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot39//DP270154)	STEVEN SMITH	MR SJ SMITH	Approved 10-03-2022	\$ 12000.00	Active 6	Total 6
32/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	33 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot74//DP1070311)	POOLSIDE COBRAM	MR SM GUILLE AND MRS KP GUILLE	Approved 21-03-2022	\$ 64465.00	Active 5	Total 5
33/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	82 HOWE STREET, FINLEY NSW 2713 (Lot7//DP1250196)	POOLSIDE COBRAM	MS AE COX	Approved 21-03-2022	\$ 63980.00	Active 5	Total 5
34/22/CD/PC	RESIDENTIAL STORAGE SHED	60 BARINYA STREET, BAROOGA NSW 3644 (Lot12//DP248812)	ALPINE BUILDING PERMITS & CONSULTANTS	MR TD GOW AND MS LC GALATI	Approved 17-03-2022	\$ 24963.00	Active 0	Total 0
35/22/CD/PC	BV DWELLING & ATTACHED GARAGE	12 BEATRICE COURT, BAROOGA NSW 3644 (Lot28//DP1102913)	ALPINE BUILDING PERMITS & CONSULTANTS	MR JW HOOLAHAN	Approved 17-03-2022	\$ 340000.00	Active 0	Total 0
36/22/CD/PC	BV DWELLING & ATTACHED GARAGE	74 BRUTON STREET, TOCUMWAL NSW 2714 (Lot9//DP1250358)	WBCS	MS SJ COLLINS	Occupied 16-03-2022	\$ 358916.00	Active 0	Total 0
129/22/DA/D5	RESIDENTIAL STORAGE SHED	59 HUGHES STREET, BAROOGA NSW 3644 (Lot5//DP1257753)	HEATHER GILROY	MS HA GILROY	Approved 31-03-2022	\$ 26714.00	Active 5	Total 5

APPLICATIONS PENDING DETERMINATION AS AT 31/03/2022

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILIQUN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILIQUN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
20/22/DA/D5	01-09-2021	RESIDENTIAL STORAGE SHED	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
62/22/DA/D2	05-11-2021	REPLACEMENT SIGNAGE AT EXISTING SERVICE STATION	54-56 DENILIQUN ROAD, TOCUMWAL NSW 2714 (Lot11//DP1161562)
85/22/DA/DO	09-12-2021	3 x SHADE SHELTERS	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)
101/22/DA/DM	18-01-2022	CHEESE PROCESSING FACILITY	26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250)
114/22/DA/DM	16-02-2022	WATER STORAGE DAM	NOLANS ROAD, BAROOGA NSW 3644 (Lot8//DP1102815)
116/22/DA/DO	17-02-2022	RURAL SHED	65 BUNNS ROAD, FINLEY NSW 2713 (Lot2//DP559971)
118/22/DA/D5	18-02-2022	RESIDENTIAL STORAGE SHED	55-57 SNELL ROAD, BAROOGA NSW 3644 (Lot2//DP1133714)
119/22/DA/D5	24-02-2022	RESIDENTIAL STORAGE SHED	136 DENILIQUN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910)
122/22/DA/D1	10-03-2022	BV DWELLING & ATTACHED GARAGE	11 RILEY COURT, TOCUMWAL NSW 2714

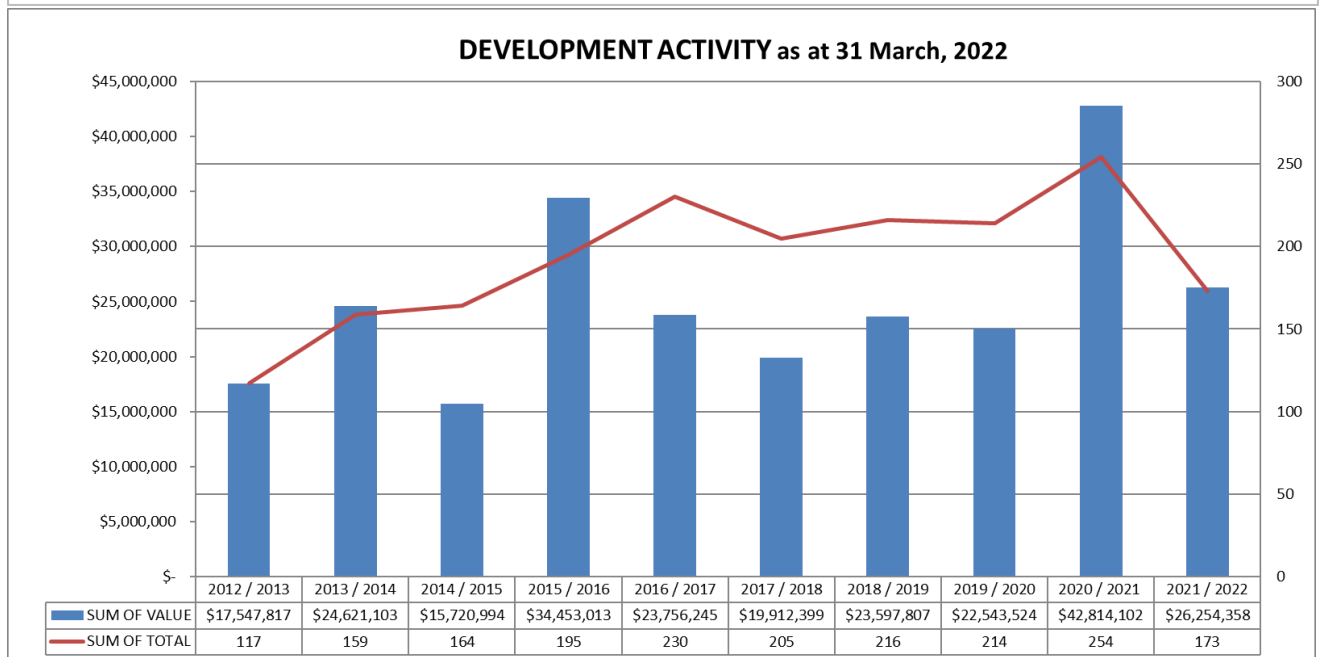
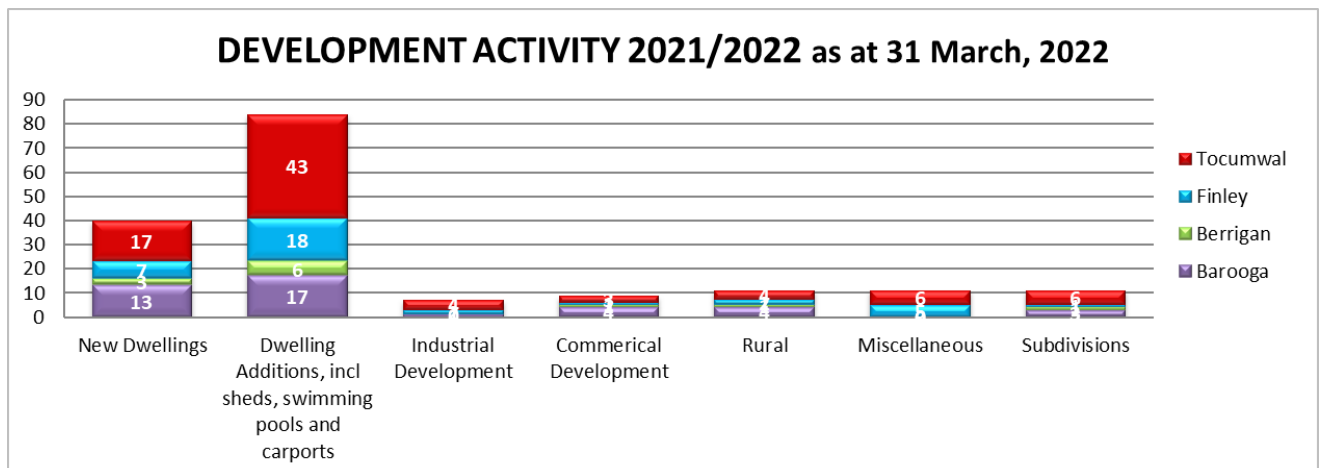
			(Lot46//DP1054776)
123/22/DA/D5	14-03-2022	RESIDENTIAL STORAGE SHED	13 HAMILTON STREET, FINLEY NSW 2713 (Lot3//DP1262202)
124/22/DA/D5	16-03-2022	RESIDENTIAL STORAGE SHED	13-15 TONGS STREET, FINLEY NSW 2713 (Lot120//DP752283)
125/22/DA/D6	17-03-2022	ADDITIONS TO DWELLING	508 WITHERS ROAD, BOOMANOOMANA NSW 3644 (Lot1//DP1093071)
126/22/DA/D1	17-03-2022	TRANSPORTABLE DWELLING	3 OSBORNE STREET, FINLEY NSW 2713 (Lot3//DP398039)
128/22/DA/D5	18-03-2022	RESIDENTIAL STORAGE SHED	1 PUTTER COURT, BAROOGA NSW 3644 (Lot107//DP1133352)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
130/22/DA/D9	28-03-2022	2 LOT SUBDIVISION	24-30 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot182//DP752296)
131/22/DA/D1	29-03-2022	BV DWELLING & ATTACHED GARAGE	8 WHITE STREET, FINLEY NSW 2713 (Lot2//DP225674)
132/22/DA/D6	30-03-2022	ADDITIONS TO DWELLING AND STORAGE SHED	18 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot3//DP584816)
133/22/DA/D9	30-03-2022	2 LOT SUBDIVISION	TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot2//DP868952)
134/22/DA/D9	31-03-2022	2 LOT SUBDIVISION	100 BURMA ROAD, TOCUMWAL NSW 2714 (Lot7//DP1275427)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Mar)	Year to Date	This Month's Value (Mar)	Year to Date Value
<i>Development Applications (DA)</i>	14	136	\$1,235,139	\$21,678,980
<i>Construction Certificates (CC)</i>	7	101	\$1,086,750	\$17,104,404
<i>Complying Development Certificates (CDC)</i>	7	37	\$890,324	\$4,575,378
<i>Local Activity (s.68)</i>	7	65	0	0

OTHER CERTIFICATES ISSUED FOR MARCH 2022

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	MAR	Year Total	MAR	Year Total	MAR	Year Total	MAR	Year Total	MAR	Year Total	MAR	Year Total
BAROOGA	7	62	0	3	0	6	0	3	0	1	1	11
BERRIGAN	7	45	1	3	0	8	0	2	0	1	0	0
FINLEY	10	78	0	1	1	4	1	3	0	1	0	0
TOCUMWAL	16	111	0	3	0	4	0	0	0	1	0	6
TOTAL	40	296	1	10	1	22	1	8	0	4	1	17



8.27 Quarterly Engagement with NSW Police

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Report:

This report is for information only to advise that Inspector Paul Huggett, Murray River Police District will be attending the Question Time session prior to this meeting.

At this time Inspector Huggett will provide an update to Council on what NSW Police are doing in the area, staffing matters etc. and Councillors will have this opportunity to raise any issues with Inspector Huggett.

8.28 Lewis Crescent Subdivision – Signing and Sealing

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Confirm its delegation to the Chief Executive Officer to arrange for the sale of lots in the Lewis Crescent subdivision;
 2. delegate authority to the Chief Executive Officer and Mayor to sign under seal any contracts for the sale of land relating to the Lewis Crescent subdivision as lots are sold
-

Report:

Berrigan Shire Council is currently selling 13 residential lots in its recently developed subdivision in Lewis Crescent, Finley.

Council previously delegated negotiation and sale of these lots to the Chief Executive Officer.

Titles for these lots have now been issued and the formal contracts for the sale of these can be drawn up.

These contracts will require signing under the Council's Common Seal and it would be appropriate for the Council to delegate authority to the CEO and Mayor to apply the seal as these lots are sold.

Council staff will inform the Council as and when lots are sold.

8.29 Marketing and Promotion

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council note this report.

Report:

The Council has undertaken a number of different marketing activities recently. The TV commercial (developed in March 2021) has been aired in the Griffith and Wagga Wagga windows since November 2021. The purpose of the TV commercial is to build regional awareness through strong imagery of family-oriented activity at the Splash Park, water-skiing and swimming at the river, playing golf and enjoying outdoor dining and ice-creams.

Tracking results from the TV commercial is not an exact science however I am confident to assume some success as:

- The Visitor Information Centre's from Griffith, Narrandera, Leeton and recently Wagga Wagga have requested extra boxes of our official visitor guide, with Griffith VIC noting local requests.
- Murray Regional Tourism has released visitor research data for Year ended Dec 2021 that noted, for the Sun Country region (Berrigan, Moira Federation): **New South Wales** contributed 12.3% of visitors and 19.1% of nights in the region. Compared to YE Dec 20, NSW visitors up by 15.2%. This is well above the average for the whole of the Murray River which 9.2%.
- Spendmapp data indicates increased spending into Berrigan Shire from Griffith and Leeton and sustained spending from Wagga Wagga. Spendmapp data also shows increased spending from Hay who could also have received the TV Commercial on bonus runs.

In March 2022, Berrigan Shire attractions were featured in the the Murray Regional Tourism monthly electronic direct mail (EDM). The EDM goes to a database of 6634 people who has signed up to receive it. Featured products were:

- 108 Holes of Golf – Cobram Barooga, Tocumwal, Finley and Berrigan
- Tocumwal Aviation Museum
- Boomerang Way Caravan Park

The MRT results report:

Successful deliveries – 6535, (98.7%)

Total opens – 3,011

Total Clicks (though to booking websites) 219

TV program Postcards

The Council was approached by Edward River Council to partner with Swan Hill Inc. and Rochester Business Chamber and purchase a Postcards program. The offer was accepted and a number of attractions were pitched to the producer for inclusion. At the time of writing this report the final edit for the Berrigan Shire 3 minute segment has not been seen however the following sites were filmed with presenter Brodie Harper:

- Tocumwal Aviation Museum and the Drome Café
- WAAAF Creek Walk
- Tocumwal Golf and Bowls Club
- Tocumwal retail precinct
- Berrigan Bookshop
- Introduction to segment – Berrigan
- Teaser to segment – Berrigan
- Sporties Barooga - Mini-golf and indoor simulators.

8.30 2021-2022 Rates Collections and Outstanding Debtors – 3rd Quarter Report to Council

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

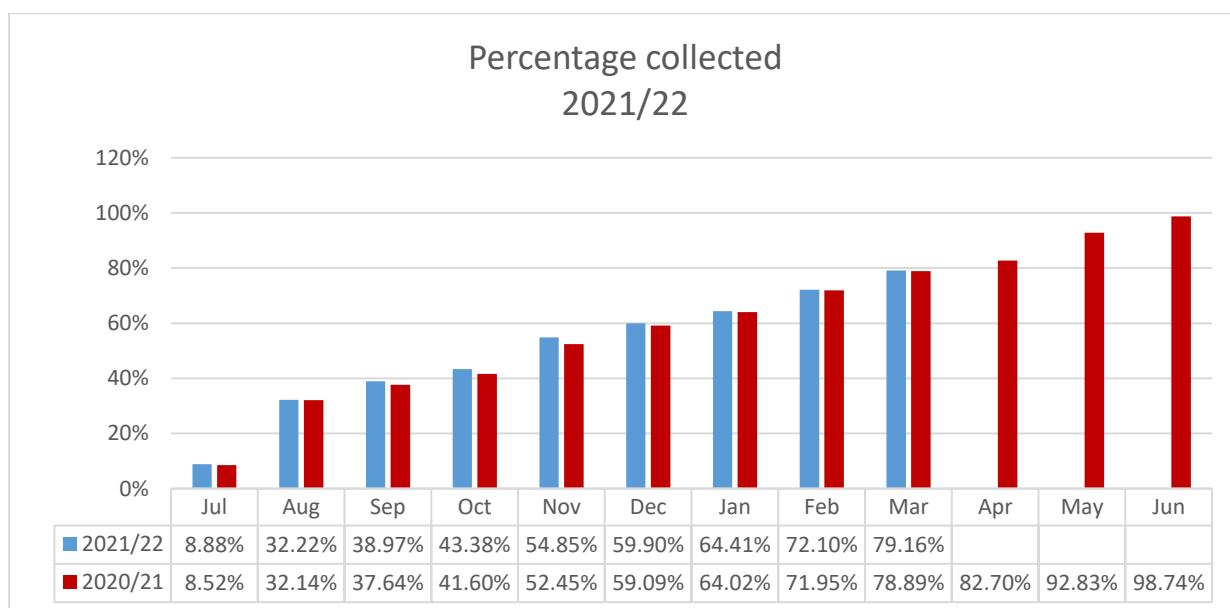
Report:

1. Rates & Charges

On 1 April 2021 Council has collected 79.16% of the total rates, service charges, arrears and water consumption charges raised for 2021 – 2022 to date. This shows an increase of 0.27% on the corresponding time last year. Collections have remained higher than the previous year for 9 straight months. I would like to acknowledge the work performance and efforts of the Revenue Officer.

The Revenue Department has had success in the collection of large outstanding rates this quarter. This has been achieved by continuing to improve lines of communication with Ratepayers whilst continuing to work closely with our Debt Collection Agency.

Negotiations are continuing with Ratepayers with large arrears to attempt to arrange suitable payment plans for outstanding rates and charges.



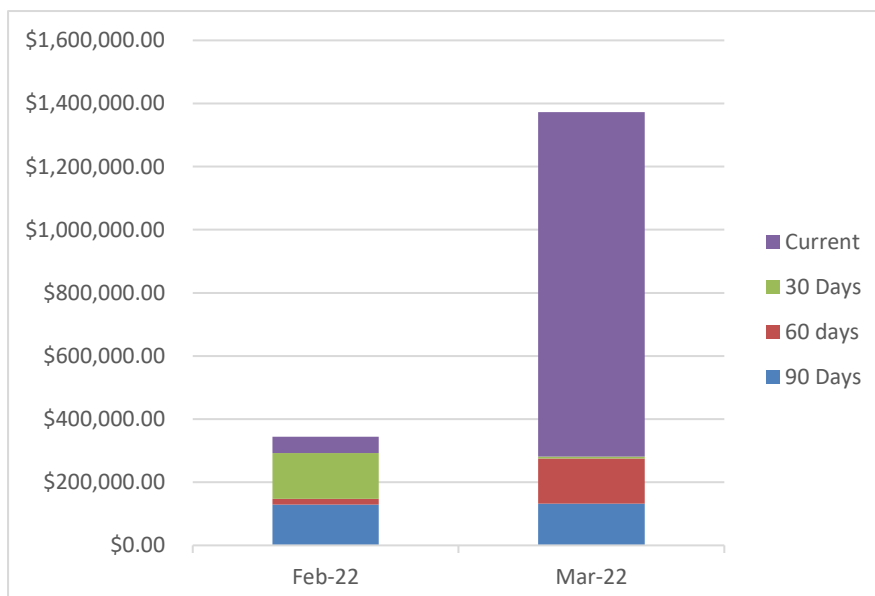
2. Debtors

A brief list of outstanding debtors as at the end of February and March 2022 is as follows:

DEBTORS	2021-2022	
	END FEBRUARY	END MARCH
GENERAL/SUNDRY/OTHER DEBTORS	\$194,937	\$194,220
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	-\$46	-\$46
HALF COST K&G/FOOTPATH DEBTORS	\$51,452	\$40,375
SEC 355 COMMITTEE LOANS	\$19,748	\$19,748
SWIMMING POOLS	\$45,150	\$35,598
CEMETERY DEBTORS	\$1,239	\$4,343
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$32,110	\$1,086,715
STAFF DEBTORS	\$915	\$572
STAFF SUPERANNUATION	-\$11,303	-\$13,143
SHIRE LAND SALE DEBTORS	\$0	\$0
TOCUMWAL AERODROME	\$9,649	\$4,132
TOTAL	\$343,852	\$1,372,514

The amount outstanding is not a cause of concern. A substantial Government Grant for infrastructure upgrade is responsible for the increase in Government Department Grants and Subsidies. The swimming pools are now closed and the outstanding amounts are due to operational and Lifeguard Costs.

The graph below shows the Council's outstanding debtors by age and type over the past two months. The amount of debtors for over 90 days is made up largely of half-cost scheme debtors.



The amount of debt outstanding over 30 days has increased as amounts transition to 60 days.

3. Activity

There have no hardship applications received this quarter under the Council's Debt Management and Hardship Policy. Over the last quarter, the Council has undertaken the following collection activity:

- Final Reminder letters sent 3rd Rates Instalment
- Reminder Notices 3rd Water Consumption Notice
- 4th Rates Instalment Posted out 13 April 2022
- Interest on Overdue amounts remains at 6.0%.
- Working with Temetra and Itron on implementation of Smart Water Meter System
- Training in Water Billing Processes through Practical

8.31 Adventure Flight Proposal – Tocumwal Aerodrome

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: that the Council:

1. approve the operation of Adventure Flights from the Tocumwal aerodrome by the operators of the Tocumwal Aviation Museum.
2. direct the CEO to arrange a formal agreement with the operators of the Tocumwal Aviation Museum to manage Adventure Flights from the museum only, and to accept the transfer of liability for that operation through their current \$20,000,000 in Public Liability Insurance.

Report:

Tocumwal Aviation Museum operators have approached Council to commence Adventure Flight operations from the Tocumwal Aerodrome. A copy of that proposal is attached as “Appendix 8.31-A”. The approach is made in response to increasing requests from the community, visitors and tourists alike to be able to access this form of tourism product (aviation tourism) from the Tocumwal Aerodrome.

Council, at its recent Corporate Workshop requested aviation tourism be included in the review of the Tourism Strategy currently being undertaken by Council’s Economic Development Manager.

The reason this matter is coming to Council is that currently, Council officers do not have a process nor framework in place to allow or support this type of activity from the Tocumwal Aerodrome. Approval through Council is seen as the most expedient way of providing the necessary assurances to the Tocumwal Aviation Museum to expand the tourism offering from their site. Should Council decide to support the diversification of this business, Council staff will be able to provide a letter acknowledging Council’s support for the undertaking of Adventure Flights from the Aerodrome which will in turn allow the Tocumwal Aviation Museum operators to commence the approvals process with Australian Warbirds Association Limited (AWAL).

Financial Impacts

There are no financial costs to Council’s budget.

Council’s fees and charges regime currently provides for commercial activity at the Aerodrome to be charged at \$1,529 per annum. The charge allows for 1-201 airplane movements during each annual period. Management of the agreement will therefore require a minimum of

quarterly reporting from the Tocumwal Aviation Museum regarding the number of adventure flights completed each quarter. Should the flights exceed 201 movements in a year, then a further charge will be applied.

It is possible for an agreement stipulating the applicable year. It is suggested financial years be adhered to as this will be the most expedient way of managing the agreement into the future.

Risks

Some risks will need consideration, primarily the risk to insurance coverage. CASA and AWAL require a minimum of \$10,000,000 in Public Liability Insurance. CASA and AWAL are the higher authority where aviation is concerned so it may be appropriate for Council to allow the lesser amount of Public Liability Insurance on these occasions.

Local Government Insurers currently insist on \$20,000,000 and put considerable pressure on Councils to comply with this amount.

A formal agreement with the operator of the Tocumwal Aviation Museum (as the event organiser for each time an Adventure Flight occurs) including the accept the liability for the insurance gap between the CASA and AWAL requirements and Council's requirement will be developed should Council agree to allow the operation of Adventure Flights from the Tocumwal Aerodrome.

8.32 Tocumwal Foreshore Building – Leases

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council delegate authority to the Chief Executive Officer and Mayor to sign under seal commercial leases prepared for occupancy of the Tocumwal Foreshore Building on Lot 422 DP1253984.

Report:

At its ordinary meeting held on 15 September 2021, the Council delegated authority to the Chief Executive Officer (CEO) to find and appoint appropriate tenants for the Tocumwal Foreshore building.

The CEO has appointed two tenants for the downstairs tenancies and is in negotiations with a tenant for the upstairs tenancy. The remaining tenancy is being fitted out for a visitor services function.

The land in question is Crown Land and require Crown Land leases, signed under the Council's Common Seal.

The lease terms are consistent with Crown Lands NSW requirements and NSW Government requirements. Copies of the lease are available to Councillors on request.

To enable the leases to be finalised in a timely manner, it would be appropriate to delegate the CEO and Mayor authority to sign under seal these leases once terms are agreed.

8.33 Additional Special Variation

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council submit to the Independent Pricing and Regulatory Tribunal (IPART) an application for an Additional Special Variation (ASV) as per s508(2) of the *Local Government Act 1993*. The application is made on the following basis:

1. The application is for a permanent special variation under s508(2) of the Local Government Act – seeking an additional 1.1% over and above the 2022/23 rate peg set for Berrigan Shire Council by IPART
2. The Council will receive an additional \$61,489 in revenue from the ASV
3. The special variation is required to ensure that the Council is able to deliver on the items included in its Delivery Program 2017-22 (as extended)
4. The Council has considered the impact on ratepayers and the community in 2022-23 and in future years if the special variation is approved, and considers that it is reasonable

Report:

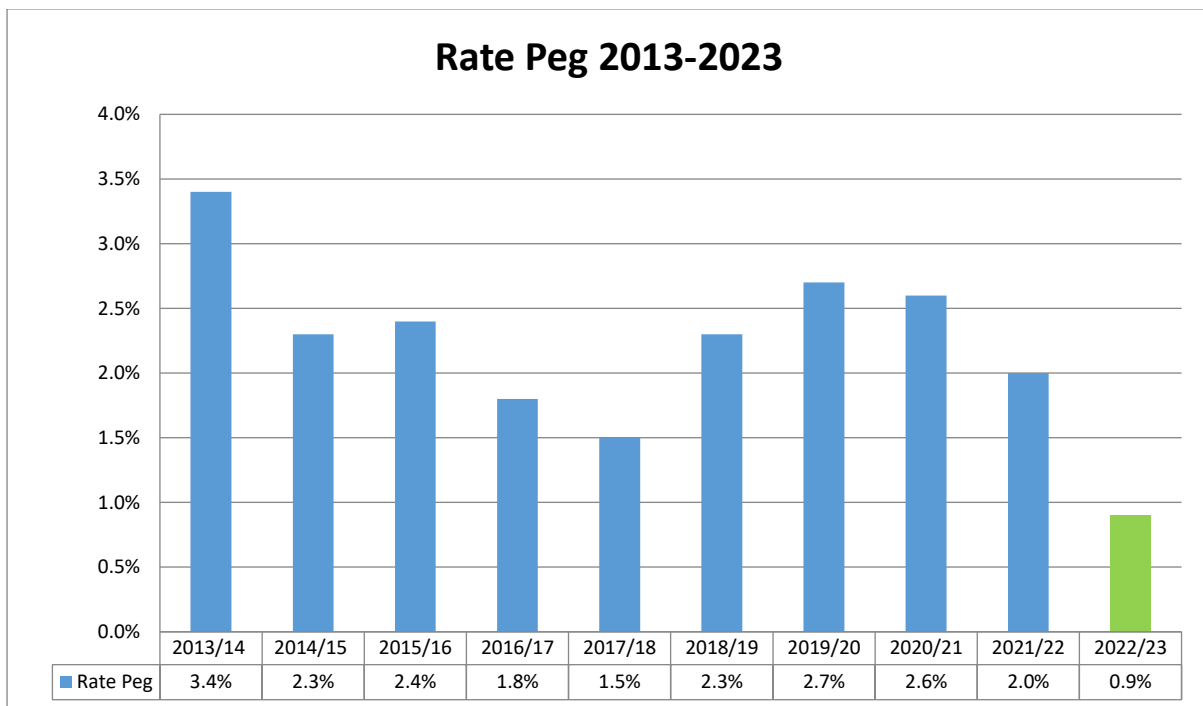
In January 2022, the Independent Pricing and Regulatory Tribunal (IPART) have released their determination of the Variation of General Income for Local Government for 2022/23 – the “Rate Peg”.

For Berrigan Shire, IPART has set the rate peg as 0.9%. The rate peg has been calculated as follows:

- A base amount of 0.9% derived from the change in the Local Government Cost Index (LGCI).
 - A deduction of a 0.00% “productivity factor” has been set this year because improvements in productivity are reflected in the components of the LGCI
 - A downward adjustment of 0.2% to remove the additional revenue that was included in the 2021/22 rate peg to meet the costs of the 2021 local government election
 - A population factor for Berrigan Shire Council of 0.2% - see below.
-

This calculates to a nominal increase in overall rates and charges for 2022/23 of approximately \$50,000.

The 2022/23 Rate Peg is much less than previous years' as seen in the chart below. It is also much lower than was anticipated by most NSW Councils and much lower than the Rate Peg assumed by management when preparing its budgets and future financial plans. This will have a catastrophic effect on Council's operations going forward.



Local Government NSW (LGNSW) - the peak body for NSW Councils – lobbied the NSW Government to urgently address these concerns and has had some success. Wendy Tuckerman, The NSW Minister for Local Government, announced that IPART would accept and assess a one-off round of special variation applications for 2022/23.

IPART has released an information paper on the Additional Special Variation (ASV) – attached as **“Appendix 8.33-A”**.

The information paper states:

The additional round is only for councils that can demonstrate a financial need i.e. without the additional special variation (ASV) the council will not meet their 2021-22 Long Term Financial Plan (LTFP) obligations in 2022-23. The ASV would be the lower of 2.5% or the council's assumed 2022-23 rate peg as exhibited in its LTFP (both including population factor)

The Council's assumed rate peg in its most recently adopted Long Term Financial Plan (LTFP) was 2.0%, 1.1% over the announced rate peg.

For Berrigan Shire to be eligible, the Council needs to “demonstrate a financial need”. IPART define this below:

This means without the ASV the council does not have enough funds to meet its 2021-22 LTFP obligations as they fall due in 2022-23. IPART will apply OLG’s unrestricted current ratio (UCR) indicator to determine if the council has enough funds to meet its obligations. OLG’s UCR benchmark is 1.5 for all councils. If the council has a UCR above 1.5 it will need to include supporting documentation to justify its financial need.

The Council’s UCR as shown in its 2020/21 annual financial statements was 4.88, well over this benchmark. This does not mean the Council will not be eligible, just that it will need to provide additional information.

The Council will also need to consider if it will apply for a temporary or permanent ASV. A temporary variation provides the Council with a 12-month rate increase above the cap – to address temporary cash flow issues. A permanent ASV provides a permanent rate increase above the cap – to address overall sustainability. IPART will measure ongoing sustainability through operating performance ratio (OPR) indicator. If the Council has an average OPR above 2%, the Council will need to provide supporting documentation to justify this need.

The Council’s OPR for 2020/21 was 4.02%.

In the opinion of Council staff, the 0.9% rate peg will have a long term impact on the sustainability of the Council – requiring a special rate variation at some stage. An application through this ASV process will be much simpler than a full-blown special rate variation.

Applications close 29 April 2022.

9. NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil

10. CONFIDENTIAL MATTERS

Nil

11. MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12. COUNCILLOR REPORTS

12.1 Mayors Report

Recommendation: That the Mayor's Report be received.

12.2 Verbal Reports from Delegates

Recommendation: That the Council note the reports from delegates.

13. CONCLUSION OF MEETING

The next Ordinary Council Meeting is scheduled for Wednesday 18 May, 2022.

There being no further business the meeting closed at