



# ORDINARY COUNCIL MEETING

Wednesday 21 September, 2022

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



# Agenda

## Our Vision

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

## COMMUNITY STRATEGIC PLAN

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

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

*The Community Strategic Plan can be found here:*

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

## RISK MANAGEMENT POLICY & FRAMEWORK

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

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

*The Risk Management Policy & Framework can be found here:*

[https://www.berriganshire.nsw.gov.au/files/australiaday/Policy\\_No\\_17 -  
\\_Risk\\_Management\\_Policy\\_and\\_Framework\\_-\\_20072022.pdf](https://www.berriganshire.nsw.gov.au/files/australiaday/Policy_No_17_-_Risk_Management_Policy_and_Framework_-_20072022.pdf)



## Ordinary Council Meeting

Wednesday 21 September, 2022

### BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 21 September, 2022 when the following business will be considered:-

#### ITEMS OF BUSINESS

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



KARINA EWER  
CHIEF EXECUTIVE OFFICER

## **1 OPENING OF MEETING**

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

Confidential matters of Council will not be audio recorded.

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

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

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

### **3.1 Apologies/Leave of Absence**

Nil

### **3.2 Applications for Leave of Absence**

### **3.3 Attendance Via Audio-Visual Link**

Nil

## **4 CONFIRMATION OF PREVIOUS MINUTES**

**Recommendation**



That the Minutes of the meeting held in the Council Chambers on Wednesday 17 August 2022 be confirmed.

**5 DISCLOSURES OF INTERESTS**

**6 MAYORAL MINUTE(S)**

**6.1 Mayoral Minute - HM Queen Elizabeth II**

Author: Mayor, Matthew Hannan

Appendices: Nil

**Recommendation**

That the Council expresses its sincere condolences to His Majesty King Charles III on the passing of HM Queen Elizabeth II, noting the Council's deep respect and admiration of her service to Australia and her other realms and territories.

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**Background**

It is with great sadness that this Council notes the passing on 8 September 2022 of Her Majesty Queen Elizabeth II, by the Grace of God Queen of Australia and her other Realms and Territories, Head of the Commonwealth.

The Queen reigned for 70 years and in that time provided an example of selfless service and devotion to duty.

It would be appropriate for the Council to offer its sincere condolences to His Majesty King Charles III and express the Council's admiration of and deep respect for the Queen.

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7            **REPORTS OF COMMITTEES**

Nil

## 8 REPORTS TO COUNCIL

### 8.1 Finance - Accounts

Author:	Finance Manager, Tahlia Fry
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Funds Held August 2022.docx (under separate cover) <a href="#">⇨</a>

**Recommendation:** **that the Council:**

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2022,
- b) Confirm the accounts paid as per Warrant No. 08/22 totaling \$3,224,202.40 and
- c) Note the report on investments attached

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### Purpose

This report is designed to inform Council of its cash and investments as at 31 August 2022 and for Council to authorise expenditure for the month ending 31 August 2022.

### Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 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 August 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2022, totaling \$3,224,202.40 and will be submitted for confirmation of payment as per Warrant No. 08/22
- 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 2021](#), and
  - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) August has seen a slight increase in total funds held compared to the end of July of \$200K. Ordinarily this increase would be more significant with the first instalment of rates due on 31/08, however council has seen large scale capital works invoices processed this month.
- f) Further information regarding Council's investments is listed below. Please not a variance of \$2M in our investment register, this is due to Term Deposit 126/16 maturing on 31/08/2022. CMCU returned our maturing interest however didn't release our maturing principal until they received a signed and completed instruction form.

**Statement of Bank Balances as at 31 AUGUST 2022**

**Bank Account Reconciliation**

Cash book balance as at 31 AUGUST 2022	\$16,466,977.36
Receipts for AUGUST 2022	\$ 3,448,725.60
Term Deposits Credited Back	\$ 2,000,000.00
	<b>\$21,915,702.96</b>

**Less Payments Statement No 08/22**

Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 877,881.22
Electronic Funds Transfer (EFT) Creditors E040333-E040612	\$ 2,281,013.12
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 65,308.06
Total Payments for AUGUST 2022	\$ 3,224,202.40
<b>Cash Book Balance as at 30 AUGUST 2022</b>	<b>\$18,691,500.56</b>

**Bank Statements as at 31 AUGUST 2022**

Plus Outstanding Deposits	\$18,667,590.57
Less Outstanding Cheques/Payments	\$ 23,909.99
	\$ -
<b>Reconciliation Balance as at 31 AUGUST 2022</b>	<b>\$18,691,500.56</b>

**INVESTMENT REGISTER**

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
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+
AMP	GENERAL	133/17	365	**2.90%	23/05/2023	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**2.90%	31/05/2023	\$ 2,000,000.00	BBB+
Bank Of Queensland	GENERAL	147/22	365	3.15%	29/05/2023	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,017,008.19	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	\$ 5,039,534.40	BBB+
Central Murray Credit Union	SEWER	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
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-
						<b>\$ 24,056,542.59</b>	

**Total Funds Held at 31 AUGUST 2022**

**\$42,748,043.15**

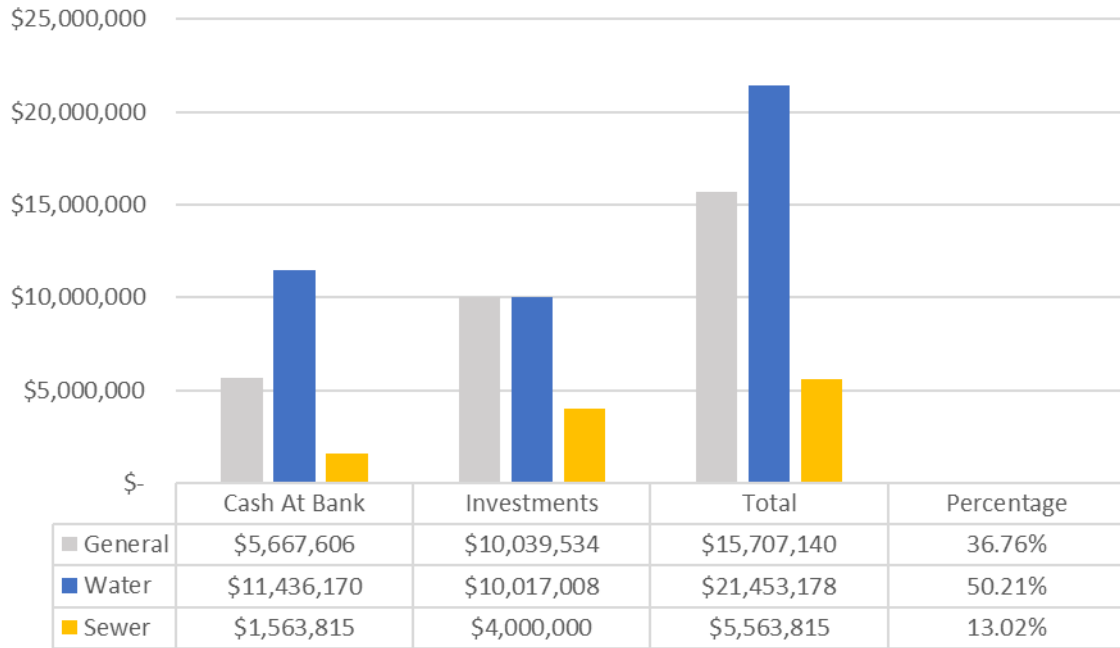
**Tahlia Fry - Finance Manager**

\*The Council also receives an additional 0.25% commission

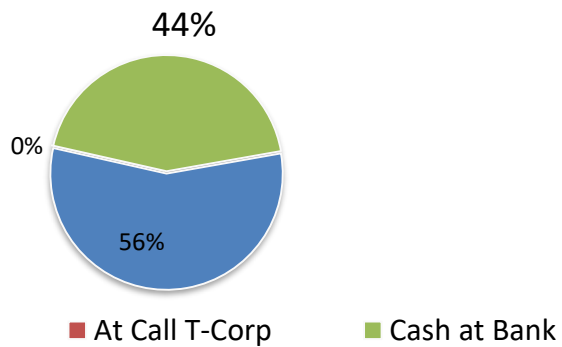
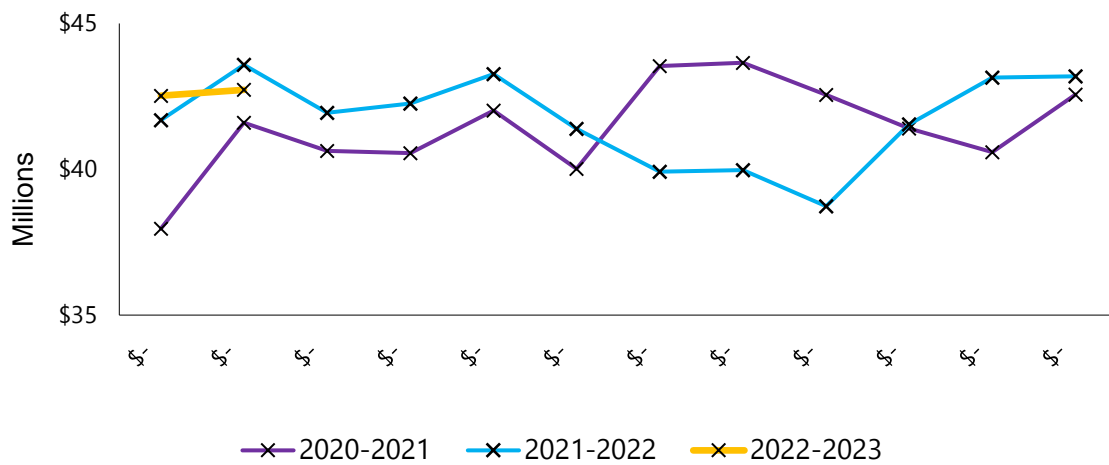
\*\*The Council also receives an additional 0.20% commission

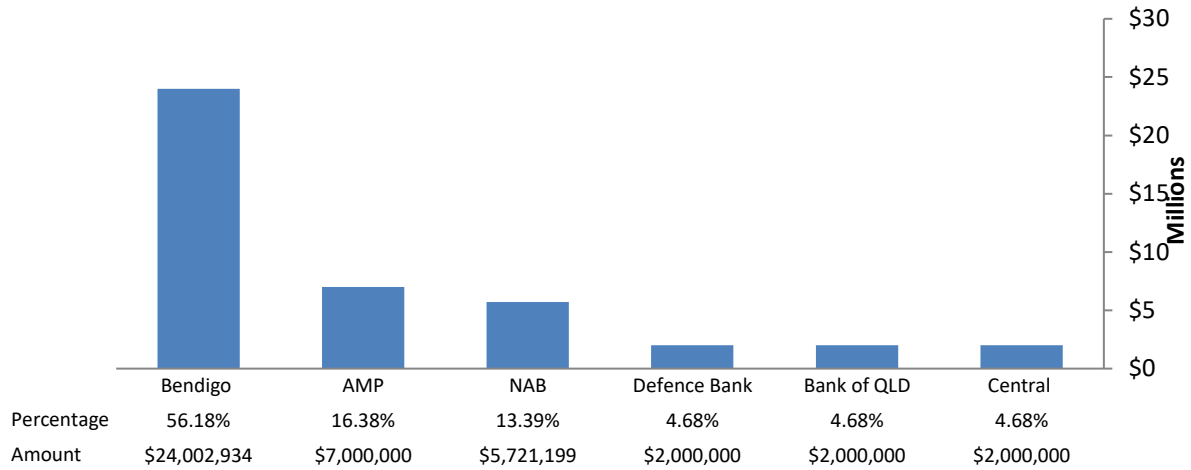
Total Funds held between General, Water and Sewer are as follows:

### Cash & Investment by Fund



### Total Cash and Investments





**Term Deposits Credited Back**

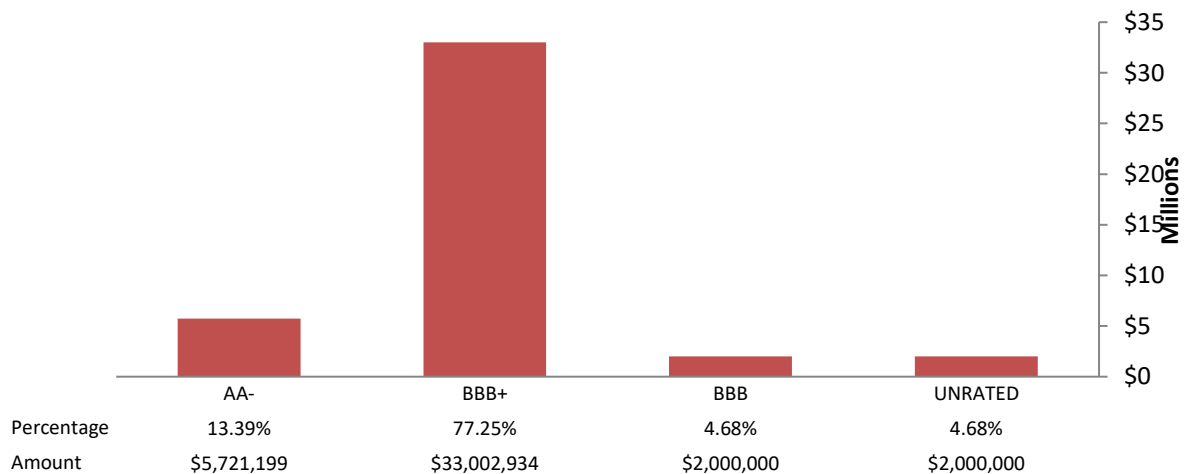
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
DEFENCE BANK LTD	365	\$ 2,000,000.00	0.30%	31/08/2022

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

\*The Council also receives an additional 0.25% commission

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



## 8.2 June 2022 Budget and Carried Forwards

- Author:** Finance Manager, Tahlia Fry
- Strategic Outcome:** 2. Good government
- Strategic Objective:** 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
- Delivery Program:** 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
- Council’s Role:** **Service Provider:** The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
- Appendices:**
1. Budget Summary PDF.pdf (under separate cover) [⇒](#)
  2. Budget Detail PDF.pdf (under separate cover) [⇒](#)

### Recommendation

That the Council note the June 2022 Budget Actuals and carried forward items recommended in this report be carried into 2022/23

### Report:

Note, no Quarterly Budget Review Statement has been prepared for this quarter. This is consistent with the Council’s obligations under the *Local Government Act 1993* and associated regulations. Council will however be presented with a copy of the quarterly review at the October Strategy & Policy Workshop.

In nearly every case, items which make up the carry forward figure of \$2,056,000 have been previously allowed for in the revised budget figures. The below figures are carried forward due to being grant funded projects or works already in progress as at 30 June 2022.

It is important to note the figures supplied in this report have not yet been audited. Figures may change as a result of discoveries that occur as a result of getting information ready for the audit or as a result of investigations by the auditors. The figures take into account all known and quantifiable factors up to the time of this report.

A complete list of carry forward items is shown below:

DESCRIPTION	CARRY FORWARDS (\$)
<b>EXPENDITURE</b>	
1417-0835 MURRAY ST WARMATTA TO WOLAMAI	(22,000)
1417-0845 MCALLISTER ST - HEADFORD TO WARMATTA	(210,000)
1418-0520 FLOODPLAIN MANAGEMENT PROGRAM	(174,000)

1510-0894	BGA - EXPANSION WTP	(782,000)
1510-0896	FIN - UPGRADE WTP (DAFF)	289,000
1610-0916	SEWER TREATMENT COMPONENT RENE	(57,000)
1610-0935	TOWN BEACH SEWER UPGRADE	(101,000)
1905-0110	BURKINSHAW ST BGA TOWNSCAPING LRCIP3	(180,000)
1910-0357	R/S McALLISTER ST 216-679	(6,000)
1910-0706	RESEAL CORCORAN ST BGN	(164,000)
1910-0708	RESEAL DAVIS ST	(38,000)
1910-0709	RESEAL DENISON ST BGN ALL	(13,000)
1910-0816	RESEAL HAMPDEN ST - 617-647	(2,000)
1910-0823	RESEAL MURRAY ST - WELLS/SCHOU	(25,000)
1910-0830	RESEAL TUPPAL ST FIN	(4,000)
1910-0833	RESEAL WELLS ST FINLEY	(7,000)
1910-0929	RESEAL HOYLE ST TOC	(6,000)
1910-0967	RESEAL DEAN ST TOC	(9,000)
1912-0003	RESHEET WOMBOIN RD	(237,000)
1912-0004	RESHEET LAFFAYS RD	(41,000)
1912-0045	RESHEET AUBURN MOMALONG ROAD	(90,000)
1912-0107	RESHEET WAVERLY ROAD	(2,000)
1912-0136	RESHEET MIECHELS RD SH17 - 3.1	(69,000)
1912-0137	RESHEET CANALLA RD	(15,000)
1912-0144	RESHEET HOGANS RD	(112,000)
1913-0553	LANE 961 - BRUTON ST BAROOGA	(60,000)
1913-0620	SNELL RD - KAMAROOKA TO CHOMLE	(80,000)
1913-0718	HORSEFALL ST - JERILDERIE/DENISON	(85,000)
1913-0845	MCALLISTER ST - HEADFORD TO OSBORNE	(127,000)
1914-0062	CROSBIES RD 0.1/2.7	(50,000)
1914-0090	BARNES RD-MAXWELL TO STH COREE	(219,000)
1914-0109	WOOLSHED ROAD 17.0 - 18.0 FLR3	(268,000)
1914-0111	SOUTH COREE RD 8320 TO 8777	(22,000)
1916-0105	K&G MTCE & REPAIRS	(45,000)
<b>INCOME</b>		
3800-1950	BUILDING BETTER REGIONS JERSEY BBRF3	23,000
4110-1955	GRANT - SAFE & SECURE WATER	3,100,000
5240-1950	BUILDING BETTER REGIONS JERSEY BBRF3	23,000
6200-1958	FINLEY WAR MEMORIAL REFURB LRCIP3	98,000
6500-1969	BERRIGAN SPORTSGROUND TOILET GRANT	53,000
6500-1970	TOC SPORTSGROUND LED UPGRADE LRCIP	30,000



6500-1974	FINLEY NETBALL COURTS LRCIP2	140,000
6500-1976	BGA REC RES REDEVELOPMENT LRCIP3	283,000
6500-1977	TOC PONY CLUB FENCE SCCF4	180,000
6500-1978	TOC CRICKET NETS REDEVELOPMENT SCCF4	103,000
6600-1968	BGA LIONS PARK IMPROVEMENT LRCIP	5,000
6600-1970	TOC FORESHORE AMPHITHEATRE LRCIP3	307,000
7060-1951	JERSEY STREET PRECINCT BBRF3	43,000
7060-1952	BURKINSHAW ST BGA TOWNSCAPING LRCIP3	90,000
7200-1955	RESHEET SMITHERS ROAD LRCIP3	100,000
7300-1950	BUILDING BETTER REGIONS JERSEY BBRF3	8,000
7300-1952	KERB & GUTTER UPLIFT LRCIP2	123,000
7500-1952	BUILDING BETTER REGIONS JERSEY BBRF3	12,000
7500-1953	TOC GOLF CLUB PATH LRCIP	8,000
7500-1954	BGA LAWSON DRIVE PATH LRCIP	8,000
7500-1955	BAROOGA TO COBRAM PATH LRCIP	14,000
7750-1951	APEX PARK CARPARK LRCIP2	145,000
8400-1950	BUILDING BETTER REGIONS JERSEY GRANT BBRF3	24,000
8600-1950	FINLEY SALEYARDS HVSP	169,000

### 8.3 NSW Active Program Grant - Barooga Tocumwal Share Path Construction

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.1. Create safe, friendly and accessible communities
<b>Delivery Program:</b>	3.1.3. Strengthen the inclusiveness and accessibility of our community
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Appendix 1 - Barooga _ Tocumwal Shared path.pdf (under separate cover) <a href="#">⇒</a></li><li>2. Appendix 2 - GFR-00000407 Berrigan Shire - Shared Path - Funding Letter.pdf (under separate cover) <a href="#">⇒</a></li></ol>

#### Recommendation

That Council confirm the circular motion of 19 August 2022 to accept the offer of grant funding for the amount of \$600,000 from the NSW Active Program Grant to build the agreed footpaths in both Barooga and Tocumwal.

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#### Purpose

The purpose of this report is to explain the Circular Motion undertaken on 18 and 19 August 2022 and to explain the opportunity the accepting of the NSW Active Program Grant.

#### Summary

The application for this funding was actually submitted at least two years ago. It is similar to working with Transport for NSW on the Murray Street repairs. The application was submitted in line with Council's Pedestrian Access and Mobility Plans. Applications are updated annually in line with the current expected outcomes from those plans. It is never known when we will receive funding in this way but it is always hoped the funding will align with works planned to be undertaken in that year.

The acceptance of the grant needed to be signed and returned by close business 19 August 2022.

#### Project Outline

The project is in two parts:

The first is the delivery of a 2.5m wide concrete path from Vermont Street to Brukinshaw Street, along Golf Course Road in Barooga.

The second is the delivery of a 2.5m wide concrete path from Kelly Street to Cobram Street, along Jerilderie Street in Tocumwal.

Pictures of the above sections can be found in **Appendix 1**.

Council officers will develop the scope of works and the Tender Documents as part of this project. The extent of the works is not expected to be significant as a standard design of 2.5m wide concrete path will be used. The actual construction works will be tendered and project managed by Council's Operation Manager, along with routine grant reporting.

### **Milestones**

Detailed design complete – 23 November 2022

Construction Procurement Complete – 2 December 2022

Council Endorsement of Construction Contract – 21 December 2022

Traffic Committee Approval – 8 February 2023

Construction Drawings Issued – 15 February 2023

Construction Contract Awarded – 26 February 2023

Open to Traffic – 14 June 2023

Project Completion Report Submitted – 30 June 2023

### **Background**

The original grant application is attached at **Appendix 1**.

On 11 August 2022 I was notified that Council had been successful in receiving funding for the delivery of Shared Footpaths in Berrigan Shire (letter attached at **Appendix 2**). I did not know anything about the funding nor when it had been applied for etc so requested further information before I could sign the document. It took some days before it became clear what the grant funding was for and when it had been applied for. The final pieces of the puzzle were not supplied to me until directly after the August Ordinary Council meeting. The delay in response to my questions is the reason for the Circular Motion that was sent on 17 August 2022 at 3.15pm.

The email sent on 17 August 2022 is included at

I received notification through the email system that the following people received that email at 3.16pm:

- Cr Sarah McNaught
- Cr Julia Cornwell-McKean
- Cr Ted Hatty
- Cr Carly Marriott
- Cr Renee Paine
- Cr Roger Reynoldson
- Mayor Matt Hannan
- Cr John Taylor
- Matt Hansen (cc)
- Tahlia Fry (cc)

- Rohit Srivastava (cc)
- Gary George (cc)

Read receipt notifications were then received as follows:

- Matt Hansen – read 17.08.2022 at 3.16pm
- Tahlia Fry – read 17.08.2022 at 3.20pm
- Mayor Hannan – read 17.08.2022 at 3.21pm
- Rohit Srivastava – read 17.08.2022 at 3.22pm
- Cr Cornwell-McKean – read 17.08.2022 at 3.24pm
- Cr Marriot – read 18.08.2022 at 2.04pm

I was at a Murray Regional Tourism Board meeting on 18 August 2022 so unable to finalise the voting matter. I therefore contacted those Councillors who had not responded to the email via phone. The following is the summary of voting and how the votes were received:

- Mayor Hannan – email 17.08.2022 at 3.32pm – **Yes**
- Cr Cornwell-McKean – email 18.08.2022 at 10.36am – **Yes**
- Cr Marriott – email 18.08.2022 at 2.04pm – **Yes**
- Cr Reynoldson – telephone 19.08.2022 at 10.51am – **Yes**
- Cr Paine – telephone 19.08.2022 at 11.53am – **Yes**
- Cr McNaught – telephone 19.08.2022 at 11.55am – **Yes**
- Cr Taylor – telephone 19.08.2022 at 12.02pm - **Yes**
- Cr Hatty (on leave) – initial telephone 19.08.2022 at 1.24pm and left a message. Email was sent at 1.33pm – **Yes**. Cr Hatty then called me at 1.53pm and verbally said Yes to accepting the grant.

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

Pedestrian Access and Mobility Plan Barooga

Pedestrian Access and Mobility Pan Tocomwal

Active Ageing and Disability Inclusion Strategy and Action Plan

## Issues and Implications

There are no real issues or implications with regards to this project as the works were already in Council's workplans or are only slightly altered.

The opportunity this funding presents is to deliver a higher level of service than has been generally provided by the Shire. Delivering at this level of service will allow Council to complete a small part of the Pedestrian Access and Mobility Plans for both Barooga and Tocomwal and also meet some of the expectations of the Active Ageing and Disability Inclusion Strategy and Action Plan.

## Policy

Social Justice Framework

**Financial**

Overall project = \$650,000

Grant Funding = \$600,000

Council Contribution = \$50,000

Council had already planned the following works:

Barooga Road in Tocumwal was scheduled to have some works completed with \$39,000 set aside for those works. A further \$64,000 was located to undertake works from Golf Course Road intersection towards the bridge).

It is intended the \$39,000 for the Tocumwal project and \$11,000 from the Barooga project will be used to fund the \$50,000 contribution required from Council. Legal / Statutory

**Legal / Statutory**

Nil

**Community Engagement / Communication**

Nil

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

Nil

**Risks**

1. Financial

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

The relatively small investment required (7% of the entire budget) to deliver this \$650,000 project means the financial risk to Council is minimised.

2. Built Environment

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

E	Low	Low	Medium	Medium	High
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Given the increased service level it is highly unlikely that Council will receive complaints about delivering this infrastructure. It may however place some pressure on Council to consider rolling this level of service out more broadly over time.

3. Positive Consequences

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

It is likely that Council may receive some compliments about the increased level of service and the better utility these paths will provide.

**Conclusions**

Given the tight timeframes I felt it best to seek Council’s approval to accept this grant funding out of session through a circular motion. I believe this project is a good outcome for Council and means we are able to deliver scheduled works at a far higher service level than has been the case in the past.

## 8.4 Local Roads and Community Infrastructure Program – Round 3

<b>Author:</b>	Director Infrastructure, Rohit Srivastava
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.1. Create safe, friendly and accessible communities
<b>Delivery Program:</b>	3.1.2. Facilitate all age healthy lifestyles and ageing in place
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. PowerStack_LRCIP 3.pdf (under separate cover) <a href="#">⇒</a></li><li>2. PowerStack_LRCIP 3.pdf (under separate cover) <a href="#">⇒</a></li></ol>

### Recommendation

That Council:

1. Cancel Tender No. T08-22-23, Tocumwal Murray River Fishing Deck Construction; &
2. Adopt alternate project proposal, Part A & B - Advanced Street Lightings; or
3. Provide an alternate project for Council officers to execute with the available fund of \$350,000.

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### Purpose

The purpose of the report is to inform Council that the tender received against Tocumwal Murray River Fishing Deck Construction is substantially over Council's allocated budget of \$350,000.

Council officers also would like to propose and nominate another community project which would meet the funding guidelines under LRCIP -3 and will be within the project budget of T08-22-23.

### Summary

Council has allocation of \$350,000 towards Tocumwal Murray River Fishing Deck and we have received only one conforming tender to a value of \$672,320.00 (incl GST). Council does not have any savings to divert to this project to help bridge the funding gap.

Council officers have come across a unique solar light product (at GMs and Directors meeting, LG NSW at Sydney) which has capability to provide street lighting, CCTV camera interface as well as mobile phone chargers. The 6m high pole can be installed within 30min without any trenching and there is no need to work at heights as the pole can be lowered and raised using a hinge system.

A product detail brochure is attached under **Appendix 1**.

The purpose of installing these products would increase visibility and usage of our community parks.

### Proposed alternate – details of the installations

Part – A: The product will be installed at the locations mentioned below. The type and cost are also provided. It is to be noted, the cost of installing and managing CCTV camera is not known at this stage. The product owner is working with an appropriate supplier to provide those costs to Council.

Township	Location	Product Type	Cost
Berrigan	Skate Park	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ Cell phone charger</li> <li>▪ CCTV in future</li> </ul>	\$15,510
	Depot	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ CCTV in future</li> </ul>	\$13,044
Finley	Foundry Park	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ Cell phone charger</li> <li>▪ CCTV in future</li> </ul>	\$15,510
	Railway Park	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ Cell phone charger</li> <li>▪ CCTV in future</li> </ul>	\$15,510
Tocumwal	Aviation Museum	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ Cell phone charger</li> <li>▪ CCTV in future</li> </ul>	\$15,510
	Splash Park	<ul style="list-style-type: none"> <li>▪ 4 x bollards</li> <li>▪ 1 x Bollard with cell ph charger</li> </ul>	\$14,946
Barooga	Adventure Park	<ul style="list-style-type: none"> <li>▪ 1 x 6m high light pole</li> <li>▪ Cell phone charger</li> <li>▪ CCTV in future</li> </ul>	\$15,510
<b>Total</b>			<b>\$105,540 (excl. GST)</b>

Part B: Considering Council’s interest in providing street lighting at Golf Course Road, Barooga and separate funding to construct 2.5m shared pathway from the intersection of Vermont St/Golf Course Rd to Golf Course Rd/Burkinshaw St, installation of PowerStack (solar product with light-only) would make the stretch complete.

The costs of providing PowerStack at Vermont St/Golf Course Rd to Golf Course Rd/Burkinshaw St is presented below:



Description	Quantity	Unit Price	Amount
Architectural Solar Power System; 6 Metre Pole; 2 x Large Solar Panels on 4 Sides; 7 x Lithium Batteries	18	\$9,313.23	\$167,638.14
Concrete Free Foundation	18	790.00	\$14,220.00
<b>Total</b>			<b>\$181,858.14 (excl GST)</b>

PowerStack has provided approximate cost of freight of Part A & B as \$3,000. The delivery time is about 8-10 weeks.

Part C: Council officers have also worked with PowerStack and have received quote to provide these solar lights from Golf Course Rd/Burkinshaw St to Barooga cemetery. The cost of this option is presented below:

Description	Quantity	Unit Price	Amount
Architectural Solar Power System; 6 Metre Pole; 2 x Large Solar Panels on 4 Sides; 7 x Lithium Batteries	37	\$9,313.23	\$344,737.51
Concrete Free Foundation	37	790.00	\$29,230.00
<b>Total</b>			<b>\$373,967.51 (excl GST)</b>

Part A & B of the above proposed project would cost about \$290,000, including freight charges (without CCTV camera & management).

It is expected that once Council demonstrates this nominated project working successfully within our Shire, Council officers would be able to design further projects, meeting stakeholder expectations.

It is to be noted that Council officers have worked with PowerStack as a sole supplier. Considering the product is unique, there are limited companies who provide such options. Council is requested to grant procurement exemption for this nominated project.

### Background

The project under Tocumwal Foreshore, funded under LRCIP -3 is limited to Fishing Deck as the originally planned amphitheatre was removed at Council’s 20 July 2022 meeting. A snapshot of that resolution is also presented below:

At its ordinary meeting held on 20 July 2022, the Council made the following resolution.

**Resolved** Cr Marriott and Cr Taylor that the Council:

1. Seek approval from the funders of the Local Roads and Community Infrastructure (LRCI) program to vary its funding agreement to **remove the Tocumwal Amphitheatre from the scope of works;**

Council at its 17 August 2022 meeting resolved to re-allocate funding under LRCIP -3 of \$1,755,054 to the identified projects. A snapshot of the resolution is presented below:

8.3 Local Roads and Community Infrastructure Program – Round 3

**Resolved** Cr Paine and Cr McNaught that the Council reallocate its Local Roads and Community Infrastructure – Round 3 funding to the projects set out in the table below:

Project	Funding	
	Initial	Revised
Barooga Recreation Reserve	\$566,054	\$600,000
Smithers Road	\$200,000	\$180,000
Tocumwal Foreshore	\$614,000	\$350,000
Finley War Memorial Hall	\$195,000	\$195,000
Burkinshaw St	\$180,000	\$220,000
Tocumwal Aviation Museum Carpark		\$210,054
<b>TOTAL</b>	<b>\$1,755,054</b>	<b>\$1,755,054</b>

The tender for the fishing deck was prepared and the lifecycle of tender is presented in Figure 1:

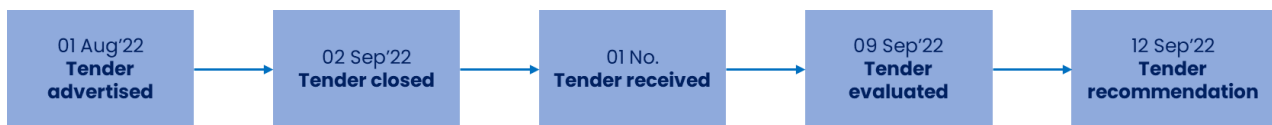


Figure 1: Lifecycle of tender – Fishing Deck, Tocumwal

Only one (1) tender was received during the tender process.

The received tender has two options for Council to consider, as mentioned below:

Conforming price: \$672,320.00

Alternate price: 618,420.00

The tender received is substantially more than the Council’s allocated budget of \$350,000.

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

### Issues and Implications

The fishing deck project is part of Tocumwal Foreshore Masterplan to improve Murray River experience. If the T08-22-23 is cancelled, Tocumwal Foreshore committee would not be pleased. It is suggested that feedback is provided to community detailing reasons of amphitheatre and fishing deck were cancelled.

### Policy

The alternate option provided to T08-22-23, “Advanced Street Lightings” above does not meet the Council’s procurement policy. Council officers have worked and attached all relevant communications with the supplier for Council’s consideration under **Appendix – 2**.

### Financial

Council has allocated \$350,000 from the overall funding of LRCIP – 3 towards the fishing deck. The tender received is well above the Council budget. Council does not have savings to bridge the funding gap.

Council has an option to consider alternate project - “Advanced Street Lightings”, which would meet the funding guidelines and also the funding available, apart from meeting Council’s strategic objectives - Support community engagement through life-long learning, culture and recreation.

### Legal / Statutory

N/A

### Community Engagement / Communication

The original project (Murray River Fishing Deck, Tocumwal) was an outcome from the Tocumwal Foreshore Masterplan. It is good practice to inform the community on the outcome of the tender process.

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

Council will work with PowerStack, if the alternate project is adopted and find the exact location of these products by working with Council’s Recreational Officer and communities, before installation.

## Risks

The risk assessment below is for the alternate project - Advanced Street Lightings

### 1. Built Environment Including Plant and Equipment

	Consequence				
Likelihood	1	2	3	4	5
Almost certain	Medium	High	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	<b>Low</b>	Medium	High	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

Although this is a new product and a pilot program, the risk to Council's built environment is very low. Whilst the risk of things like vandalism or accidents is there, other street lights have not been affected regularly across the Shire so it is believed the risk to this equipment is Low.

### 2. Financial

	Consequence				
Likelihood	1	2	3	4	5
Almost certain	Medium	High	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	Low	<b>Medium</b>	High	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

LRCIP – 3: Funding – If Council does not accept the alternate project, Council would need to find a project, design, and procure. The timeline to utilise LRCIP -3 funding is Jun'23. The limited time Council has, makes utilisation of funds challenging.

### 3. Community (Social & Cultural / Government / Reputation and Media)

	Consequence				
Likelihood	1	2	3	4	5
Almost certain	<b>Medium</b>	High	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	Low	Medium	High	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

Community expectations: Tocumwal Foreshore Committee would need to be engaged on the reasons why initially amphitheatre and now fishing deck are not part of the LRCIP -3 funding.

## Options

1. Reject T08-22-23; &
  2. Adopt alternate project proposal, Part A & B - Advanced Street Lightings; or
  3. Provide an alternate project for Council officers to execute with the available fund of \$350,000.
-

## 8.5 Stronger Country Communities - Round 5

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	1. Stronger Country Communities - Round 5 - Survey Results.pdf (under separate cover) <a href="#">⇨</a>

### Recommendation

That Council

1. note the results of the community survey attached as Appendix 1; and
2. submit applications for the following projects under Round 5 of the Stronger Country Communities Fund.
  - (a) Replacement of the cricket nets at Barooga Regional Multi-Sport Facility
  - (b) Installation of solar powered lighting on Golf Course Road, Barooga.
  - (c) Relocation of overhead mains power lines on Chanter St, Berrigan

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### Purpose

This report requests confirmation from the Council for the projects it intends to submit for funding under Round 5 of the NSW Government's Stronger Country Communities Fund (SCCF) program.

### Summary

At its meeting on 17 August 2022, the Council identified three preferred projects to submit for funding under Round 5 of SCCF.

The community consultation demonstrated support for all three projects and the Council can, if it chooses, submit the application

## Background

The NSW Government has announced another round of funding under its Stronger Country Communities Fund – the fifth round to date.

The fund has allocated \$1,350,611 for projects in Berrigan Shire. The Council is eligible to apply for \$931,490 with the balance reserved for eligible community organisations. Note that while Council is **eligible** to apply for \$931,490, this is **not reserved** for Council – community groups may access this funding too.

Applications must be submitted by 23 September 2022. Successful applicants are expected to be informed before the end of 2022.

At its ordinary meeting on 17 August 2022, the Council resolved the following

**Resolved** Cr Cornwell McKean and Cr Reynoldson that the Council:

- *select the following projects as options for funding under Stronger Country Communities Fund:*
  1. *Barooga Cricket Nets (\$200k)*
  2. *Golf Course Road lighting (\$200k)*
  3. *Underground power – Chanter Street, Berrigan (\$500k); and*
- *direct Council staff to:*
  1. *conduct a survey of residents to guide Council to determine priorities, and*
  2. *provide a report to the ordinary meeting of Council on 21 September with the results of this survey*

Below is a short description of each project.

**Underground relocation of power** – Chanter St, Berrigan – This project will relocate the overhead power lines in Chanter St, Berrigan between the IGA supermarket and Jerilderie St. Relocation of the power lines will improve the amenity of the Berrigan business district by allowing trees to grow without hard pruning. It will more importantly allow business owners to maintain their street facades in the Berrigan conservation area without having to shut down power to a significant portion of the town.

**Cricket nets, Barooga Regional Multi-Sport Facility** – This project will replace the tired and dilapidated cricket nets at the Barooga Regional Multi-Sport Facility. Replacing the nets will benefit local cricketers and make Barooga more attractive as a venue for regional sporting events.

**Solar lighting - Golf Course Road, Barooga** – This project will install innovative solar lighting along the walking path on Golf Course Rd. The Golf Course Road path links the motels in Barooga to Barooga Sports Club and the Barooga business district and is also a popular walking and jogging path for locals. Improved lighting will enhance the safety of users of the path and encourage visitors to explore the town on foot.

Since the previous meeting, Council staff have rescoped the projects for submission in the grant application. Rescoping has had some impact on the costings but is still within expectations.

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

The replacement of the cricket nets at the Barooga Recreation Reserve was identified as a priority in the Barooga Recreation Reserve **Strategic Plan** and **Masterplan**.

Safe and accessible walking paths are identified as priorities in the Council’s **Pedestrian Access and Mobility Plan** (PAMP) and **Disability and Inclusion Action Plan** (DIAP)

The **Berrigan Town Landscape Plan** includes landscape improvements on Chanter St and the Chanter St precinct is identified as a Heritage Conservation Area in the Berrigan Shire **Local Environmental Plan**

## Issues and Implications

### Financial

Council should consider the financial impacts associated with grant funded projects.

- **Required co-contributions** – none in this instance.
- **Overruns** – Council is obliged to meet any project overruns. It is important that solid estimates are prepared.
- **Operating costs** – Council should factor in the whole-of-life costs of new infrastructure including operations, maintenance, and eventual replacement

The amount of any exposure is impossible to estimate at this stage.

### Community Engagement / Communication

As per the Council resolution, Council staff undertook a short online survey in late August and early September. The results of the survey are attached as **Appendix 1**

The project with the most support was the replacement of the cricket nets at Barooga Recreation Reserve however all three projects demonstrated broad community support.

## Risks

### 1. Financial

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

The major financial risk is the risk of project overruns, especially where a significant amount of time elapses between the initial scoping of a project and the approval of the grant.

Council staff have mitigated this risk by allowing for escalation in its estimates and including an allowance for contingency.

### 2. Reputational



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

Council is exposed to reputational risk should it undertake projects that do not have broad community support.

This risk has been mitigated through the community consultation undertaken by the Council.

### Options

1. The Council could submit all three identified projects for consideration. **This is the recommended option**
2. The Council could submit different projects. This is not recommended as there is not sufficient time to submit an application of any quality
3. The Council could choose not to submit one or all the identified projects. This is not recommended as the projects all have solid community support.

### Conclusions

All three projects have merit and have demonstrated community support.

## 8.6 Service Review Plans

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Appendix 1 - IPR-Guidelines-2021.pdf (under separate cover) <a href="#">⇒</a></li><li>2. Appendix 2 - Draft Service_Review_Program_Plan.docx (under separate cover) <a href="#">⇒</a></li><li>3. Appendix 3 - Service Review Checklist and Process Summary.docx (under separate cover) <a href="#">⇒</a></li></ol>

### Recommendation

That Council adopt the Service Review Program and Plan as presented.

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### Purpose

The purpose of this report is to assist Council in understanding the need for formal Service Review Plans, work that has commenced at Council to address this matter, and to present Council with a Draft Guideline and Plan under which Service Reviews may take place.

### Summary

Although Service Reviews form part of Council's responsibilities under the Integrated Planning and Reporting Guidelines, Council sees Service Reviews as an integral part of understanding Council operations and their value to the community. It is essential Council services continue to underpin, maintain and grow development opportunities in the area. How this is possible must therefore be a core consideration of each Service Review.

Council intends for its Service Reviews to address a number of considerations across Council's deliverables. To ensure Council's ability to deliver its core responsibilities into the future (deliverables such as road infrastructure, sewerage operations, water utility provision, open spaces and cemetery provision), Council must ensure its Services remain financially affordable.

### Legislative Framework

*Local Government Act 1993*

**Section 406 Integrated planning and reporting guidelines**

- (1) The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as *the guidelines*) to be complied with by councils.
- (2) Without limited subsection (1), the regulations may impose requirements in connection with the preparation, development, consultation on and review of, and the contents of, the community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and environment reporting of a council.

*Local Government (General) Regulation 2021*

## **Part 9 Management and Accountability**

### **Division 1A Strategic planning**

#### **196A Integrated planning and reporting guidelines – the Act, s406**

A council must comply with the integrated planning and reporting guidelines in the document entitled *Integrated Planning and Reporting Guidelines for Local Government in NSW*, published on the website of the Department, as in force from time to time.

The latest Integrated Planning and Reporting Guidelines (the Guideline) has mandated the requirement for Councils to undertake Service Reviews as part of the Integrated Planning and Reporting Process. The Guideline is included at **Appendix 1** to this document.

The Guideline needs to be read in conjunction with the Integrated Planning and Reporting Handbook for Councils in NSW (the Handbook) as this sets out the standards required to meet the outcomes expected under the Guideline. A link to the Handbook is provided below as it is a large document.

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/11/Integrated-Planning-Reporting-Handbook-for-Local-Councils-in-NSW.pdf>

At element 4.5 (Essential Elements of the **Delivery Program**) the Guideline states:

*When preparing its Delivery Program, the council must consider the priorities and expected levels of service, expressed by the community during the engagement process.*

At section 2.4 of the Handbook the document states that:

***...when the DP (Development Plan) meets all essential elements prescribed in the Guidelines [it will] include:***

*Areas of service that council will review and how the council will engage with the community and other stakeholders to determine services level expectations and appropriate measures.*

At element 4.17, when discussing the Operational Plan, the Guideline states:

*With respect to service reviews identified in the Delivery Program..., the Operational Plan must specify each review to be undertaken in that year.*

The Handbook (at 2.5) then states:

*Service Reviews to be undertaken*

The Guideline then discusses the Annual Plan at 5.3:

*The Annual Report must include information about how the council has progressed on the delivery of service reviews it has committed to undertake in that year, the results of those reviews and any changes made to levels of service in areas under review.*

The Handbook (at 2.6) the states:

*How the council has progressed on the delivery of the service reviews it has committed to undertake in that year, the results of those reviews and any changes made to levels of service.*

As per the above requirements, I undertook training with a number of other managers on 7 April 2022. I then presented to all managers, including overseers on 16 June 2022 to work through the requirements and their accountabilities to undertake Service Reviews. The training was well received and plans for Service Reviews were developed as a result of the training, including the requirement for me to develop the Guideline and Program Plan (included at **Appendix 2**).

Today I am seeking feedback from Council as to the Program Guideline and Plan. This is new to Council as a whole so the Executive Leadership Team and management understand this will be a living document. It in itself will require review as reviews are undertaken and we learn more about the process.

Where possible it is intended we will undertake service reviews in house, however there will be times when it is reasonable to access a consultant to do it for us. The following Service Reviews are already technically under way:

- Road network infrastructure
- Section 355 Committees
- Finley Saleyards

From the 2023-2024 IP&R Program, the agreed service reviews will be included and Council will be advised of any potential costs to undertake those reviews should there be budgetary impacts.

It should be noted it is intended that those undertaking Service Reviews will be provided time to focus on that work rather than trying to do it extra to their work. There may therefore be times when casual staff are required to backfill positions. Again, this will be included in the budget build process. It is expected there will be some costs to undertaking these reviews as they are technically new to being required by Council.

Having said that however, it is important to note that we have a number of service reviews that have been undertaken that are in desperate need of review as they are very outdated. Agreed service levels of services such as asset manager, road network management and a range of other areas have not been revisited for approximately 10 years. The introduction of mandatory reviews gives Council the opportunity to review these service levels actively and re-engage with the community as to what level they expect and therefore how much the community is willing to pay for those services.

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

Integrated Planning and Reporting Guidelines

### **Issues and Implications**

Service Reviews will as much as is possible, be undertaken in house. Where this is not possible however, due to the size of the review or if it is a new service for instance, staff may request these be undertaken by

### **Policy**

This will be a new Guidelines

### Financial

There may be some financial burden to Council should it be required a Service Review be undertaken by an external provider (such as is occurring with our Section 355 Committees). Application for external provision will be presented to Council for consent prior to engagement. Included in that application will be the draft project plan outline as discussed in the document attached.

### Legal / Statutory

Nil

### Community Engagement / Communication

Where the Service provided requires community engagement, then a Community Engagement Strategy will be included in the Service Review plan when presented either to the Executive Leadership Team or to Council for approval.

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

There will be times when Service Reviews will take employees from their normal duties. Consideration of how this is to be managed will be determined by the Executive Leadership Team.

### **Risks**

The primary risk to Council regarding Service Reviews will be the financial risk. A change in service level has the potential to increase or decrease costs. Depending on how the risk is managed, this may lead to heightened community interest and discussion. Where Service Review require the engagement of external providers, this will come at a cost to Council.

### **Conclusions**

Service Reviews are mandated under the Integrated Planning and Reporting framework. This document provides a way in which those Reviews may be undertaken in a systematic way.

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## 8.7 Finley Saleyards - Viability and Options

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	4. Diverse and resilient business
<b>Strategic Objective:</b>	4.1. Strengthen and diversify the local economy and invest in local job creation and innovation
<b>Delivery Program:</b>	4.1.2. Support local enterprise through local economic and industry development initiatives and projects
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	1. Finley Saleyards Options Report-At the Cross Roads_For Council Meeting.pdf (under separate cover) <a href="#">⇒</a>

### Recommendation

That Council, having considered the Viability and Options Report prepared by RegionalIQ, concurrently

1. Call for expressions of interest for the purchase of the Finley Saleyards complex, and
2. Call for expressions of interest for the lease of the Finley Saleyards, and
3. Consult with the Berrigan Shire community regarding the future of the Finley saleyards.

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### Purpose

This report provides the Council with options for the future of the Finley Saleyards

### Summary

Earlier this year, the Council commissioned a report of the viability of the Finley Saleyards along options for its future operations. This report is now complete.

Options included in the report include:

1. Closure of the Finley Saleyards
2. Maintain Current Status Quo
3. Seek an alternative Lessee/Operator
4. Council owning and operating the Finley Saleyards
5. Selling Finley Saleyards via an EOI

The report recommends the Council run an Expression of Interest (EOI) process for the sale of the Finley Saleyards while concurrently running an EOI seeking an alternative Lessee/Operator in the event a credible new owner cannot be secured.

While not included in the report, the Council may wish to consider seeking the views with the broader community on the future of the Finley Saleyards

## Background

The future of the Finley Saleyards has been in question since at least 2004, due to a combination of declining throughput, operating losses and ageing infrastructure.

In 2008, the Council divested itself from day-to-day operations of the saleyards, leasing the facility to Scanclear Pty Ltd to operate. As the owner of the facility however, the Council still has a responsibility to ensure the facility is a safe worksite.

In late 2018 Council commissioned an independent report into Work Health and Safety (WHS) issues at the Finley Saleyards. This report (the "Proway" report) identified existing and potential safety and compliance risks relating to infrastructure and to prioritise options and recommendations to eliminate or mitigate those risks.

Proway also provided estimated costs of the capital expenditure required to address identified work, health and safety issues as well as improved animal welfare opportunities at the Finley Saleyards.

The Proway Report identified 11 items for capital expenditure totalling approximately \$1.585M.

In early 2020, a user of the saleyards made a report to Safe Work NSW asking Safe Work NSW to take steps to ensure the Council addressed the WHS concerns as a matter of urgency. SafeWork NSW provided notice to Council of the need to address the safety issues at the yards immediately and reminded Council of its duty of care.

Following the report to Safe Work NSW, in May 2020 the then General Manager prepared a report for the Council titled, "Finley Saleyards" outlining the significant structural changes in the livestock industry and the substantial costs in addressing identified WHS issues. The General Manager argued that the capital expenditure required would not receive anywhere near a commercial return in an asset that had little prospect of long-term viability.

Importantly this report highlighted the potential for both civil and criminal liability in the event of a WHS incident if Council was seen to have both a Duty of Care and was negligent in that Duty of Care. The legal risk to both Council as an organisation and senior officers was referenced in this report.

The recommendation was to close the Finley Saleyards and terminate the lease with Scanclear. The Council asked the General Manager to provide a report with a plan to address the WHS concerns in a prioritised manner. This report was presented to the Council in June 2020.

The June 2020 report broke down the prioritised works into 3 phases, with Phase 1 and 2 to address identified WHS issues and Phase 3 designed address issues relating to improved amenity of users and improved animal welfare.

It was acknowledged in this report that the 3 Phases of works would prolong the operational life of the saleyards by addressing existing WHS concerns but that a much larger investment would be required to secure the future of the operations indefinitely.

The estimated costs (excl GST) of the three phases were:

Phase 1: \$565,000

Phase 2: \$535,000

Phase 3 \$575,000

The June 2020 report recommended doing Phases 1 and 2 as soon as possible subject to obtaining funding. Council then called for tenders for these works.

The tender results for Phase 1 and 2 works were received in October 2021 and came in substantially higher than budget. Berrigan Shire Council has opted for an item-by-item approach, until budget allocations are increased to accommodate the full scope of planned Phase 1 and 2 works.

In April 2022 Council officers provided a report to the newly elected Council highlighting the risks of investing at least \$1M of Council funds in an asset that had no guarantee of operating in the short term let alone the longer term.

Council then commissioned RegionallQ to provide a Viability and Options Report. This report is complete and attached for consideration.

The current lease to Scanclear Pty Ltd expired in 2022 and is now in a holdover period. Council has deferred renewal of this lease until the Council could consider the Options and Viability report.

The Options and Viability Report expresses concern about the long-term viability of the Finley Saleyards given long term structural changes to the livestock industry both across Australia and locally.

The report further recommends the Council run an Expression of Interest (EOI) process for the sale of the Finley Saleyards while concurrently running an EOI seeking an alternative Lessee/Operator in the event a credible new owner cannot be secured.

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

The operation of the Finley Saleyards touches on a range of Council plans and strategies, including most directly, the Economic Development and Tourism Strategy and the Risk Management Framework.

The Council should consider how to balance the social and economic value of the saleyards to the Berrigan Shire community, the overall financial impact on the Council and the Council's risk exposure.

## **Issues and Implications**

### **Policy**

The Council's Financial Strategy adopted in May 2022 includes the following action

*2.1 Seek methods of achieving a return (or at least minimise ratepayer subsidy) on business activities such as the Finley Saleyards, Tocumwal Caravan Park and Tocumwal Aerodrome. Subsidies to programs not directly related to core Council services should be regularly reviewed*

The Council's Commercial Enterprise Policy states

*As a rule, the Council should only be involved in activities where the benefit to the community outweighs the costs of undertaking the activity. Thus, before entering a commercial enterprise the Council will consider the related benefits and costs to the Council.*

Any enterprise in which Council may be considering involvement will have a business plan which clearly shows the strategic direction of the enterprise, its market, from where income will be derived, expenditure that will be incurred and the likely impact on the community



## Financial

The RegionallQ report provides a comprehensive summary of the return required by the Council to financially justify an investment of \$1.1m in the Finley Saleyards. This return is not feasible so any investment in the saleyards is not justifiable on purely financial grounds.

There are a few assumptions included in the financial model included in the report.

Firstly, the report assumes the Council would be able to sell the yards for the “fair value” of the asset in Council’s financial statements. In the case of the saleyards, the “fair value” (as defined by Australian accounting standards) of the saleyards is at current replacement cost – i.e., what it would cost the Council to replace the yards with a modern equivalent in a similar condition. It is **not** a market value, which could be less (or more) than shown in this model. A lower value would reduce the required return on investment to Council – i.e., the opportunity cost of funds tied up in saleyards would be lower.

Secondly, the model assumes a Council investment of \$1.1m – the amount Council has included in its budget at present. However, the Council knows – as a result of going to tender in 2021 – that the cost of addressing the WHS concerns in the sheep and cattle yards are likely to be in the order of \$2m at least – not factoring in cost inflation over the past 12 months.

This means the Council will need to allocate an additional \$900,000 on top of funds already committed just to address the basic WHS issues. The yards themselves would still be at a much lower standard than competitors in Shepparton, Corowa, Wodonga and Echuca. It also does not address the inherent limitations of the site for access by trucks and impact on neighbours.

Council has not sought any estimates on what it would cost to bring the saleyards to modern standards but comparisons with other recent saleyard upgrades indicate this cost could be upwards of \$6m

## Legal / Statutory

The Council has a clear legal obligation to provide a safe workplace under the Work Health and Safety Act 2011.

Penalties apply under this Act to Council as a whole as well those “persons conducting a business or undertaking” – which could potentially include the Councillors, CEO, Deputy CEO, DI and ERM.

The Council is aware of the WHS issues raised in the Proway report and has an obligation under the Act to address these issues.

Section 31 of the Act states.

### ***31 Gross negligence or reckless conduct – Category 1***

*(1) A person commits a Category 1 offence if –*

*(a) the person has a health and safety duty (I have established I do), and*

*(b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to risk of death or serious injury or illness, and*

*(c) the person –*

*i. engages in the conduct with gross negligence, or*

*ii. is reckless as to the risk to and individual of death or serious injury or illness.*

Maximum penalty –

- (a) in the case of an offence committed by an individual (other than as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking) – 3,465 penalty units (or \$372,383.55) or 5 years imprisonment or both, or
  - (b) in the case of an offence committed by an individual as a person conducting a business or undertaking or as an officer of a person conducting a business undertaking – 6,925 penalty units (or \$744,229.75) or 5 years imprisonment or both, or
  - (c) in the case of an offence committed by a body corporate - 34,360 penalty units (or \$3,692,669.20)
- (2) The prosecution bears the burden of providing that the conduct was engaged without reasonable excuse.

**Note:** It is illegal for any insurance to cover any penalties made against Council or Council officials under this section of the Act.

**Community Engagement / Communication**

In preparing this report, the author consulted with relevant stakeholders, including the lessee, local agents, transport industry representatives, livestock producers and representatives from the Finley Chamber of Commerce and Industry.

Before making any decision to close or to sell they yards, the Council may wish to consult with the wider community. This could be similar to the consultation programme underway at City of Warrnambool about the future of their saleyards.

**Risks**

1. People and Culture

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

Should charges be brought for death or serious permanent injury they would include direct charges against the CEO, DCEO, DI and possibly Enterprise Risk Manager. Loss of these four positions would essentially cease Council operations during the recruitment period and make it extremely difficult to attract anyone willing to take on a Council willing to expose their senior executive to such extreme personal risk.

Council’s risk appetite in this area is to Accept some risk, however the risk to Council is not as severe as it is to employees. I consider that the risk not only Council’s ability to recruit but to the actual freedom of Council staff is too high to accept.

2. Financial

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

The financial exposure to Council to continue owning and operating the Finley Saleyards is considerable.

The level of investment needed to bring the yards to an acceptable level of safety is considerable and the Council will need to identify a source of funding for any expenditure over and above the \$1.1m committed to date. Expenditure to bring the saleyard to a modern standard will cost more again.

There is no prospect of the Council making a financial return on this investment.

The Council remains exposed to financial risk including penalties under the WH&S Act – which can't be insured against – and common law damages, which can be insured against but will still come at a cost to the Council.

3. Community (Social & Cultural) / Government / Reputation / Media

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

A death or serious injury at the saleyards, given the Council's knowledge of the WH&S issues at the facility, would have a significant impact on the Council's reputation.

Closure of the saleyards will generate significant community interest, as will investing upwards of \$2m in the facility.

4. Governance (Legal and Public Liability)

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

Again, exposure is very high as Council cannot rely on insurance in this instance as it is continuing to operate a worksite it is well aware is unsafe. Fines would be extensive, excluding possible civil action taken should someone die or be permanently or seriously injured at the site. Civil action may result in liabilities into the tens of millions at minimum and again, Council could not rely on insurance coverage in this case.

Council also has obligations under the Local Government Act 1993 to be accountable for the expenditure of public funds, especially when spending amounts on the scale required here.

Section 8B of the Act states

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.*
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.*
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following—*
  - (i) performance management and reporting,*
  - (ii) asset maintenance and enhancement,*
  - (iii) funding decisions,*
  - (iv) risk management practices.*
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following—*
  - (i) policy decisions are made after considering their financial effects on future generations,*
  - (ii) the current generation funds the cost of its services.*

**Options**

The RegionalIQ report includes

1. Closure of the Finley Saleyards
2. Maintain Current Status Quo
3. Seek an alternative Lessee/Operator

4. Council owning and operating the Finley Saleyards
5. Selling Finley Saleyards via an EOI

An analysis on each option is included in the report.

## Conclusions

The RegionallQ report recommends that the Council run an Expression of Interest (EOI) process for the sale of the Finley Saleyards while concurrently running an EOI seeking an alternative Lessee/Operator in the event a credible new owner cannot be secured. Council staff concur with this recommendation. Council staff note that the Council may need to address the WH&S issues before the facility can be sold to a willing buyer.

Council staff also recommend concurrently running a consultation program with the broader community on the to guide the Council in their decision making.

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## 8.8 Riverina Murray Regional Plan 2041 - Submission

<b>Author:</b>	<b>Director Strategic Planning &amp; Development, Joanne Ruffin</b>
<b>Strategic Outcome:</b>	1. Sustainable natural and built landscapes
<b>Strategic Objective:</b>	1.1. Support sustainable use of our natural resources and built landscapes
<b>Delivery Program:</b>	1.1.1. Coordinate strategic land-use planning
<b>Council's Role:</b>	<b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)  <b>Strategic Partner:</b> The Council partners with other agencies, stakeholders, community groups etc in the deliver of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
<b>Appendices:</b>	1. Appendix 6.16-B - Draft Strategic Plan Comments Berrigan Shire 092022 - 07.09.2022.pdf (under separate cover) <a href="#">⇒</a>

### Recommendation

1. That Council note the appended submission was submitted by close of business 13 September 2022.
2. That the Council formally adopt the Council's appended submission to the Department of Planning and Environment commenting on the Draft Riverina Murray Strategic Plan 2041.

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### Purpose

The lodgement of this submission was due before today's Council's Ordinary Council Meeting therefore the purpose of this report is to request that the Council formally adopt the Appended Submission.

### Summary

The Council reviewed the appended submission commenting on the draft Riverina Murray Regional Plan 2041 at the Strategy and Policy Workshop held 07/09/2022. This report requests the Council note the Appended was submitted 13 September 2022. Further Acknowledgement of its receipt and acceptance by the Department of Planning and Environment was received on the 14 September 2022.

Also, because this submission was due before today's Ordinary Council Meeting the purpose of this report is to request the Council formally adopt the Appended Submission.

## Background

The NSW Department of Planning is undertaking the first 5-year review to extend the Regional Plan to 2041 and reset its priorities. The draft plan was on exhibition until 11.59pm Monday 12 September 2022. The draft Riverina Murray Regional Plan 2041 is a 20-year land use plan with a targeted delivery focus on the next 5 years. It is prepared under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and applies to the local government areas (LGAs) of Albury, Berrigan, Bland, Carrathool, Coolamon, Cootamundra-Gundagai, Edward River, Federation, Greater Hume, Griffith Hay, Junee, Leeton, Lockhart, Murray River, Murrumbidgee, Narrandera, Snowy Valleys, Temora, and Wagga Wagga.

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

The Regional Plans of the NSW Department of Planning and Environment and other State Government agencies must be considered by the Council as part of the development of the Council's Community Strategic Plan.

## Issues and Implications

The Regional Plan is a 20-year land use plan for the region. It is, therefore, the primary reference document for the NSW State government's investment in the region. The Council's submission comments on cross-border planning, the opportunities for LGAs outside the proposed Renewable Energy Zone (REZ) to transition to net-zero, and the draft Regional Plan's silence on irrigated agriculture and Water Policy.

### Policy

N/A

### Financial

N/A

### Legal / Statutory

NSW Regional plans are statutory strategic plans per *Environmental Planning and Assessment Act 1979* (Div 3.1)

### Community Engagement / Communication

N/A

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

N/A

## Risks

## Options

1. Council does not adopt the lodged submission. The benefit of this option is the inclusion of additional comments, that is if the Department is happy to accept additional comments. The disadvantage of this option may be the Department will not allow amendments and lodgement of a new submission.

2. Council adopts the submission and requests the Department accept an updated submission. If received by the Department, this option would allow additional comments to be forwarded to the Department as an update to the lodged submission.
3. The Council notes the lodgement and adopts the appended submission per this report's recommendation. The disbenefit of this option is that should Council want to provide additional comments, this option does not allow additional comments to be made.

## Conclusions

The recommended and preferred option is Option Three.

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## 8.9 Customer Request Policy

<b>Author:</b>	<b>Customer Service Coordinator, Nikki Arnold</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. DRAFT Policy No. 30 - Customer Requests.pdf (under separate cover) <a href="#">⇒</a>

### Recommendation

That Council adopt the DRAFT Customer Request policy attached as Appendix 1.

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### Purpose

This report proposed the adoption of a newly created Customer Request Policy.

### Summary

A Customer request policy has been created to guide Council Employees and the community on how Council will deal with requests for services and complaints.

### Background

The Customer Request Policy has been created to guide the development of an organisational culture focused on the customers' experience from beginning to end, in addition to meeting the customers' needs and expectations.

This policy links with the Customer Experience Charter, however serves as more of an in-depth guide as to how we will deliver a positive customer experience in relations to works requests.

Consultation with each of Council's three directorates has been undertaken to ensure understanding and agreement to the listed response timeframes and ways in which requests will be escalated if required.

This policy will greatly assist the Customer Experience team in the way they deal with customers on a daily basis and provides a framework of how we can assist at each stage of their request, which we have previously lacked.

## Issues and Implications

The policy is largely self-explanatory. The following point is however worthy of consideration;

### Community Engagement / Communication

- Detailed service standards between contact with Council Staff and the Community is published within the policy. Staff should be made aware of these timeframes and work effectively to reach them as we are effectively advertising that this is what the community should expect from us.

## Options

1. Adopt the policy as provided with this report
  2. Request further investigation and present to a later Council meeting
  3. Adopt an amended version of the policy
-

## 8.10 Street Stall Policy

<b>Author:</b>	<b>Customer Service Coordinator, Nikki Arnold</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. DRAFT Policy No. 02 Street Stall.pdf (under separate cover) <a href="#">⇒</a>

### Recommendation

1. That Council revoke the Street Stall Policy adopted on 16 November 2016
2. That Council adopt the Draft Street Stall Policy attached as Appendix 1.

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### Purpose

This report proposes a revision of the Council's Street Stall Policy

### Summary

Council staff have reviewed the Street Stall Policy and provide a revised policy.

The revised policy;

1. Included stakeholder consultation
2. Includes reference to the Food Act 2003

### Background

Our Street Stall Policy has been revised to ensure all information is current and suitable to current needs.

Care has been taken to set guidelines around the amount of stalls able to be held by each organisation and how we will deal with requests to deviate from these guidelines.

### Community Engagement / Communication

A 14 day consultation period was given for regular Street Stall holders and business owners that could potentially be impacted by changes to the Street Stall Policy. No feedback was presented during this period.

## Options

1. Adopt the policy as provided with this report
  2. Request further investigation and present to a later Council meeting
  3. Adopt an amended version of the policy
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## 8.11 Supervision and Hiring Arrangements for Community Swimming Pools Policy

<b>Author:</b>	Deputy Chief Executive Officer, Matthew Hansen
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Supervision and Hiring Arrangements for Public Pools 21.09.2022.docx (under separate cover) <a href="#">⇒</a>

### Recommendation

That the Council

1. revoke its Policy for Supervision and Hiring Arrangements for Community Swimming Pools adopted on 16 November 2016; and
2. adopt the Policy for Supervision and Hiring Arrangements for Community Swimming Pools as set out below.

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### Purpose

This report proposes a revision of the Council's Supervision and Hiring Arrangements for Community Swimming Pools Policy

### Summary

Council staff have reviewed the Supervision and Hiring Arrangements for Community Swimming Pools Policy and provide a revised policy.

The revised policy allows for:

1. fitness swimming without the requirement for a qualified lifeguard on duty, in limited circumstances; and
2. removal of a requirement for an additional lifeguard on duty where an instructor is also a qualified lifeguard, in limited circumstances.

## Background

Council staff have reviewed the Council's Supervision and Hiring Arrangements for Community Swimming Pools Policy, last reviewed in November 2016.

The reviewed policy is attached as "**Appendix 1**".

This policy sets down how the Council and its committees will supervise activities at its public pools and the conditions on which they will be hired out.

The revised policy proposes a relaxation of some supervision requirements, including limited use of the pools without a qualified lifeguard on some occasions. The policy is designed to encourage further use of the pool for fitness activities outside normal hours and ease the burden somewhat on school groups and swimming clubs.

The proposed relaxation is based on current advice from the Council's insurers and consideration of the Council's risk appetite statement.

There are two major revisions to this policy, both of which relax the Council's existing supervision requirements.

1. **Fitness swimming** – The revised policy allows for unsupervised (i.e., no qualified lifeguard) water fitness activities outside ordinary pool hours. Unsupervised swimming is subject to a registered volunteer being on site while the pool is open, monitoring those entering and leaving the facility.
2. **Instructors** – The currently policy does not allow for instructors to act as lifeguards while instructing. Previous requirements have had an impact on swimming clubs, small swimming classes and school use. The revised policy allows for an instructor to double as the lifeguard where the group size is no more than ten (excluding the instructor).

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

The Council does not have an adopted strategy for its public pools.

A review of the public pool service has been identified as a priority for Council staff, with the review proposed to be complete by April 2023.

## Issues and Implications

The policy is largely self-explanatory, but the following points are worthy of consideration

### Financial

Death or serious injury will have financial consequences for Council that cannot be completely mitigated via insurance coverage.

Pool committees have operating budgets in the range of \$50,000 to \$80,000 per year.

Additional supervision requirements come at a cost to Council and its volunteer committees. Council's current lifeguard charge out rates are shown in the table below. The charge out rate includes on-costs for workers compensation and superannuation paid on behalf on employed lifeguards.

Day	Hourly charge
Ordinary (Weekday)	\$39.7144
Saturday	\$49.6430
Sunday	\$59.5716
Public holiday	\$79.4288

### Legal / Statutory

- The Policy Statement states the pools are in effect operated by and on behalf of their local communities, with the Council acting as trustee of the land and providing a legal structure. This is consistent with the Council's current approach to its volunteer committees of management.

- The policy itself is designed around the Office of Local Government's [Practice Note 15](#) and the Guidelines for Safe Pool Operation issued by the Royal Life Saving Society Australia (RLSSA).

The Council should note all Council aquatic facilities have both a main pool and toddler pool which classifies them as Category 3 pools as per Practice Note 15. Given the relatively low patronage, this policy does vary in part from the supervision requirements set out for Category 3 facilities.

- Schools must use the "coloured tag" system mandated in the Water Safety Guidelines for Unstructured Aquatic Activity issued by the NSW Department of Education and Training.
- Council will not hire lifeguards under the age of 16 and will not roster a lifeguard under the age of 18 at a pool on their own – i.e., they must be supervised by another lifeguard over the age of 18.

Council acknowledges the above hiring decision may be a breach of the *Age Discrimination Act 2004* (Cth) and *Anti-Discrimination Act 1977* (NSW) however on balance considers the inherent risks of a child acting as a lifeguard on their own outweighs the potential detriment to the child.

- Children under 10 must be accompanied by a person aged over 18 responsible for their supervision. This person must actively supervise the child at all times.

Again, the Council may be in breach of the *Age Discrimination Act 2004* (Cth) and *Anti-Discrimination Act 1977* (NSW) however on balance considers the inherent risks of an unsupervised child at the pool outweighs the potential detriment to the child.

- The policy permits children between ages 11 and 14 to attend the pool on their own without an adult responsible for their supervision. The age range outlined is not consistent with the Keep Watch at Public Pools program issued by RLSSA which expects a responsible adult to "maintain visual contact".

The Council may consider lifting the supervision requirement to children under the age of 15, to maintain consistency with the Keep Watch Program.

Before 2008, Council had no requirement for supervision of children at all. The Council's decision to insist on supervision for children 10 and under at that time was extremely controversial and created considerable community backlash.

**Community Engagement / Communication**

A draft version of this policy was distributed for comment to the volunteer committees of management and the schools that use it for their programs

No comment was received from the schools.

The committees were pleased with the proposed changes to allow unsupervised fitness swimming in limited circumstances although somewhat concerned about requiring volunteers to be responsible for ensuring all fitness swimmers using the facilities are accounted for.

The Finley War Memorial Swimming Pool Committee of Management informally requested the Council reconsider the requirement to have an additional lifeguard specifically supervising the springboard when it is in use. Following RLSSA advice, Council staff have not proposed to relax this requirement.

Overall, the advice from Council staff would be to prohibit the use of the springboard entirely as its use as a “fun” item – as opposed to a sporting item – carries significant risk of injury for users. However, the Committee advise the springboard is a popular pool activity and encourages pool patronage from teens and young adults. Requiring the committee to employ an additional lifeguard is an additional cost to the Committee and reduces use of the board.

The Council may wish to consider a compromise solution where supervision of the springboard may be undertaken by a registered volunteer, rather than a qualified lifeguard. This is not the preferred position of Council staff from a risk perspective but may be acceptable as a compromise position

**Risks**

1. Financial risk

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

A death or serious injury will have a financial impact on the Council. The Council has public liability insurance to offset this risk, however the deductible will still need to be paid.

There will also be the cost associated with inquiries, inquests, investigations that may take place.



2. Legal/Governance

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

This policy complies with all Council’s statutory and regulatory obligations. It does however provide for some exceptions from “best practice” guidelines in the aim of both financial sustainability and encouraging broad community use.

3. Reputational

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

A death or serious injury at a Council public pool would have a serious impact on the Council’s reputation and expose the Council to significant negative media comment.

Adopting a clear supervision policy does mitigate this risk somewhat.

**Options**

The Council may:

1. adopt the revised policy as provided with this report;
2. adopt an amended version of this policy to include any of the following;
  - (a) a requirement for children under 15 to be accompanied by an adult responsible for their supervision through the maintenance of visual contact; and
  - (b) removing the requirement for an additional lifeguard for use of inflatables and diving boards. This could be through replacement by an authorised volunteer or by not requiring additional supervision at all; or
3. request Council staff undertake further revision of the policy and present to a later Council meeting.

## 8.12 Fees and Charges - Public Swimming Pools 2022-23

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	Nil

### Recommendation

That the Council, as per s610F of the *Local Government Act 1993*:

1. give notice it intends to adopt the following fees and charges for the use of the Berrigan Shire public swimming pools at its ordinary meeting to be held on 19 October 2022; and

Category	Charge (incl. GST)
<b>Finley and Tocumwal</b>	
Season Ticket - Family	\$190.00
Season Ticket - Single	\$100.00
Daily entry – Family	\$20.00
Daily entry - Full	\$5.00
Daily entry – Child/Concession	\$3.00
Daily entry – Children 0-2	Free
Daily entry – Non-swimmer	Free
<b>Berrigan</b>	
Season Ticket	Free (funded by donation)
Daily entry	Free (funded by donation)
Fitness swimming – Season - Full	\$150.00
Fitness swimming – Season – Child/Concession	\$100.00
Fitness swimming – Casual	\$5.00

place these proposed fees and charges on public exhibition and invite submissions from the public until 19 October 2022.

---

## Purpose

To adopt a draft set of fees and charges for the Berrigan Shire public swimming pools to place on public exhibition

## Summary

The Berrigan Shire public swimming pools committees of management have provided the Council with their proposed fees and charges for the 2022/23 season.

As per the *Local Government Act 1993*, the Council is required to adopt all fees and charges by resolution after public exhibition for 28 days.

## Background

Berrigan Shire Council operates three public swimming pools, at Berrigan, Finley and Tocumwal.

Care, control and management of each pool is delegated to volunteer committees of management established under the *Local Government Act 1993*. Delegation includes the setting of fees and charges.

The *Local Government Act 1993* (the Act) requires all Council fees and charges to be included and adopted in the Council's annual Operational Plan. In previous years, the Operational Plan did not include an amount for these fees – instead simply noting it had delegated this power to the volunteer committees.

While there is a case to be made this is consistent with the letter of the Act, it is not consistent with its spirit – which is to make the fee setting process transparent.

To this end, the Council revised its User Fees and Charges Policy to include a requirement to place fees set by its volunteer committees of management in its Operational Plan. Fees administered by Volunteer Committees will take effect from 2023/24. Council staff are working with the volunteer committees on its implementation.

However, as the volunteer pool committees have proposed changes to their fees and charges for the 2022/23 season, the Council will need to follow the process set out in s610F of the Act, including exhibiting the fees and charges for a 28-day period.

Going forward, all volunteer committee fees and charges will be included in the Operational Plan, so this process will not be necessary in the future.

Finley and Tocumwal share a fee structure and common membership – i.e., a Tocumwal season ticket provides entry to Finley pool and vice-versa.

Berrigan does not charge for general admission to the pool – instead the pool committee solicit donations from community groups and the general public to cover this cost. Berrigan will charge for "fitness swimming access" outside standard operating hours.

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

Council's fees and charges are included in the Council's Operational Plan, which is required to be exhibited for 28 days before adoption.

The current Operational Plan does not include these charges, hence the requirement for exhibition in this case.

## Issues and Implications

### Policy

The Council's adopted **User Fees and Charges Policy** states:

*The Council has delegated care, control, and management of some of its facilities such as Recreation Reserves, Swimming Pools and Public Halls to volunteer committees of management established under the provisions of s355 of the Local Government Act 1993.*

*Where committee setting fees for use of their facilities (such as entry fees for a swimming pool or hourly rates to hire a public hall) then those committees are expected to follow the fee setting model established in this policy, including being guided by the general principle of full cost recovery where possible and the other specific fee setting principles where appropriate.*

*Fees for activities such as camping that may be subject to relevant legislation must also be negotiated with Council staff prior to implementation.*

*Delegating the authority to set fees and charges to a volunteer committee does not abrogate the Council's obligation to provide public notice of these fees and consider public submissions as per s610F of the Local Government Act 1993. Council will work with its committees of management to ensure all fees and charges set by its volunteer committees meet this statutory obligation.*

### Financial

Fees and charges raised by the volunteer committees of management are retained by those committees to complement the subsidy provided to the Council for the operation of their facility.

### Legal / Statutory

Section 610F of the Local Government Act 1993 states:

*(1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*

*(2) Public notice of the amount of a proposed fee must be given (in accordance with the regulations) in the draft operational plan for the year in which the fee is to be made.*

*(3) However, if, after the date on which the operational plan commences--*

*(a) a new service is provided, or the nature or extent of an existing service is changed, or*

*(b) the regulations in accordance with which the fee is determined are amended,*

*the council must give public notice (in accordance with [section 705](#)) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*

*(4) This section does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.*

**Community Engagement / Communication**

The draft public pool fees and charges will be placed on public exhibition for 28 days. This will include posting on the Council’s website and providing notice via social media.

**Risks**

1. Financial

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

Fees and charges raised by volunteer committees of management are not materially significant to the Council however they do impact on the viability of specific services

2. Reputational

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

The community expects fees for community services to be set in a consistent and transparent manner.

**Options**

1. Adopt the fees and charges in this report as a draft and place on public exhibition. **This is the recommended option**
2. Modify the fees and charges provided in this report and place on public exhibition. This is likely to generate some pushback from the volunteer committees of management to whom the Councils have delegated care, control and management of the facilities
3. Defer any decision on fees to a later meeting. This may mean that new fees will not be in place before the start of the pool season

### 8.13 Operational Grants - Swimming Pool Committees of Management

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Part Funder:</b> The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it.
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Berrigan War Memorial Pool Funding Letter.pdf (under separate cover) ➡</li><li>2. Request from Finley War Memorial Swimming Pool Committee - Increase to Operating Grant.pdf (under separate cover) ➡</li><li>3. Annual Return - Berrigan War Memorial Swimming Pool.pdf (under separate cover) ➡</li><li>4. Annual Return - Finley Swimming Pool.pdf (under separate cover) ➡</li></ol>

#### Recommendation

That the Council

1. Provides the Berrigan War Memorial Swimming Pool Committee of Management, the Finley War Memorial Hall Swimming Pool Committee of Management and the Tocumwal Swimming Pool Committee of Management with an immediate "top up" grant equivalent of 10% of their 2022/23 budgeted operational grant.
2. Commit to consideration in the 2023/24 operational budget of a 20% increase from the 2022/23 budgeted operational grants paid to each committee subject to:
  - (a) the committees advising Council of their plans to increase revenue from other sources, including pool entry fees; and
  - (b) the committees advising Council of their plans for pool improvement using the cash they currently hold

## Purpose

The Council is asked to consider an increase in the annual operational grants made to its swimming pool committees of management to meet increased costs.

## Summary

The Committees of Management for the Berrigan and Finley War Memorial Swimming Pools have both requested a 20% increase in the annual operational grants paid to each of the three swimming pool committees of management to cover for increased operating costs.

The additional cost to the Council would be \$19,680 per annum.

The operating grants paid to the swimming pool committees have not increased since 2015-16.

## Background

Attached as **Appendix 1** are requests from the Berrigan War Memorial Swimming Pool Committee of Management seeking a 20% increase in their operational grant and from Finley War Memorial Hall Swimming Pool attached as **Appendix 2** requesting an increase in their operating grant.

The Council would normally consider requests of this nature before adopting its operating budget for the year. To be fair to the committee however, some of the cost increases imposed on them – such as lifeguard costs - were not known until last month.

## Funding model

The model used for funding the operations of the pool is somewhat complex.

In summary:

- The Council directly funds:
  - capital works and larger maintenance items;
  - the salary of the Pool Supervisor/Recreation Officer; and
  - the salaries and plant hire charges relating to water treatment.
- The Committees fund:
  - minor maintenance (including grounds maintenance and cleaning);
  - minor improvements – outdoor furniture, shade etc;
  - operation of the canteen;
  - electricity;
  - pool lifeguard salaries and on-costs; and
  - pool chemical

**Note:** the Council pays lifeguard salaries and chemical costs initially and bills them back to the Committees – creating a cycle of cash flowing in both directions. As can be seen from the Finley submission, this can create confusion among the committee about the actual charges that are being passed on to them.

To fund their operations the Committees rely on the following funding sources:

- pool entry charges;

- canteen sales;
- community fundraising, and
- the Operational Grant

The operational grant is designed to cover the gap between the funds raised by the committee and costs of operating the pool.

The system is designed to empower the Committee to make the decisions about the operations of the pool – i.e., the Committee can choose to open longer and attempt to fund the additional cost or have shorter opening hours and use the saved funds to spend on improvements.

The obvious implication of this model is that if the operational grant grows at a greater rate than pool entry fees, the implicit Council subsidy of pool operations increases.

The Committees have been historically loath to raise ticket prices for the obvious reason that the community does not appreciate increases in the cost and the Committee and the individual volunteers would bear the brunt of community feedback.

The Council’s revised User Fees and Charges Policy would see the Council set pool entry fees in future, in consultation and with advice from the Committees.

**Berrigan model**

The Berrigan Swimming Pool Committee of Management is unique in that it does not charge for entrance to the pool. Instead, the Committee looks to raise an amount equivalent to entry charges from community donations.

The stated aim of this initiative was to encourage broader community use and to ease the burden on volunteers having to enforce season ticket payments and the like. The initiative has been successful on both counts. It does however require a constant fundraising effort from the Committee and the Finley and Tocumwal Committees have shown no interest in adopting a similar model.

Attached as **Appendix 3** is the 2021/22 Annual Report for the Berrigan War Memorial Hall Committee of Management. The Committee effectively broke even in 2021/22, raising \$21,500 on top of the \$31,400 grant provided by the Council.

The committee currently has approximately \$52,000 in cash and term deposits.

**Finley**

The Finley pool operates on the standard user charges model with season tickets and daily entry charges.

Attached as **Appendix 4** is the 2021/22 Annual Report for the Finley War Memorial Hall Committee of Management. The Committee made a \$15,000 surplus in 2021/22, raising \$25,000 from ticket sales and other activities on top of the grants provided by the Council.

The committee currently has approximately \$45,000 in cash and term deposits.

**Operational grant**

The table below sets out the pool operation grant paid to each committee.

These grants have not increased since 2015/16.

Pool	Grant
Berrigan	\$31,400



Finley	\$35,600
Tocumwal	\$31,400

The Finley committee was able to convince the Council in 2013/14 that it required a larger grant than the other two committees as it hosted more school and swimming club events and thus bore a higher cost of operation.

Note: the Barooga Aquatic Facility operated by Sporties Barooga receives an annual \$50,000 subsidy from the Council however the Council is not responsible for the costs of treating water etc. at that pool.

**Increased costs**

The pool committees have been advised they should expect increased costs in 2022/23.

- Lifeguard charges have increased by around 7%. This reflects a 2% increase as per the Award and a 5% increase resulting from a regrading of the position from Grade 1 to Grade 3. The increase in salary better reflects the level of responsibility of the role and helps make the salary competitive with other seasonal employment.
- Electricity charges have increased and are expected to continue to increase. The cost of operating pumps etc. is a significant proportion of total operating costs.
- Chemical providers have notified the Council their costs will increase significantly – up to 20% or more in some cases.

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

The Council’s operational plan and budget has already been set for 2022/23 and budget reviews at this stage are difficult to manage, especially where a funding source has not been identified.

The Council does not have an overall Public Swimming Pool Plan or Strategy at this stage.

Council management have identified that a service review of pool operations is a high priority. Any service review would consider how these services should be provided and funded.

The review would include consultation with the committees, pool patrons and Council staff as well as an analysis of other service models.

Management have set a target of March 2023 to complete this review.

**Issues and Implications**

**Financial**

The financial impact of a 10% and 20% increase in operating grant is shown in the table below

Pool	Grant	10%	20%
Berrigan	\$31,400	\$34,540	\$37,680
Finley	\$35,600	\$39,160	\$42,720
Tocumwal	\$31,400	\$34,540	\$37,680
<b>TOTALS</b>	<b>\$98,400</b>	<b>\$108,240</b>	<b>\$118,080</b>

The Council has been advised it has received a larger Financial Assistance Grant allocation than currently budgeted. These additional funds could be used to fund this increase.

## Risks

### 1. Financial

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

The overall impact of an increase in the grants paid to the Pool Committees of Management on the Council’s financial position is low. The main risk to the Council is setting a precedent and encouraging other applications for increased grants. In this case, the risk is low as the Recreation Reserves and Halls have both been provided an increase since the last pool grant. The pool committees have also been hit with an increase directly resulting from a Council decision to review lifeguard salaries.

The Council may wish to review all operating grants paid to committees as part of the 2023/24 operating budget

### 2. Reputational

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

The community expects the Council provides its volunteer committees of management with sufficient funds to operate. The Council has an interest in maintaining its volunteer base and considering reasonable requests.

## Options

The Council has several options:

1. increase the operating grant to the Berrigan Committee immediately – by the requested amount or some other amount;
2. increase the operating grant to all pool committees immediately – by the requested percentage or some other amount; or
3. defer any consideration of an increase in operational grants until the service review is complete and incorporate into the 2023/24 budget

Any increase may be subject to the committees providing the Council with advice on their other revenue raising activities and their plans for the cash held by the committees at present.

## Conclusions

The Pool Committees of Management have a reasonable case for Council to consider an increase in their operating grant. The Council, however, also has an obligation to ensure that the implicit subsidy of the operations of the pool does not increase without oversight and that the committees of management have plans to spend funds raised in a responsible manner that will enhance the service provided.

## 8.14 National Local Roads and Transport Congress

<b>Author:</b>	Director Infrastructure, Rohit Srivastava
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	1. National Local Roads and Transport Congress_Appendix 1.pdf (under separate cover) <a href="#">⇨</a>

### Recommendation

That Council:

1. Nominate Councillors to attend the Congress; and
  2. Instruct Director Infrastructure to make necessary travel arrangements.
- 

### Purpose

The purpose of the report is to gauge Council interest in participating in the Annual National Local Roads and Transport Congress and take any nominations.

### Summary

Traditionally, Mayor, a Councillor and Director Infrastructure have been attending these annual events. This year's Congress is scheduled to be held on 02-03 November at Wrest Point, Tasmania.

### Background

The Australian Local Government Association (ALGA) every year have been holding a National Local Roads and Transport Congress. The purpose of these Congresses has been to highlight and discuss issues related to safety, maintenance, and sustainability at a platform where key decision makers are present to influence the change.

The platform is to provide information on national issues, policies and trends affecting local government.

Traditionally, Councilors and Council officers have been attending these, Congresses.

The 2022 National Local Roads and Transport Congress is scheduled to be held on 02-03 November at Wrest Point, Tasmania.

The program apart from Minister's address include many interest areas to our Shire, viz.

1. Panel: How can councils get the best bang for their buck in the current economy?
2. Keynote: National Road Safety Strategy and Local Government  
Gabby O'Neill, Head of National Office of Road Safety
3. Keynote: How Councils can Prepare for an EV Future
4. Road Safety Stream: The Economic Value of Investing in Road Safety on Local Roads
5. ARRB Keynote: Using Recycled Materials in Roads and other Infrastructure
6. Productivity - Farm Gate and SPECS - An Interim Step Towards HVAMS

Details of the provisional program of the Congress is presented under **Appendix – 1**.

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

### **Issues and Implications**

N/A

### **Policy**

N/A

### **Financial**

The cost of attending the event is \$895 per attendee. There will be further cost of travel and accommodation.

### **Legal / Statutory**

N/A

### **Community Engagement / Communication**

N/A

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

N/A

## Risks

### 1. Built Environment

	Consequence				
Likelihood	1	2	3	4	5
Almost certain	Medium	High	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	Low	Medium	High	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

Industry knowledge: Council keeps itself abreast with industry knowledge by attending such National-level Congresses. The expectation is, Councillors and Council officers will bring some improvement initiatives to the Shire after gaining knowledge and industry contacts.

## Options

1. Don't nominate anyone to attend the Congress; or
2. Nominate Councillors to attend the Congress; &
3. Instruct Director Infrastructure to make necessary travel arrangements.

## Conclusions

It is recommended that Council:

1. Nominate Councillors to attend the Congress; and
2. Instruct Director Infrastructure to make necessary travel arrangements.

## 8.15 NSW Public Libraries Association Conference 2022

<b>Author:</b>	<b>Manager Libraries, Anne Nevins</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Part Funder:</b> The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it.
<b>Appendices:</b>	Nil

### Recommendation

That Council increase the 2022-23 Library Conference and Seminar budget from \$1,000 to \$5,350

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### Purpose

An increase in the Library Services budget is sought to allow Library Services staff to:

- attend the Annual New South Wales Public Library Association Conference in Albury 8-11<sup>th</sup> November 2022; and
- assist the Council's Library Manager (a Member of the SouthWest Zone organising Committee) undertake the task of Conference Dinner and set up on the day.

### Summary

This year's NSW Public Libraries Association Conference is being held in Albury 8- 11 November 2022. This is the first time this Conference has been held in the South-West Library Zone several years. The Council's Library Services Manager and Councillor Representative normally attend this Conference. An increase in the budget for staff attendance at this Conference will ensure Library Staff may attend.

### Background

Library staff have limited access to conferences; only two current staff members have previously attended a library conference, with each person having attended for one day.

This financial year's Library Services Annual Conference budget is \$1,000. Our Library Services staff will benefit immensely from what is a local opportunity to network with peers, learn from their peers and recognised experts in the development, planning and delivery of Library Services.

This year's Conference will explore the switch in Library Services and will expose a vast range of speakers, from the State Librarian, Dr John Vallance, with his State Address to Anthony' Harry' Moffitt's topic of 'Human Performance: Humans over Hardware'.

Other speakers include:

- James O'loghlin (author, comedian, radio)
- Steve Simpson (UGR; Workplace Culture)
- Anita Plachon (Director of Strategy and Engagement at Library Tasmania)
- Cameron Morley (Manager, Public Library Services State Library)
- Lorraine Finley (Human Rights Commissioner)
- Michael Campbell (Westword's; Literacy)

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

Library Strategic Plan 2021-2025 per 3.1.2 "Staff to participate in professional development ie: guest speakers, conferences, webinars, where possible include interested professionals from the broader community."

### **Issues and Implications**

Casual staff will need to manage opening hours to ensure library service is not disrupted for Wednesday, Thursday and Friday 9 – 11 November 2022 normal operations.

### **Policy**

N/A

### **Financial**

The current budget allocated to Library Services for Conference attendance is \$1,000. Requested is the allocation of an additional \$5,350.00 to cover the Cost of permanent part time library services staff conference fees and accommodation.

### **Legal / Statutory**

Library Services are delivered and funded per the *Library Services Act 1933* hence, while the Act does not require professional development and training. There is an expectation the Council's delivery of Library Services and the staff engaged to deliver Library Services, are competent and deliver Library Services per the *Library Services Act 1933* and the State Library Services Strategic Plan

### **Community Engagement / Communication**

N/A



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

Rostered will be casual library staff to ensure that the Council's library service is not disrupted on the following dates 9 – 11 November 2022.

### Options

1. This option is designed to ensure adequate funding to allow single-day and full conference attendees' overnight accommodation. Single day attendees would benefit from the networking benefits of overnight attendance and the WHS benefits of travel to and from Albury in day light hours.
2. No staff attend the Conference. The disadvantage of this option is Council Library Staff will not have the opportunity to engage with this professional development opportunity. Further from the perspective of the NSW Public Library Association, the non-attendance of staff from the Berrigan Shire may be viewed as a failure by the Council to support the Association, the Albury City Council (as host) and the South West Library Zone's hosting of a State Conference in our region.
3. The Library Manager and Councillor attend the Conference. The benefits of this option are a) reputational and b) financial. The disadvantages include regional reputational risk to Council of the Council not taking full advantage for its Library Services staff of local hosting of the State Conference by Albury City Council and South West Region Library Zone.

### Conclusions

Council's Library Services staff cannot always be released to attend a Conference or take advantage of relatively local networking opportunities, seminars, or training. This year we have the capacity to release staff to attend with no interruption to Library operations. Further the networking value and peer support opportunities for Council's Library Services team by the hosting of this year's Conference in our region is a great opportunity to grow and support the development of the Council's Library Service.

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## 8.16 2022 Christmas Function

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	Nil

### Recommendation

That the Council:

- Hold an informal Christmas function at the Tocumwal Golf & Bowls Club on XX for Councillors, Council Staff and their families;
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy designate the following function as an "approved event" at which alcohol may be provided and consumed in accordance with the Policy;
- Change its practice and share its Christmas function between each town over the 4 year Council period.

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### Purpose

The Council's past practice has been to hold an annual Christmas function for Councillors, Council staff and their partners. This report is provided to request direction to the staff as to what Councillors wish to do for its 2022 function.

### Summary

Previous functions have ranged from formal sit down dinners, stand up catered information functions, marquees at the Berrigan Gold Cup or family BBQ's.

### Background

These functions have primarily been shared between the four towns every two years and whilst there has never been any real issue with this, it may be a better manner to move through each town over the Council period, should the Council wish to do so.

After the recent golf charity day, it was suggested that a golf day may be an appropriate function for Council's 2022 Christmas function.

As Tocumwal is the next town to host, the Tocumwal Golf & Bowls Club may be a suitable venue to accommodate the suggestion of a golf day. Activities such as golf or bowls may be organised for those wishing to participate with an informal setting for those who may just want to relax and enjoy the company of others. Finger food and alcohol would be provided to those attending.

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

Nil

### **Issues and Implications**

#### **Policy**

The Council has in the past pursuant to the provisions of its Drug and Alcohol Free Workplace Policy designated the Christmas function as an "approved event" at which alcohol may be provided and consumed in accordance with the Policy;

#### **Financial**

There is a budget set aside each year for this function.

#### **Legal / Statutory**

N/A

#### **Community Engagement / Communication**

N/A

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

N/A

### **Risks**

Nil

### **Conclusions**

It is recommended that the Council:

- Hold an informal Christmas function at the Tocumwal Golf & Bowls Club on (date to be confirmed by Councillors) for Councillors, Council Staff and their families;
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy designate the following function as an "approved event" at which alcohol may be provided and consumed in accordance with the Policy;
- Change its practice and share its Christmas function between each town over the 4 year Council period.

## 8.17 December Council Meeting

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

### Recommendation

That the Council's December Council meeting be held on Wednesday 14 December, 2022

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### Report

The Council often varies the date of its December Council meeting to allow outcomes to be implemented prior to Christmas.

The meeting would normally be held on 21 December 2022, however as this does not allow adequate implementation time prior to Christmas office closure, it is suggested that the meeting date be changed to 14 December 2022.

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## 8.18 Volunteer Committees - Annual Returns

<b>Author:</b>	<b>Recreation Officer, Emma McQueen</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	Nil

### Recommendation

That the Council note the annual returns submitted by the following Volunteer Committees of Management:

- a) Tocumwal Recreation Reserve Committee of Management
- b) Tocumwal Historic Aerodrome Museum Committee of Management
- c) Tocumwal War Memorial Hall Committee of Management
- d) Barooga Recreation Reserve Committee of Management
- e) Berrigan Sportsground Committee of Management
- f) Tocumwal Foreshore Committee of Management
- g) Finley War Memorial Swimming Pool Committee of Management
- h) Retreat Hall Committee of Management
- i) Berrigan War Memorial Swimming Pool Committee of Management
- j) Berrigan Conservation & Tidy Towns Committee of Management
- k) Finley School of Arts Committee of Management
- l) Finley Log Cabin & Historical Museum Committee of Management
- m) Berrigan War Memorial Hall Committee of Management
- n) Tocumwal War Memorial Swimming Pool Committee of Management
- o) Barooga Botanical Gardens Committee of Management
- p) Finley Recreation Reserve Committee of Management
- q) Tocumwal Rail Preservation Committee of Management
- r) Finley War Memorial Hall Committee of Management
- s) Finley Showgrounds & Sporting Complex Committee of Management

## Report

The Council has a range of volunteer committees of management established [under s355 of the Local Government Act 1993](#) who provide local government services on behalf of the Council.

These volunteer committees are required to submit an annual return to the Council at the end of every financial year.

The return contains information on the membership of their committee, their income, and expenditure, their assets and other information required for various reports required by the Council's auditors and/or other levels of government.

Committees were given until 4 August 2022 to submit their annual returns. However, there were some Committees who required extra time.

The table below summarises the financial position of those committees who submitted their return by the due date.

Committee	Income \$	Expenditure \$	Cash and Investments \$
Tocumwal Recreation Reserve	\$28,620.38	\$9,403.32	\$46,039.00
Tocumwal Historic Aerodrome Museum	\$277.51	\$21,165.95	\$21.52
Tocumwal War Memorial Hall	\$11,793.66	\$8,941.35	\$12,503.28
Barooga Recreation Reserve	\$31,341.82	\$32,829.92	\$20,446.78
Berrigan Sportsground	Not recorded	Not recorded	\$2,375.75
Tocumwal Foreshore	\$107,098.05	\$73,733.21	\$93,867.20
Finley Swimming Pool	\$65,180.00	\$50,748.00	\$45,332.90
Retreat Hall	\$2,368.80	\$6,293.93	\$12,671.64
Berrigan War Memorial Swimming Pool	\$53,960.54	\$53,672.80	\$51,821.44
Berrigan Conservation & Tidy Towns	\$10,477.34	\$10,699.16	\$7,121.99
Finley School of Arts	\$92,81.15	\$45,44.96	\$16,534.82
Finley Log Cabin & Historical Museum	\$12,139.77	\$1,292.90	Not recorded
Berrigan War Memorial Hall	\$10,039.48	\$7370.01	\$10,985.44
Tocumwal War Memorial Swimming Pool	\$51,931.76	\$48,247.66	\$75,697.90
Barooga Botanical Gardens	\$6,961.35	\$2,772.06	\$13,681.06
Finley Recreation Reserve	\$41,168.00	\$42,819.04	\$9,457.70
Tocumwal Rail Preservation	\$2,199.69	\$2,658.75	\$1,340.85
Finley War Memorial Hall	\$4,563.00	\$1,312.99	\$22,748.68
Finley Showground & Sporting Complex	\$25,511.99	\$43,836.07	\$19,716.73

At the time of writing, the following committees have not submitted returns

- Barooga Advancement Group
- Finley Railway Park Committee of Management

Reminder letters have been sent to the other committees.

Copies of the submitted returns are available for perusal at the Council administration office.

## 8.19 Tocumwal War Memorial Hall Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Tocumwal War Memorial Hall Committee of Management;
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal War Memorial Hall Committee of Management:

President:	Kevin McCumstie
Secretary:	Margaret Close
Treasurer:	Sure Braybon
Committee:	Colin Jones, Peter Bird, Betsy Bird, Anne Jones

### Report

Advice of committee members has been received and could be endorsed by the Council.



## 8.20 Tocumwal Recreation Reserve Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Tocumwal Recreation Reserve Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Recreation Reserve Committee of Management:

President:	Alan Jones
Vice President:	Jim Cullen
Secretary:	David Baldwin
Treasurer:	Alan Jones
Committee:	Paul Mangan, Malcolm Hart, Bill Fuller, Ross Cardillo, Renee Paine, Kim Carpenter, Nathen O'Connell, Dennis Sutton, Greg Watmore, Barb Cullen, Rowan Perkins

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.21 Tocumwal Foreshore Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Tocumwal Foreshore Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Foreshore Committee of Management:

President:	Ross Bodey
Vice President:	Ron Peterson/William Greig
Secretary:	Judy Carlon
Treasurer:	William Greig
Committee:	Peter Bird, Betsy Bird, Bob Bowman, Robert Conboy, Gary Hiles, Peter Lykissas, Wendy Terry, Geoff Terry

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.22 Retreat Hall Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Retreat Hall Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Retreat Hall Committee of Management:

President:	Steven Kudd
Vice President:	John Beer
Secretary:	Rosemary Tilley
Treasurer:	Kerry-Anne Kudd
Committee:	Lorraine Beer, Stephan Barnes, Dorothy Wright, Ruth Kudd, Jenny Everingham

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.23 Finley War Memorial Swimming Pool Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Finley War Memorial Swimming Pool Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley War Memorial Swimming Pool Committee of Management:

President:	Barry Dawe
Vice President:	Matthew Mueller
Secretary:	Bruce Ferry
Treasurer:	Phill Gregory
Committee:	Craig O'Donnell, Jason O'Loughlin, Paul Burns, Debbie Shumack

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.24 Finley School of Arts Committee of Management

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

### Recommendation

- revoke existing members of the Finley School of Arts Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley School of Arts Committee of Management:

President:	Ross Whittaker
Vice President:	
Secretary:	Janneice Gray
Treasurer:	Christine Lawler
Committee:	Noel A'vard, Kelly-Anne Lawler, Anne Freestone, Ted Gray

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.25 Finley Log Cabin Museum Committee of Management

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

### Recommendation

That the Council:

- a) revoke existing members of the Finley Log Cabin Museum Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Log Cabin Museum Committee of Management:

President:	Chris Braybon
Vice President:	Henry Matherson
Secretary:	Maureen Bevan
Treasurer:	Colleen Braybon
Committee:	Allan Matherson, Bill Braybon, Bob Bevan, Chris Braybon, Colin Breust, Colin Drury, Colleen Braybon, Doug Delminico, Doug Thomas, Michael Walsh, Phillip Matherson, Helen Kierman, Henry Matherson, Ivy Matherson, Jan Braybon, Ken Bevan, Ken Jenkins, Lyn Donkin, Maree Matherson, Maureen Bevan, Peter Woods, Vivien Muirhead

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.26 Berrigan War Memorial Swimming Pool Committee Management

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

### Recommendation

That the Council:

- revoke existing members of the Berrigan War Memorial Swimming Pool Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan War Memorial Swimming Pool Committee of Management:

President:	Sue Chisholm
Vice President:	Gary Lehre
Secretary:	Cristina von Brockhusen
Treasurer:	Jude Lawrence
Committee:	Barbara Fox, Helen Lehre, Alan Lawrence, Carla von Brockhusen

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.27 Berrigan War Memorial Hall Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Berrigan War Memorial Hall Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan War Memorial Hall Committee of Management:

President:	Neville Dalglish
Vice President:	
Secretary:	Ian Rendell
Treasurer:	Bruce Rendell
Committee:	Marnie Steer

### Report

Advice of committee members has been received and could be endorsed by the Council.



## 8.28 Berrigan Sportsground Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Berrigan Sportsground Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Sportsground Committee of Management:

President:	Andrew Parr
Vice President:	Stuart Pyle
Secretary:	Bruce Rendell
Treasurer:	Ash Batten
Committee:	Neville Dalgliesh, Roger Reynoldson, Renee Paine, Ian Dickins, Peter Hill, Tom Pyle, Lyndall Horne

### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.29 Berrigan Conservation and Tidy Towns Committee of Management

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

### Recommendation

That the Council:

- a) revoke existing members of the Berrigan Conservation and Tidy Towns Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation and Tidy Towns Committee of Management:

President:	Mark Ryan
Vice President:	
Secretary:	Carol Cottam
Treasurer:	Jude Lawrence
Committee:	John Lane, Tom Pyle, David Batten, Leigh Rogers, Alan Lawrence, Peter Cobb, Robin Cobb, Lenalda Loats, Catherine Healy, Emily Ryan, Peter Biddle, Katie Vandermeer, Mary Curtin, David O’Dwyer, Sue Keating, Valerie Daly, Tracey Dunn, Beverly Scott, Carol von Brockhusen, Cristina von Brockhusen, Barbara Dunn, Keith Steel, Jan Steel, Susan Cameron, Colin Cameron, Clara Way, Jiquette Sloane, Dianne Hardwidge, John O’Dwyer, Sue Chisholm, Judy Chisholm, John Walker, Wayne Kelly,

	Lynette Kelly, Muriel Rockcliffe, Carol Hovenden, Ian Hovenden
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## Report

Advice of committee members has been received and could be endorsed by the Council.

### 8.30 Barooga Recreation Reserve Committee of Management

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

#### Recommendation

That the Council:

- a) revoke existing members of the Barooga Recreation Reserve Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Recreation Reserve Committee of Management:

President:	John Bruce
Vice President:	We Sutton
Secretary:	Christie Watkins
Treasurer:	
Committee:	Sheila Keamy, Stacey Ware, Craig Adkins, Jackie Vogel, Melanie Holt, Christie Watkins, Wayne Brooker, Marcia Nolan, John Bruce, Wes Sutton

#### Report

Advice of committee members has been received and could be endorsed by the Council.

### 8.31 Tocumwal Swimming Pool Committee of Management

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

#### Recommendation

That the Council:

- a) revoke existing members of the Tocumwal Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Swimming Pool Committee of Management:

President:	Geoff Edwards
Vice President:	Faith McCallum
Secretary:	Leanne Waldron
Treasurer:	Mel Walsh
Committee:	Anne Logie, Kerrin Edwards, Gretchen Thornburn, Alicia Haley, Maria Merrington, Corinne East, Ted Hatty

#### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.32 Barooga Botanical Gardens Committee of Management

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

### Recommendation

That the Council:

- revoke existing members of the Barooga Botanical Gardens Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Botanical Gardens Committee of Management:

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen
Treasurer:	Vanessa Ranken
Committee:	Geoffrey Knight, Nella Sorrenti, Lou Ryan, Gavan Cullen, Greg Boyer, Graham Dalton, Lyn Thatcher, Di Baynes

### Report

Advice of committee members has been received and could be endorsed by the Council.

### 8.33 Finley Recreation Reserve Committee of Management

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

#### Recommendation

That the Council:

- revoke existing members of the Finley Recreation Reserve Committee of Management.
- pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Recreation Reserve Committee of Management:

President:	Barry Dawe
Vice President:	Michael Archer
Secretary:	Matt Whitty
Treasurer:	Paul Evans
Committee:	Kristy Clarke, Shania Bentley, Lindsay Donkin, Ashley Haynes, Pat Kelly, Peter Burke, Jenny Isedale, Cameron Isedale, Jono Cattell, Megan Hay, Tom Billings

#### Report

Advice of committee members has been received and could be endorsed by the Council.

### 8.34 Tocumwal Rail Preservation Committee of Management

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

#### Recommendation

That the Council:

- a) revoke existing members of the Tocumwal Rail Preservation Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Rail Preservation Committee of Management:

President:	Glennis Pohlner
Vice President:	
Secretary:	Carol Kennedy
Treasurer:	Alida Soule
Committee:	Bernie Williams, Keith Kennedy, Carol Wigg, Len Soule, Kate Folliard, Brian Folliard, Elaine Ball

#### Report

Advice of committee members has been received and could be endorsed by the Council.



### 8.35 Finley War Memorial Hall Committee of Management

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

#### Recommendation

That the Council:

- a) revoke existing members of the Finley War Memorial Hall Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley War Memorial Hall Committee of Management:

President:	Sally Bickerton
Vice President:	
Secretary:	Sally Bickerton
Treasurer:	Dean Russell
Committee:	Rob Hawkins, Aaron Taylor, Jill Orro

#### Report

Advice of committee members has been received and could be endorsed by the Council.

### 8.36 Finley Showground and Sporting Complex Committee of Management

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

#### Recommendation

That the Council:

- a) revoke existing members of the Finley Showground and Sporting Complex Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Showground & Sporting Complex Committee of Management:

President:	Rodger Sutton
Vice President:	
Secretary:	Katy Wallis
Treasurer:	Katy Wallis
Committee:	Matthew Muller, Trent Roysten, Julian Rourke, Leanna Loughridge, Matthew Mueller, Troy Marshall, Carol Kennedy, David Webb, Lloyd Good, Robyn Twyman, Warrick Steel, Robert Howard, Troy Marshall, Peter Brayshaw

#### Report

Advice of committee members has been received and could be endorsed by the Council.

## 8.37 KMP Related Party Transactions

<b>Author:</b>	<b>Finance Manager, Tahlia Fry</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Questionnaire.doc (under separate cover) <a href="#">↗</a>

### Recommendation

That the Council receive and note this report.

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### Report

The purpose of this report is to notify Councillors that it is a requirement to complete and submit the below KMP Related Party Questionnaire form by 30 September 2022.

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### 8.38 Financial Assistance Grant 2023

- Author:** Finance Manager, Tahlia Fry
- Strategic Outcome:** 2. Good government
- Strategic Objective:** 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
- Delivery Program:** 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
- Council’s Role:** **Service Provider:** The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
- Appendices:**
1. 16.08.2022 G04-22-23 Letter to the General Manager - Berrigan Shire Council.pdf (under separate cover) ➡
  2. 16.08.2022 G04-22-23 Financial Assistance Grants - Advice to Councils - Appendix A - Berrigan (S) Council.pdf (under separate cover) ➡
  3. 16.08.2022 G04-22-23 Financial Assistance Grants - Advice to Councils - Appendix B - 2022-23 Payments Schedule (A830269).pdf (under separate cover) ➡
  4. 16.08.2022 G04-22-23 Financial Assistance Grants - Advice to Councils - Appendix C - (A83026).pdf (under separate cover) ➡
  5. 16.08.2022 G04-22-23 2022-23 Financial Assistance Grants - Advice to Councils - Appendix D - Framework (A830265).pdf (under separate cover) ➡

#### Recommendation:

That the Council receive and note this report.

The NSW Local Government Grants Commission (the Commission) have advised the Council regarding its estimated 2022-23 Financial Assistance Grants (FAG). A copy of this advice is attached as “Appendix 1”.

Year	General Purpose	Local Roads	Total
2021-22 final	\$3,743,970	\$1,553,172	\$5,297,142
2022-23 est.	\$3,945,255	\$1,596,762	\$5,542,017

This is a 4.6% increase from 2021-22, which is greater than the 1.5% increase used to calculate the 2022/23 budget. Note the above is an estimate and may change slightly as the year progresses.

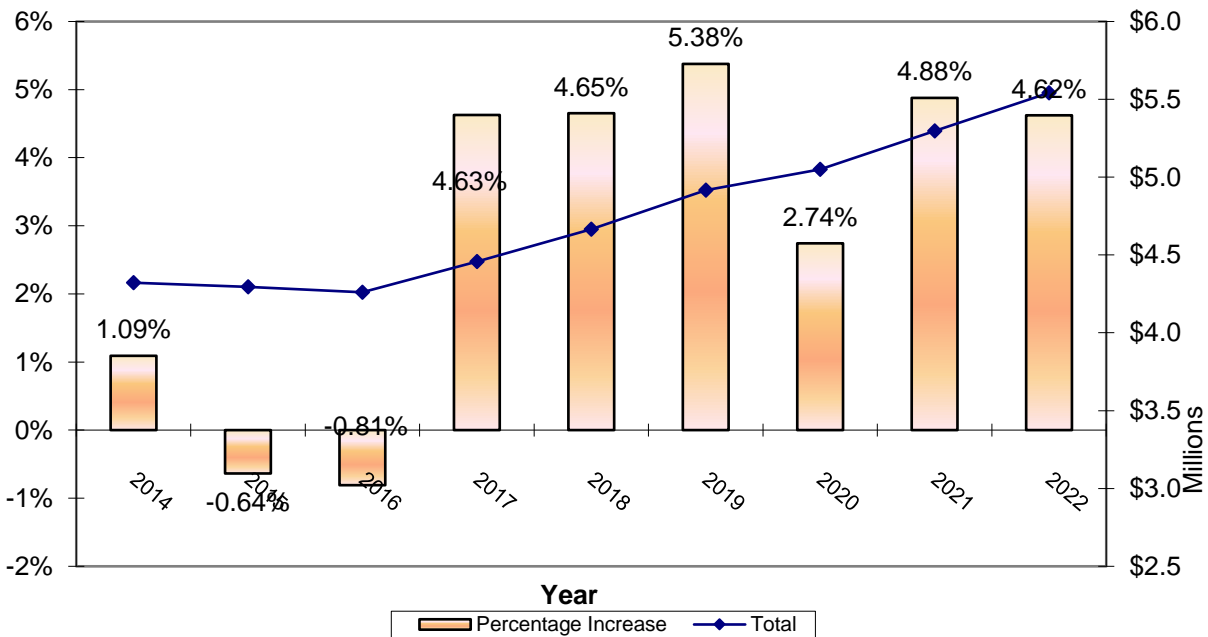
The amount the Council will receive for 2021-22 and how it compares to the Council’s adopted budget is shown in the table below. Budget Actual Difference General Purpose \$3,605,000.

	Budget	Actual	Difference
General Purpose	\$3,677,000	\$3,945,255	\$268,255
Local Roads	\$1,514,000	\$1,596,762	\$82,762
<b>Total</b>	<b>\$5,191,000</b>	<b>\$5,542,017</b>	<b>\$351,017</b>

The Council may wish to adjust their operating budget to reflect this minor increase in income at its next quarterly budget review.

The Council should note that three quarters (\$4,113,906) of the 2022-23 FAG was paid in April 2022. The balance will be paid in four instalments this financial year. The following chart provides a history of the Council’s FAG allocation.

**Berrigan Shire Council  
 Financial Assistance Grant**



## 8.39 Additional Information - Development Application 166-22-DA-D5 4 Murray Court, Barooga

- Author:** 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
- Delivery Program:** 1.1.1. Coordinate strategic land-use planning
- Council's Role:** **Regulator:** The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
- Appendices:** 1. Habitat Planning - Request to encroach buffer - 4 Murray Street, Barooga\_PAN-224877.pdf (under separate cover) [⇒](#)

### Recommendation

That Council receive the appended Report from Habitat Planning in relation to Development Application 166-22-DA-D5 4 Murray Court, Barooga.

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### Report

To provide information to the Council on the reasons why the Applicant would like the Council to consider the applicant's request that the location of the Shed encroach of this lot's Rural Residential buffer zone.

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## 8.40 Development Determinations for Month of August 2022

Author:	Administration Support - Building & Planning, Melissa Kennedy
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1.1. Coordinate strategic land-use planning
Council's Role:	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

### Recommendation

That Council receive and note this report.

### Report

#### APPLICATIONS DETERMINED FOR AUGUST 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
119/22/DA/D5	RESIDENTIAL STORAGE SHED	136 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910)	ANDREW VERNON	MR AC VERNON AND MRS EC VERNON	Approved 08-08-2022	\$16000.00	Active 117	Total 117
130/22/DA/D9	2 LOT SUBDIVISION	24-30 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot182//DP752296)	BRIAN MITSCH & ASSOCIATES	AN AND ML PURTILL PTY LTD	Approved 01-08-2022	\$0.00	Active 90	Total 90
135/22/DA/D5	RESIDENTIAL STORAGE SHED	74 TOCUMWAL STREET, FINLEY NSW 2713 (LotA//DP387671)	BETTY PRICE	MR AJ PRICE AND MRS BA PRICE	Approved 09-08-2022	\$18980.00	Active 92	Total 92
145/22/DA/D9	13 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP802330)	ESLERS LAND CONSULTING	1991 PREMIERS PTY LTD	Approved 08-08-2022	\$0.00	Active 74	Total 74
172/22/DA/D1	BV DWELLING & ATTACHED GARAGE	13 HAMILTON STREET, FINLEY NSW 2713 (Lot3//DP1262202)	GJ LEWIS HOMES PTY LTD	MR MR PETHER AND MRS JE PETHER	Approved 10-08-2022	\$589680.00	Active 49	Total 49
176/22/DA/D5	RESIDENTIAL STORAGE SHED	20-22 BERRIGAN ROAD, FINLEY NSW 2713 (Lot7/B//DP3407)	O'HALLORAN PROPERTY SERVICES	MR NR GRIGSBY	Approved 11-08-2022	\$18234.00	Active 47	Total 47
177/22/DA/D2	ADDITION AND ALTERATIONS TO EXISTING FACADE AND LAYOUT	63-67 TOCUMWAL STREET, FINLEY NSW 2713 (Lot2101//DP701844)	MS CONSTRUCTION PTY LTD	FINLEY R.S. CLUB	Approved 08-08-2022	\$427749.00	Active 37	Total 37
181/22/DA/D2	VERANDAH ON SHOP FRONT	14-16 MURRAY STREET, TOCUMWAL NSW 2714 (Lot5/32//DP758981)	DAVID BROWN	MR DK BROWN	Approved 11-08-2022	\$10000.00	Active 37	Total 37
183/22/DA/DM	TREE REMOVAL	26 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot1/49//DP758981)	CAMERON COLVIN	MR CD COLVIN AND MRS MA COLVIN	Approved 22-08-2022	\$9000.00	Active 44	Total 44

1/23/DA/D1	BV DWELLING & ATTACHED GARAGE	25B SNELL ROAD, BAROOGA NSW 3644 (Lot2//DP1283212)	LEWIS HOMES	MR P MATHER	Approved 04-08-2022	\$439150.00	Active 22	Total 22
4/23/DA/D1	BV DWELLING & ATTACHED GARAGE	1 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP834495)	GJ LEWIS HOMES PTY LTD	MR PM PALMER AND MRS LJ PALMER	Approved 08-08-2022	\$490480.00	Active 23	Total 23
5/23/DA/D1	BV DWELLING & ATTACHED GARAGE	4 PUTTER COURT, BAROOGA NSW 3644 (Lot110//DP1133352)	SAM JENKINS	MR ST JENKINS	Approved 16-08-2022	\$400000.00	Active 28	Total 28
6/23/DA/D5	RESIDENTIAL STORAGE SHED	7 SUGDEN STREET, TOCUMWAL NSW 2714 (LotB//DP421288)	O'HALLORAN PROPERTY SERVICES	MR SD GILSON	Approved 16-08-2022	\$29654.00	Active 0	Total 27
8/23/DA/D5	RESIDENTIAL STORAGE SHED	18 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1271152)	MATTHEW SIM	MR WM GORMAN AND MRS EJ GORMAN	Approved 02-08-2022	\$12800.00	Active 7	Total 7
9/23/DA/D2	ROOF CANOPY	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	CPE CONSTRUCTION	BAROOGA SPORTS CLUB LIMITED	Approved 31-08-2022	\$20000.00	Active 27	Total 27
1/23/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	22-26 TONGS STREET, FINLEY NSW 2713 (Lot9//DP1234429)	POOLSIDE COBRAM	MR PA AND MRS LN DUNDON	Approved 02-08-2022	\$86237.00	Active 6	Total 6
10/23/DA/D1	BV DWELLING & ATTACHED GARAGE	34 HADLEY STREET, TOCUMWAL NSW 2714 (Lot25//DP1250358)	DENNIS FAMILY HOMES	MR PLJ DONNELLY AND MS RL WALLACE	Approved 18-08-2022	\$422358.00	Active 18	Total 18
11/23/DA/D5	RESIDENTIAL STORAGE SHED	106-110 SNELL ROAD, BAROOGA NSW 3644 (Lot1543//DP1144165)	PAUL GREATOREX	MR PA GREATOREX AND MS MS DALY	Approved 26-08-2022	\$26000.00	Active 23	Total 23
12/23/DA/D1	BV DWELLING & ATTACHED GARAGE	6 DONALDSON STREET, FINLEY NSW 2713 (Lot15//DP247524)	KENNEDY BUILDERS	MR JK KOOPMAN	Approved 23-08-2022	\$353500.00	Active 20	Total 20
2/23/CD/PC	BV DWELLING & ATTACHED GARAGE	51 HUGHES STREET, BAROOGA NSW 3644 (Lot1//DP1257753)	IPERMIT BUILDING APPROVALS PTY LTD	MR DG LYTHGO AND MRS LM LYTHGO	Approved 04-08-2022	\$250000.00	Active 0	Total 0

**APPLICATIONS PENDING DETERMINATION AS AT 31/08/2022**

Application No.	Date Lodged	Description	Property Location
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
151/22/DA/D5	29-04-2022	EXTENSION TO ALFRESCO	22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776)
163/22/DA/DM	24-05-2022	RELOCATABLE CONTAINER OFFICE	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)
166/22/DA/D5	24-05-2022	RESIDENTIAL STORAGE SHED	4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267)
175/22/DA/D6	07-06-2022	ADDITIONS TO DWELLING	1057 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot17//DP653769)
186/22/DA/DM	29-06-2022	EARTHWORKS AND RETAINING WALLS	160-162 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot332//DP1073141)



187/22/DA/D6	29-06-2022	ADDITIONS TO DWELLING	9-11 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot33//DP625305)
7/23/DA/DM	13-07-2022	MURRAY RIVER ROD RUN 2023	2 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)
13/23/DA/D1	01-08-2022	RELOCATED DWELLING AND CARPORT	23 FLYNN STREET, BERRIGAN NSW 2712 (Lot2/4//DP3329)
14/23/DA/D5	01-08-2022	RESIDENTIAL STORAGE SHED	1 ISABEL AVENUE, BAROOGA NSW 3644 (Lot16//DP1071667)
15/23/DA/D3	02-08-2022	INDUSTRIAL STORAGE SHEDS	SILO ROAD, TOCUMWAL NSW 2714 (Lot3//DP1024841)
16/23/DA/D5	03-08-2022	DECK	26 FALKINER STREET, TOCUMWAL NSW 2714 (Lot12//DP591886)
17/23/DA/D7	12-08-2022	INGROUND FIBREGLASS SWIMMING POOL	17 BAROOGA STREET, TOCUMWAL NSW 2714 (Lot14//DP523758)
18/23/DA/D1	16-08-2022	BV DWELLING & ATTACHED GARAGE	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)
19/23/DA/D1	16-08-2022	BV DWELLING & ATTACHED GARAGE	63 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP1068277)
20/23/DA/DM	16-08-2022	SHADE SAIL	28-30 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot6/21//DP758981)
21/23/DA/D9	16-08-2022	19 LOT SUBDIVISION	29-37 SHORT STREET, TOCUMWAL NSW 2714 (LotB//DP403751)
22/23/DA/DM	16-08-2022	CARPORT	53-61 CHANTER STREET, BERRIGAN NSW 2712 (Lot2//DP536770)
23/23/DA/D1	18-08-2022	BV DWELLING & ATTACHED GARAGE	29-35 KELLY STREET, TOCUMWAL NSW 2714 (Lot136//DP752296)
3/23/CD/M4	18-08-2022	DECK AND PERGOLA	63 KELLY STREET, TOCUMWAL NSW 2714 (Lot251//DP44490)
4/23/CD/M5	19-08-2022	INGROUND FIBREGLASS SWIMMING POOL	35-37 DENISON STREET, FINLEY NSW 2713 (LotA//DP302484)

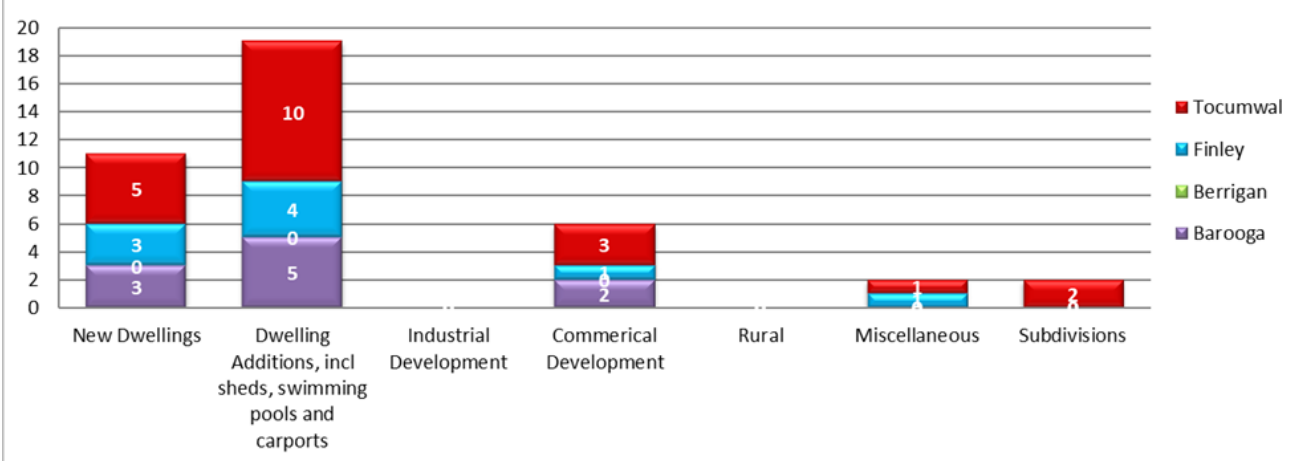
**TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)**

	<b>This Month (Aug)</b>	<b>Year to Date</b>	<b>This Month's Value (Aug)</b>	<b>Year to Date Value</b>
<b>Development Applications (DA)</b>	18	36	\$3,283,585	\$6,406,752
<b>Construction Certificates (CC)</b>	13	26	\$2,233,558	\$3,793,120
<b>Complying Development Certificates (CDC)</b>	2	4	\$336,237	\$540,737
<b>Local Activity (s.68)</b>	7	17	0	0

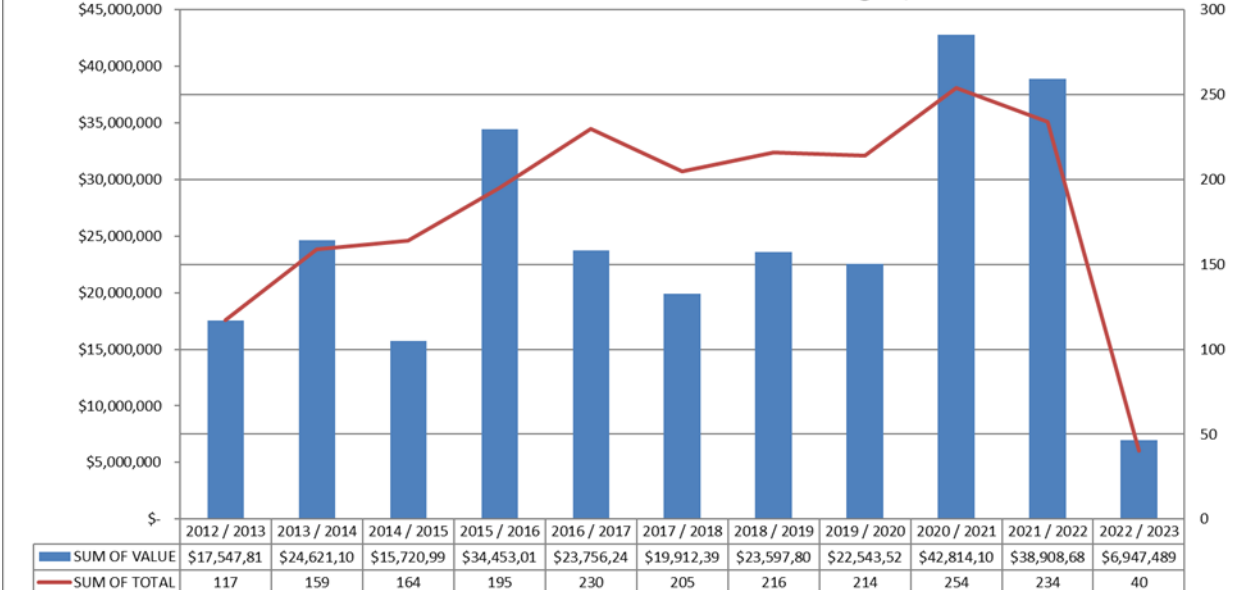
**OTHER CERTIFICATES ISSUED FOR AUGUST 2022**

	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	
	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total
BAROOGA	6	11	0	0	0	1	0	0	1	1	0	1
BERRIGAN	3	5	0	0	0	0	0	0	1	1	0	0
FINLEY	8	20	0	0	1	1	0	0	0	0	0	0
TOCUMWAL	16	31	0	0	0	1	0	1	0	0	1	1
<b>TOTAL</b>	<b>33</b>	<b>67</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>

**DEVELOPMENT ACTIVITY 2022/2023 as at 31 August, 2022**



**DEVELOPMENT ACTIVITY as at 31 August, 2022**



## 8.41 OLG Submission - Lobbying of Councillors

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council <b>Agent:</b> Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level
<b>Appendices:</b>	1. Lobbying Guidelines Submission (under separate cover) <a href="#">↗</a>

*This report is for information only.*

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### Report

At Council's August Ordinary Council meeting, Council were presented with a report regarding the development of Guidelines and Model Policy on the Lobbying of Councillors.

At that time Council move the following motion:

#### 8.24 Guidelines and Model Policy on the Lobbying of Councillors

- 264 **Resolved** Cr Cornwell McKean and Cr McNaught that Councillors provide feedback to the CEO regarding the introduction of Guidelines and a model policy on the lobbying of Councillors.

Cr Cornwell-McKean provided the initial comment as per the motion and once the second version was sent through which included Cr Cornwell-McKean's comments, Cr Reynoldson returned his support for the updated document via email.

The submission response was then emailed to the Office of Local Government as required on 31 August 2022. The final submission is attached at **Appendix 1** for Council's information.

## 8.42 CEO Performance Review - Quarterly Report

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. CEO Performance Agreement 2022 23 First Quarter Report (under separate cover) <a href="#">⇒</a>

*This report is for information only.*

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### Report

As part of my Performance Management I am required to report quarterly on progress against agreed outcomes. The attachment provides an update as to where the various projects and outcomes are progression as to close of business 31 August 2022.

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### 8.43 Quarterly Engagement with NSW Police

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.2. Strengthen strategic relationships and partnerships with community, business and government
Delivery Program:	2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
Council's Role:	<b>Advocate:</b> The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign
Appendices:	Nil

*This report is for information only.*

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### Report

This report is to advise that Inspector Paul Huggett, Murray River Police District will be attending the Question Time session at 9:00am, 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.

#### 8.44 2022 Volunteer Recognition

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Strategic Partner:</b> The Council partners with other agencies, stakeholders, community groups etc in the deliver of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
<b>Appendices:</b>	Nil

*This report is for information only.*

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#### Report

As per Council's *Recognition of Service Policy*, the Council recognises individual volunteers who have provided long service to the Council and through it, the community.

Council staff extended an invitation to its S355 Committees of Management on 2 August 2022 for nominations to recognise volunteers in 2022.

Nominations were received and assessed in line with Council's policy, and staff have invited Charlie Baldwin to attend this meeting to be presented with a Certificate for his voluntary work at the Tocumwal Recreation Reserve.

Charlie will be attending, along with Tocumwal Recreation Reserve President, Alan Jones. They have been invited to attend at 10:00am and to stay for morning tea following the presentation.

## 9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

### 9.1 Australasian Waste and Recycling Expo

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

#### Recommendation

That the Council receive and note this report.

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On Wednesday the 24 August, Mayor Matt Hannan and Deputy Mayor myself attended the Australasian Waste and Recycling Expo in Sydney. The purpose of this fact finding trip was to understand what the potential for a Food Organics Garden Organics (FOGO) processing facility was for the Berrigan Shire Council. This is on the back of the introduction of the three bin system (waste, recycling & FOGO) as part of the kerbside collection contract with Albury City, Berrigan, Edward River, Federation, Greater Hume, Indigo, Leeton and Wodonga Councils.

Currently, 26% of dwellings in the Berrigan Shire Council have no kerbside collection - meaning no avenue to collect (or reduce) waste, recycling or FOGO in the future.

#### Lessons Learnt:

- The 'combined contract' was well known by many exhibitors at the expo and there was a lot of interest around the size and value of the contract.
- The waste industry, which is being rebranded as the Resource Recovery industry is booming thanks to a demand for renewable energy sources and Government mandates such as NSW enforcing COFO (commercial FOGO) on businesses by 2025.
- Virginia Brunton, a Principal Consultant - Organics & Community Engagement with MRA Consultants (<https://mraconsulting.com.au/about/meet-the-team/>) advised we invite one of her team to present a 'state of waste' presentation to council and consider a FOGO feasibility study (they've worked with Leeton & Tamworth on theirs). MRA can step council through the entire decision tree involved in a FOGO processing facility.

- Kerbside contract - BSC needs to confirm if commercial FOGO (COFO) will be collected with residential FOGO to make it economically viable for small cafe / takeaway businesses to implement.
- Halve Waste project needs to be implemented in all BSC schools through the Albury City educational officer as it has the best uptake if rolled out through youth
- Source Separation Systems provide e-waste recycle hubs which could be used in each BSC library. Council can choose items (batteries, pens, power cords etc) that can be transported and processed at the Albury CRC (4 compartment stand costs \$2000 and includes; 60L + 60L + 10L + 20L compartments)
- There are 3 main types of FOGO processing facilities; <https://soilco.com.au/> (for details)
- a) MAF Mobile Aerated Facility (smaller tonnage and basic design)
- B) Static Pile with aeration (regional option, cheaper capex, operationally easier)
- C) Tunnel - EPA preferred option - higher capex, need high volume to justify.
- The minimum tonnage BSC would need to justify a FOGO processing facility would be 20,000t. The plant could produce straight compost for urban amenities or agricultural based fertilisers which require mixing with other products.

We attended seminars on the challenges & opportunities of implementing COFO (vermiculture / rapid digesters), circular economy and the urgent need for FOGO processing facilities in Australia. If anyone requires any more information please do not hesitate to contact me.



## 9.2 Notice of Rescission - Berrigan Shire Council Rebrand - Option 1

**Author:** Mayor, Matthew Hannan

**Council's Role:** **Service Provider:** The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council

**Appendices:**

1. SPW Report - 6.1 Berrigan Shire Council Rebrand.docx (under separate cover) ➡
2. Council Report - 8.24 Berrigan Shire Council Rebrand.docx (under separate cover) ➡

I, Councillor **Matthew Hannan**, hereby submit the following Notice of Rescission to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 21 September 2022.

### Rescission Motion

That

1. Council Rescind Motion Number 175 Title 8.24 Berrigan Shire Council Rebrand passed at the Ordinary Meeting held on 15 June 2022, and
2. Proceed with Option 2 of the rebranding proposal, a full rebrand without consideration of the Council name, and
3. Delegate authority to the CEO to negotiate with the appointed creative agency a suitable variation to the agreed contract and report back to Council on the outcome.

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### Background

At Council's June Strategic and Policy Workshop, Council was presented a report which offered three options for consideration regarding the Rebranding of Berrigan Shire Council. At that Workshop Council requested staff to pursue **Option 1** (being a Full Rebrand including Name Change) with the Creative Agency to provide finalised quote for consideration at the June Ordinary Council meeting.

A copy of the Strategic and Policy Workshop Report is included at **Appendix 1**.

At Council's Ordinary Meeting held on Wednesday 15 June 2022, Item 8.24 Berrigan Shire Council Rebrand was recommended as:

That the Council:

1. proceed with Option 1 of the rebranding proposal – a full rebrand, including consideration of the Council name;
2. delegate authority to the CEO to appoint a suitable Creative Agency to conduct the rebrand, based on submissions received through the EOI process.

A copy of the original Report is included at **Appendix 2**.

At the meeting, Item 8.24 was resolved as:

### 8.24 Berrigan Shire Council Rebrand

175 Resolved Cr Marriott and Cr Paine that the Council:

1. proceed with Option 1 of the rebranding proposal – a full rebrand, including consideration of the Council name;
2. delegate authority to the CEO to appoint a suitable Creative Agency to conduct the rebrand, based on submissions received through the EOI process.

The reasoning for the rescission motion is that Council is already undertaking a number of community engagement activities, including the review of the Community Strategic Plan and the Local Environment Plan. Further Council has a number of potentially contentious matters on its books including:

- the future use options for Town Beach (which have been delayed due to high water levels);
- the future of the Finley Saleyards
- the future impacts of the Trade Waste Policy which must be implemented;
- the future impacts of the restructure of sewer charging, for which a plan to reach compliance is still to be developed;
- the matters being addressed at the Murray Riverside Caravan Park; and
- considerable vacancy rates at Council.

All of the above matters and a number of smaller but equally as important matters are already placing considerable stress on staff and Councillors. I feel strongly, we do not need to add the potential of the change of Council's name to those matters and expose staff and Councillors to a potentially negative experience we do not need to prosecute.

The community at this time, I believe are not at a point where a name change would be supported by the majority of residents.

Council strongly agrees we need to modernise and refresh our logo and collateral and look forward to the outcomes of that research. In the current climate I strongly believe **Option 2** is now the better option to pursue in relation to Council's Rebrand.

### CEO Note

It should be noted that, based on the original motion, Council has entered into and signed an agreement with the consultant to the value of \$35,950 ex GST. That agreement included the work to rename the Council, but not the community engagement.

Council staff will, if the motion is rescinded, need to try to renegotiate with the consultant to see if they will allow any savings to be made on the project. Given the contract is signed, this may not be

possible and Council may have to pay for the contract in full regardless of whether engagement regarding the renaming of the Shire occurs or not.

Staff will of course attempt to renegotiate a new contract with the consultant but there can be no guarantee of us being successful in that endeavour.

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### **Rescission Motion**

That Council adopt to undertake a Partial Rebrand (Refresh) of Council's Brand noting this option does not include consultation to change the name of the Berrigan Shire and may not result in any savings being realised.

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## 10 CONFIDENTIAL MATTERS

### Recommendation

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

#### 10.1 Legal Matter Tocumwal Foreshore Building

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

#### 10.2 Amaroo Unsolicited Proposal - Key Worker Accommodation Development

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

#### 10.3 Trade Waste Discharge - Barooga WTP - Purchase of Land

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

#### 10.4 Ex-gratia payment reimbursement of costs due to financial hardship

This matter is considered to be confidential under Section 10A(2) - (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

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

**12 COUNCILLOR REPORTS**

**12.1 Mayor's Report**

**12.2 Verbal Reports from Delegates**

**13 CONCLUSION OF MEETING**

The next Ordinary Council Meeting will be held on Wednesday 19 October 2022 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.