



ORDINARY COUNCIL MEETING

Wednesday 18 September, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



Agenda

Our Vision

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

COMMUNITY STRATEGIC PLAN

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

- CO. Our Community
- EC. Our Economy
- EN. Our Environment
- IN. Our Infrastructure
- CL. Our Civic Leadership

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

RISK MANAGEMENT POLICY & FRAMEWORK

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

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

The Risk Management Policy & Framework can be found here:

[Risk Management Policy and Framework](#)



Ordinary Council Meeting
Wednesday 18 September, 2024

BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Long Neck Turtle Room, 56 Chanter Street, Berrigan, on Wednesday 18 September, 2024 when the following business will be considered:-

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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

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

STATEMENT OF ETHICAL OBLIGATIONS

In accordance with section 233A of the Local Government Act 1993, the Mayor and Councillors are bound by Oath or Affirmation of Office made at the start of the Council

term, to undertake their civic duties in the best interests of the people of the Berrigan Shire Council. They must faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

DISCLOSURES OF INTEREST

Pursuant to the provisions of the Local Government Act 1993, the Berrigan Shire



Council Code of Meeting Practice and the Berrigan Shire Council Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting. In both cases, the nature of the interest must be disclosed.

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 7 August, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS



6 REPORTS TO COUNCIL

8.1 Oath - Affirmation of Office

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

Recommendation

That the Chief Executive Officer take the Oath / Affirmation of Office for Councillors.

The following Councillors here took the Oath of office:

-

The following Councillors here took the Affirmation of office:

-

Report

As per [section 233A of the Local Government Act 1993](#), all Councillors are required to take an oath or make an affirmation of office.

Oaths or affirmations must be taken at or before the first meeting of a Council after being elected.

An oath or affirmation should be taken as the first item of business at the first meeting.

The Chief Executive Officer must ensure that a record is kept of the taking of an oath or affirmation, either through a signed statement or through the minutes of the meeting.

If a Councillor is unable to attend the first meeting of the newly elected Council, he or she may take an oath or affirmation of office at another location before the Chief Executive Officer.

The oath or affirmation of office must also be taken before an Australian legal practitioner or Justice of the Peace.

Where an oath or affirmation of office is taken outside a Council meeting a Council staff member should be present.



A Councillor who fails, without reasonable excuse, to take the oath or affirmation of office is not entitled to attend Council meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council meetings, their office is automatically declared vacant.

The prescribed wording for the oath or affirmation is set out below:

Oath

I [**name of Councillor**] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Berrigan Shire Council area and the Berrigan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

Affirmation

I [**name of Councillor**] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Berrigan Shire area and the Berrigan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.



8.2 Returning Officer's report

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner CL-B. Our community is informed and engaged in decision-making CL-C. A community where collaborative efforts enhance development and service delivery
Delivery Program:	CL.2. Manage people, assets, resources, and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers. CL.3. Enhance communication channels between the council and residents. CL.7. Actively participate in regional bodies to advance shared action for our region
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. Nomination Form - Mayor and Deputy Mayor

Recommendation

That Council undertake any ballot required to fill the position of Mayor or Deputy Mayor via the **open** voting system.

Purpose

In accordance with [clause 394](#) and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation) the General Manager (titled as Chief Executive Officer at Berrigan Shire Council) is the Returning Officer for the election of Mayor and Deputy Mayor.

[Schedule 7 of the Regulation](#) provides the basis for the election of Mayor by Councillors as per the following:

2 *Nomination*

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*



(4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3 Election

(1) *If only one councillor is nominated, that councillor is elected.*

(2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*

(3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*

(4) *In this section—*

***ballot** has its normal meaning of secret ballot.*

***open voting** means voting by a show of hands or similar means.*

As Returning Officer, I now invite nominations for the position of Mayor / Deputy Mayor for the Berrigan Shire Council.

The Mayoral position will be held until the Ordinary Council meeting held in September 2026, when a new vote will be taken. That vote will have the Mayor hold the position until September 2028 when their civic office as a Councillor and Mayor will expire.

The Deputy Mayor's position will be held for the term specified in Council's resolution.

In accordance with the Regulation, two or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Mayor / Deputy Mayor. Nominations must be in writing. A nomination is not valid unless the nominee has indicated consent of the nomination in writing.

A Nomination Form as required by the Regulation is provided with the Agenda and is **required to be completed prior to the Extraordinary Meeting commencing**. Nomination forms should be completed and lodged with the Returning Officer or into the Ballot Box at the Chamber entrance prior to the commencement of the meeting.

The election of the Mayor, if more than one Councillor is nominated, may be by preferential ballot or ordinary ballot or by open voting. Where only one nomination is received for either position that person will be the successful candidate for the relevant role.

***Open voting** is a show of hands. This is the most transparent method of voting and also the least bureaucratic and reflects normal council voting methods.*

***Ordinary Ballot** is a secret ballot. Voting is achieved by placing an "X" against the candidate's name who is nominated for the position being voted for (Mayor or Deputy Mayor).*

***Preferential Ballot** is also a secret ballot but run more specifically by first drawing the order of nominees to be recorded on the ballot paper and then those voting to place the numbers 1, 2 etc in order of preference (according to how many are nominated for each position). If a candidate has an absolute majority of first preference votes (more than half) they will be declared elected to the relevant position. If not candidate has an absolute majority then the person with the lowest number of first preference votes is excluded and preferences from the excluded candidates are distributed to the remaining candidates. This process will continue until a candidate gains an absolute majority.*

The rules for managing the voting are set out in Schedule 7 Parts 2 and 3 of the Regulations.



No mention is made of the election of Deputy Mayor however, if two or more candidates are nominated, I suggest a similar process take place to that of the Mayor.

A nomination form for both positions is circulated with this Agenda.



MAYORAL ELECTION 2024
NOMINATION PAPER

We, the undersigned persons, do hereby propose for nomination

.....

as a candidate for the office of:

- Mayor
- Deputy Mayor

of the Council of Berrigan Shire.

Proposer:

Seconder:

I hereby consent to the above nomination for the office of:

- Mayor
- Deputy Mayor

Nominee:
(Signature of person proposed for nomination)

Nominations to be returned before 9:00am Wednesday, 18 September 2024.



8.3 Election of Mayor

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

Recommendation

That Council elect [insert name] to the position of Mayor of Berrigan Shire and that Mayor [insert name] hold the position for the two years ending September 2026.

Report

As Returning Officer, I now invite nominations for the position of Mayor as per the Returning Officer's Report.

Note the position of Mayor is held until the Ordinary meeting to be held in September 2026 (unless a casual vacancy occurs) as per section [230\(1\) of the Local Government Act 1993](#).



8.4 Election of Deputy Mayor

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

Recommendation

That Council elect [insert name] to the position of Deputy Mayor of Berrigan Shire and that Deputy Mayor [insert last name] hold the position for [xx] years, ending [202x].

Report

There is no obligation for Council to elect a Deputy Mayor, however the position provides practical support to the Mayor either to assist with absences, duplication of public commitments or to perform Mayoral duties where the Mayor is unable.

The position of Deputy Mayor may similarly automatically assume the Chairing of a meeting or part of a meeting where the Mayor holds a relevant conflict of interest.

[Section 231 of the Local Government Act 1993](#) states:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

The Deputy Mayor's position will be held for the term specified in the Council's resolution.



8.5 Delegates to committees

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-A. The community is serviced in an effective, financially sustainable and responsible manner
Delivery Program:	CL.1. Improve Council processes to make doing business with Council easier.
Council's Role:	Regulator: The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery), government grants etc)
Appendices:	Nil

Recommendation

That Council appoint the following Councillors to the positions below

1. Internal committees
 - CEO Remuneration Committee – Mayor, Cr xx and Cr xx,
 - Audit Risk and Improvement Committee – Cr XX, and
 - Reconciliation Working Group – Cr XX.
2. Delegates to volunteer committee of Council established under s355 of the *Local Government Act 1993*
 - Cr xx to attend the Barooga Recreation Reserve Committee of Management,
 - Cr xx to attend the Tocumwal Swimming Pool Committee of Management,
 - Cr xx to attend the Tocumwal War Memorial Hall Committee of Management,
 - Cr xx to attend the Tocumwal Foreshore Committee of Management,
 - Cr xx to attend the Finley Recreation Reserve Committee of Management,
 - Cr xx to attend the Finley Showground and Sporting Complex Committee of Management and
 - Cr xx to attend the Finley War Memorial Swimming Pool Committee of Management.
3. Delegates to external bodies and organisations
 - Cr XX to attend the Rural Fire Service District Liaison Committee,
 - Cr XX to attend the Bush Fire Management Committee,
 - The Mayor and CEO to attend the RAMJO meetings with the Deputy Mayor to be nominated as proxy for the Mayor,
 - Cr XX to attend the Berrigan Shire Traffic Committee,



- Cr XX to attend the Western Joint Regional Planning Panel,
 - Cr XX to attend the Berrigan Shire Dementia Alliance and
 - Cr XX to attend the Riverina Regional Libraries.
-

Report

Councillors are involved in a number of Committees, some are section 355 Committees of Council and others are more regional in nature.

Section 355 Committees operate under the [Local Government Act 1993](#) to allow Council to exercise its functions:

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised—

(b) by a committee of the council...

The following internal Committees of Council are:

- the CEO Remuneration Committee and
- the Audit, Risk and Improvement Committee
- Reconciliation Action Plan Working Group

The following Committees are Section 355 Committees of Council:

- Australia Day Committee**,
- Barooga Advancement Group,
- Barooga Community Botanical Gardens Committee*,
- Barooga Recreation Reserve*,
- Berrigan Conservation and Tidy Towns Committee*,
- Berrigan Sportsground Committee*,
- Berrigan War Memorial Hall Committee*,
- Berrigan War Memorial Swimming Pool Committee*,
- Boomanoomana Landcare Committee (in recess)**,
- Finley Railway Park Committee*,
- Finley Recreation Reserve Committee,
- Finley Showground and Sporting Complex Committee,
- Finley Tidy Towns Committee (in recess),
- Finley War Memorial Hall Committee*,
- Finley School of Arts Committee*,
- Finley War Memorial Swimming Pool Committee*,
- Mary Lawson Memorial Wayside Rest and Finley Log Cabin Committee*,
- Native Dog Landcare Group (in recess)**,
- Retreat Public Hall Committee*,
- Tocumwal Foreshore Committee,



- Tocumwal Friends of the Library (in recess),
- Tocumwal Rail Preservation Committee*,
- Tocumwal Recreation Reserve Committee*,
- Tocumwal Swimming Pool Committee* and
- Tocumwal War Memorial Hall Committee*.

** denotes that no Councillor has traditionally sat on the committee in question*

*** denotes that further discussion regards the future management of this committee will be required. The outcome of these discussions will affect the delegations to be made to those committees during the October Ordinary Meeting.*

Previous practice has been to appoint a Council member to each Committee on request of the Committee. Council may however choose to appoint a member to each Committee without such request. Those noted with an asterisk above have not previously requested a Council member be present at their meetings. Council may also choose to not have any councillors on section 355 Committees.

Recommendation: that Council appoint at least one Councillor to each section 355 Committee (and one proxy for when that member is not available).

REGIONAL ORGANISATIONS

The following regional organisations have traditionally included at least one Elected Member from the Berrigan Shire Council.

1. Rural Fire Service District Liaison Committee,
2. Bush Fire Management Committee,
3. RAMJO (Mayor and CEO attend these meetings – Deputy Mayor is generally the proxy),
4. Berrigan Shire Dementia Alliance,
5. Western Joint Regional Planning Panel,
6. Berrigan Shire Traffic Committee and
7. Riverina Regional Libraries.

The above committees require a member of Council and a proxy to be nominated to attend those meetings.

Recommendation: that Council delegate an Elected Member and proxy to each of the above committees) and delegate the CEO to alert each of those committees to Council's decision.



8.6 Managing casual vacancies

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

This report is for information only.

Recommendation

That Council receive and note this report.

Report

As per section [291A of the Local Government Act 1993](#), Council would usually now elect to access the count back method to fill any casual vacancies which might occur during the first 18 months of a Council's term.

Using the countback method would normally allow any casual vacancies to be filled at a lower cost than the cost of holding a by-election.

Unfortunately, due to the fact Council did not go through a general election process, this option is not available to Council for the duration of this term.

A count back option does not apply to a by-election, so even if Council do get more than one applicant for the by-election, count back will not be available to those not elected in that process.

For the term of this Council this will mean that, should a Councillor resign, or an unexpected vacancy occur, Council will be forced to a by-election to fill the vacancy unless any exemption options occur (these are usually only available where a vacancy occurs less than a year prior to the next election). Staff would need to seek advice should such occur.



8.7 By-election - 23 November 2024

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	CL. Our Civic Leadership
Strategic Objective:	CL-B. Our community is informed and engaged in decision-making
Delivery Program:	CL.4. Strengthen community engagement and participation in decision-making.
Council's Role:	Information Channel: Information about a service or activity of other bodies is channelled through, for example, brochures in Council office and other public spaces or links to third party websites
Appendices:	Nil

This report is for information only.

Report

A by-election for Berrigan Shire Council must be held as fewer candidates nominated than the number of councillors to be elected at the 2024 Local Government elections held on Saturday, 14 September 2024.

The NSW Electoral Commission (NSWEC) has set the date of the by-election as **Saturday, 23 November 2024**.

Further information on the election can be found on the NSWEC website at <https://elections.nsw.gov.au/elections/local-government-elections/2024-berrigan-shire-council-by-election>

At the time of writing the report, it is not known what additional cost – if any – the Council will be charged for the by-election.

Key dates for the election are shown below.

Council will have a key role in ensuring residents are aware of the election and these dates.



Monday, 14 October 2024

- Start of regulated period for electoral material
- Nominations open
- 6pm: Close of roll for being a candidate or nominator

Wednesday, 23 October 2024

- 12 noon: Close of nominations
- Close of registration of candidates
- Registration of electoral materials open

Monday, 28 October 2024

- Postal vote mailing to electors commences

Saturday, 16 November 2024

- Pre-poll voting opens
- Telephone assisted voting for blind and low vision electors commences
- Close of registration for third-party campaigners

Friday, 22 November 2024

- 6pm: Pre-poll voting closes
- 6pm: Telephone assisted voting applications close

Friday, 6 December 2024

- 6pm: Close of postal vote return

Wednesday, 11 December 2024

- Declaration of results

Tuesday, 15 October 2024

- Postal vote applications open

Thursday, 24 October 2024

- Announcement of candidates and conduct of ballot paper draw

Friday, 15 November 2024

- 5pm: Registration of electoral material closes

Monday, 18 November 2024

- 6pm: Postal vote applications close

Saturday, 23 November 2024

- Election day: polling places open 8am – 6pm
- End of capped expenditure period
- 1pm: Telephone assisted voting closes
- 6pm: End of regulated period for electoral material

Tuesday, 10 December 2024

- 10am: Distribution of preferences



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10 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on Wednesday 16 October 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

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