



## ORDINARY COUNCIL MEETING

Wednesday 16 April, 2025

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



# Under Separate Cover Appendices



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STATE  
LIBRARY  
NSW



Karina Ewer  
General Manager  
Berrigan Shire Council  
56 Chanter Street  
Berrigan, NSW 2712

### Library Assessment Program

Dear Karina,

The State Library of NSW works with all NSW councils in support of high-quality public libraries for the people of NSW. This includes providing funding and advisory services, collection and systems support.

The State Library's Public Library Services team visits libraries as part of the Library Assessment program, in accordance with s5 of the *Library Act 1939*.

During the assessment visits the team uses the NSW Public Library Statistics and NSW Public Library Standards and Guidelines as key starting points for discussion with public library and council staff. We will note areas of good practice, discuss your services which are supported by State Library grants and subsidies, assess your library buildings, spaces, collections and will make recommendations for future developments and opportunities.

The assessment visits are also a valuable source of ongoing information for us about public library needs and assist us to meet our obligation to make careful inquiry into the operations of local libraries and to advise local authorities and the Minister on public library matters.

The State Library proposes to visit Berrigan Libraries in March 2025.

My colleague Ellen Forsyth will be in touch with the library manager separately to organise the schedule for the visit. In the meantime, please contact me on 02 9273 1483 if you have any queries about the program.

Yours sincerely,

Cameron Morley  
**Head of Public Library Services**

13 March 2025



**MEN DON'T TALK FACE TO FACE THEY TALK SHOULDER TO SHOULDER**

**BERRIGAN MEN'S SHED Inc.**

25 Chanter Street Berrigan 2712

*berriganmenshed@yahoo.com.au*

13<sup>th</sup> March, 2025

The Mayor  
Ms Julia Cornwell McKean  
Berrigan Shire Council  
37 Chanter Street  
BERRIGAN NSW 2712  
C/- Julia.cornwellmckean@berriganshire.nsw.gov.au

Dear Julia,

**PROPOSED REPLACEMENT/UPGRADE OF PUBLIC TOILETS IN BERRIGAN**

Berrigan Men's Shed Committee has chosen to support the submission by member Tom Pyle in relation to the above issue.

The toilet block in HAYES Park have been a disaster since installation, being undersized and TOTALLY inappropriate for use. Case in point being the lack of a URINAL, which is required by the majority of male travelers that CHOOSE to stop at the facility. The toilet block in APEX Park has a similar disposition, being both undersized and inappropriate for use, with the added inconvenience of damaged door locking mechanisms.

The committee agree with the concept of population inclusive, however this concept is AGE inappropriate with elderly males with incontinence making shared facilities particularly unhygienic for females. We make the point that the incorporation of a URINAL stall should be considered necessary with any NEW toilet block design and construction.

The incorporation of CLOSED-CIRCUIT TV camera should also be compulsory with NEW/REPLACEMENT PUBLIC Toilet blocks within the Berrigan Shire in the future. This is necessary to reduce the current spate of damage to these facilities via possible offender identification that can be reported to appropriate law enforce authorities.

Members look forward to positive and appropriate actions in relation to toilet block replacements in Berrigan,

Yours Faithfully,

*Jan Dickins,*

*PRESIDENT*

*Berrigan Men's Shed Inc.*

*(03) 5885 0643*

**Proud Members of the 'AUSTRALIAN MEN'S SHED ASSOCIATION' and the**



Your ref: EM/KE: 144188

31 March 2025

**BY EMAIL**

Ms Karina Ewer  
Chief Executive Officer  
Berrigan Shire Council  
56 Chanter Street  
BERRIGAN NSW 2172

By email: [karinae@berriganshire.nsw.gov.au](mailto:karinae@berriganshire.nsw.gov.au)

Dear Ms Ewer

Thank you for your letter of 31 January 2025, which enclosed a report to Council from you regarding the conduct of the Berrigan Shire by-election in November 2024.

I regret that the Council is concerned it was not cost-effective for it to assist in the administration of the by-election. The provision of premises and staff is normally a saving for councils, as the NSW Electoral Commission is not required to lease premises at short-term market rates or to employ as many temporary staff as is necessary to conduct an election.

In this case, I have sought advice about some of the specific issues you raise in your report. In relation to the initial discussions that pre-poll voting may only be available in Berrigan, I am advised that the Electoral Commission determined that this would not have provided adequate access for all electors in the Berrigan Shire local government area. The NSW Electoral Commission considers various factors when selecting where pre-poll and polling places will be located. This includes the geography and population of the local government area, the locations at which electors have voted at previous elections and the distance between polling places, particularly in regional areas. I am advised that the Tocumwal pre-poll was considered necessary for this by-election and was attended by the majority of electors who voted before the election day.

In relation to the period of employment of the returning officer, a returning officer must be appointed and commence work before the period in which persons may nominate for an election, in accordance with the requirements of the Act, for that officer to complete certain duties. I am sorry if there was confusion about the start date. With regard to your observation that Council staff were required to perform tasks for the election while the returning officer was present, I agree that in most circumstances the returning officer should manage such duties at those times. I also understand that there were some challenges in relation to communication between the returning officer and Council staff. I am grateful for the assistance that I am told you were able to provide at the time to resolve some of those issues.

I also note a comment in your report that the cost of local government elections should be met by the NSW Electoral Commission rather than councils, as is the current policy set out by the *Local*



*Government Act 1993.* As you will be aware, the Act requires expenses incurred in conducting local government elections to be met by councils but, due to acknowledged cost pressures, the NSW Government has provided significant supplementary funding to meet the Commission's full operating costs since the 2016/2017 ordinary elections. That supplementary funding is for the Commission's core costs that are not directly attributable to running specific councils' elections.

Should you wish to discuss these matters further please feel free to contact Ms Andrea Summerell, Executive Director Elections, on 9290 5953 or [andrea.summerell@elections.nsw.gov.au](mailto:andrea.summerell@elections.nsw.gov.au).

I am grateful for the support provided by Council and its staff in conducting the by-election. Thank you for bringing these matters to my attention.

Yours sincerely

Rachel McCallum  
**Electoral Commissioner**





**From:** [Karina Ewer - MBA, MCDR, MAHRI, GAICD](#)  
**To:** [Emma McNamara](#)  
**Cc:** [Andrew Fletcher](#)  
**Subject:** FW: BERRIGAN HAYES PARK TOILETS AND BEHIND CWA HALL TOILETS  
**Date:** Friday, 14 March 2025 10:13:56 AM  
**Attachments:** [image002.png](#)

Another one for the corro register please.



Karina Ewer - MBA, MCDR, MAHRI, GAICD  
Chief Executive Officer

Berrigan Shire Council | 56 Chanter Street, Berrigan NSW 2712  
**P:** 03 5888 5100 **M:** 0456 802 006  
**E:** [KarinaE@berriganshire.nsw.gov.au](mailto:KarinaE@berriganshire.nsw.gov.au)  
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**From:** Julia Cornwell McKean <[julia.cornwellmckean@berriganshire.nsw.gov.au](mailto:julia.cornwellmckean@berriganshire.nsw.gov.au)>  
**Sent:** Friday, 14 March 2025 10:09 AM  
**To:** Karina Ewer - MBA, MCDR, MAHRI, GAICD <[KarinaE@berriganshire.nsw.gov.au](mailto:KarinaE@berriganshire.nsw.gov.au)>  
**Subject:** FW: BERRIGAN HAYES PARK TOILETS AND BEHIND CWA HALL TOILETS



Julia Cornwell McKean  
Mayor

Berrigan Shire Council | 56 Chanter Street, Berrigan NSW 2712  
**P:** 03 5888 5100 **M:** 0419 256 514  
**E:** [julia.cornwellmckean@berriganshire.nsw.gov.au](mailto:julia.cornwellmckean@berriganshire.nsw.gov.au)  
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**From:** FB MJ STEER <[fbmj.steer@gmail.com](mailto:fbmj.steer@gmail.com)>  
**Sent:** Thursday, 13 March 2025 3:20 PM  
**To:** Julia Cornwell McKean <[julia.cornwellmckean@berriganshire.nsw.gov.au](mailto:julia.cornwellmckean@berriganshire.nsw.gov.au)>  
**Subject:** BERRIGAN HAYES PARK TOILETS AND BEHIND CWA HALL TOILETS

You don't often get email from [fbmj.steer@gmail.com](mailto:fbmj.steer@gmail.com). [Learn why this is important](#)

Why is Berrigan being treated as a lesser community than Finley, Tocumwal and Barooga? Berrigan residents, visitors and travelling public are being disrespected. We in Berrigan need the proposed new public toilets to be no less than Finley's quality, each with its own basin, soap dispenser, blow hand dryer and bin. In each building we need at least one disabled unit, one ladies and infants unit and one male unit. A requirement also is that the doors must be easy to open and close - not too heavy for the elderly or disabled.



Quality control of cleaning is needed - improve upon what is happening at present. Solar powered sensor lighting is required in the surrounds and cubicles for night time travellers. Not push button light switches as they jam on, like the sportsground toilets. Surveillance cameras are required, situated appropriately. The PPIP Act allows Councils exemptions in regard to surveillance cameras in public places. This is all about stopping the destruction of public facilities and therefore saving public funds in Berrigan Shire. Please begin to protect the paying public and stop protecting the perpetrators who destroy public facilities. Marnie Steer, Secretary, Berrigan and District Heritage Museum committee.



Department of Planning, Housing and Infrastructure



Ref: IRF25/144

Ms Karina Ewer  
General Manager  
Berrigan Shire Council  
56 Chanter Street  
Berrigan NSW 2712  
[Karinae@berriganshire.nsw.gov.au](mailto:Karinae@berriganshire.nsw.gov.au)

12 March 2025

Dear Ms Ewer

The National Housing Accord, agreed across all levels of government, sets an ambitious target for NSW.

To achieve our target of 377,000 new homes by mid-2029 local councils must help facilitate the delivery of these homes. All levels of government have a shared responsibility to address the housing challenge in NSW and meet the goals of the National Housing Accord.

The land use planning and assessment functions of councils need to adjust to support the approval and development of more homes in well-located areas for young people, families, and key local workers.

The Minister has previously requested that councils factor this into their decision making and prioritise the delivery of housing when assessing development applications and rezoning proposals – so that the whole planning system is geared towards addressing our housing challenge.

You would recall that a new Ministerial Statement of Expectations Order was introduced in July 2024, which set out the NSW Government's expectations for council performance in the areas of development assessment, planning proposals and strategic planning.

As indicated in July 2024, the Government has been monitoring the performance of all councils in meeting this Statement of Expectations, and the Department of Planning, Housing and Infrastructure has identified criteria for assessing council performances.

The criteria are as follows:



Department of Planning, Housing and Infrastructure



1. **Council's current DA Assessment Performance:** Councils with gross end-to-end timeframes of 145 days or greater.
2. **Council's percentage of applications assessed:** Councils with 50 per cent or less of their applications meeting the 115 day end to end expectation.
3. **Housing target/implied dwelling demand:** Councils with a housing target, or implied dwelling demand greater than 500 during the housing accord period.

Councils identified through this framework as not meeting the expectations of the Statement of Expectations will be contacted directly by the Department. The Department will work in partnership with local councils to understand the challenges they are facing and will then develop a tailored plan with agreed timeframes for action.

Should timeframes not improve within three months, the Government has a range of powers under both the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW) to compel compliance.

The Department looks forward to seeing Council continue to make improvements to assessment processes and decrease average assessment times in order to deliver more homes for your community.

If you have any questions about this, please reach out to your Local Planning and Council Support Director within the Department.

Yours sincerely

**Monica Gibson**  
**Deputy Secretary**  
**Planning, Land Use Strategy, Housing and Infrastructure**





March 13, 2025

Mayor, Dep Mayor,  
CEO, Deputy CEO  
Councillors

I am submitting my concerns regarding the Public facilities in Hayes Park and those behind the CWA rooms.

The community of Berrigan and the travelling public deserve to have Toilet blocks which contain:

- 1 disability unit which also contains baby facilities,
- 1 ladies unit and
- 1 mens unit.

The simple reason for the three cubicles is to treat women with respect by not having to endure results of men “missing the pan”.

Each cubicle must have its own basin, soap dispenser and hand dryer.

These buildings need to be user friendly especially the doors not being too heavy for the elderly and disabled.

Solar lighting is required in the surrounds and cubicles for night time travellers.

Surveillance cameras are a must, situated appropriately. The PPIP Act allows NSW Local Government to utilise CCTV surveillance in public places.

CCTV surveillance cameras should be installed at Hayes Park, when the repairs to the toilet facilities are completed, to see if this can stop the vandalism at this block.

When travelling I have seen many first class, well maintained facilities and I feel Berrigan is deserved of the same.

We would like to have had much earlier notice of the plans regarding the changes to both facilities.

Tom Pyle  
Concerned citizen of Berrigan



Mayor, Dep Mayor,  
CEO, Deputy CEO  
Councillors

BERRIGAN HAYES PARK TOILETS AND BEHIND CWA HALL TOILETS

- Why is Berrigan being treated as a lesser community than Finley, Tocomwal and Barooga?
- Berrigan residents, visitors and the travelling public are being disrespected.
- We, in Berrigan, need the proposed new public toilets to be no less than Finley's quality, each with its own basin, soap dispenser, blow hand dryer and bin.
- In each Building: We need at least
  - 1 Disabled Unit
  - 1 Ladies & Infants Unit
  - 1 Male Unit
- A requirement also is that doors must be easy to open & close – not too heavy for the elderly and disabled.
- Quality control of cleaning is needed – improve on what is happening at present.
- Solar powered sensor lighting is required in the surrounds and cubicles for night time travellers. Not push button light switches as they jam on. (as per Sportsground toilets).
- Surveillance cameras are required, situated appropriately. ... The PPIP Act allows Councils exemptions in regard to Surveillance cameras in Public places.

This is all about stopping the destruction of Public facilities and therefore saving Public Funds in Berrigan Shire.

Please begin to protect the paying public and stop protecting the perpetrators who destroy public facilities.



Cheryl Prideaux  
Tocumwal Dementia Alliance

8<sup>th</sup> March 2025

Mayor Julia Cornwell-McKean  
56 Chanter Street  
Berrigan, NSW. 2712

Dear Mayor Cornwell-McKean,

I am writing on behalf of the Tocumwal Dementia Alliance to propose the establishment of a Community Care/Respite Day Centre utilising the Multipurpose Room at the Tocumwal Hospital.

Tocumwal is a vibrant and booming community, the largest town within the Berrigan Shire. Much of this growth stems from investment from recent retirees moving from larger regional and urban centres. As a result, many members of our community face isolation from support networks in times of crisis or illness. Recent ABS Census data indicates that Tocumwal has the highest proportion of an aging population within the Berrigan Shire. With this comes a burden of care that is currently not being met by ancillary services. To access much-needed day respite, carers need to transport patients to Finley Regional Care. A recent experience of a Tocumwal Dementia Alliance member necessitated that the family provide a carer on-site, at their expense, for day support. This entails an 88-km return trip to deliver and collect the patient. Such travel is often in the opposite direction of appointments in locations such as Cobram and Shepparton, adding substantial time and cost.

We understand that there is precedence for a Community Care/Respite Day Centre in Tocumwal, as this service has existed in the recent past. With the growth of our town and increasing proportion of aging residents, the need only continues to grow. The Tocumwal Hospital has existing infrastructure, dramatically reducing establishment costs for our proposal. We have been advised by a Tocumwal Hospital Board member that there is an employed occupational therapist who could facilitate this service as their current workload allows for these additional duties without further human resource expenses.

The burden of care is enormous in our community for a range of disease, illness and degenerative conditions. As our population ages, the burden increases. A Community Care/Respite Day Centre would provide our carers with safe and stable options to allow them to ensure the maintenance of their own health and wellbeing, reducing the burden on residential services. The existence of this level of support would be appealing to future retirees relocating to this area, further adding to our regional growth.

We would appreciate your support in advocating for a Community Care/Respite Day Centre on behalf of the residents to the Tocumwal Hospital Board for one day per week. This will allow time for the program to be trialled, publicised, and assessed. This trial would come at little burden on the services with existing infrastructure and potential human resources available.

We would be pleased to meet with you to discuss ideas in person.

Yours sincerely

Cheryl Prideaux  
Tocumwal Dementia Alliance



Ref: JCM/EM: 148048

14 March 2025

Senator Deborah O'Neill  
Senator for NSW  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600

Via Email [senator.oneill@aph.gov.au](mailto:senator.oneill@aph.gov.au)

#### **REQUEST FOR MEETING TO DISCUSS KEY FEDERAL ISSUES FOR BERRIGAN SHIRE**

Dear Senator,

I am writing to request a meeting during the Australian Local Government Association (ALGA) Conference in June to discuss several key federal issues impacting Berrigan Shire. Given your role as the duty Senator for Farrer, we believe your support and advocacy on these matters would be invaluable.

#### **Health Equity in Rural and Regional Australia**

Berrigan Shire Council is deeply concerned about the health inequities affecting our residents, particularly regarding the redevelopment of Finley Hospital and access to essential healthcare services. While the \$25 million investment in Finley Hospital is welcome, the exclusion of renal dialysis and CT scanning due to cost escalations has left critical gaps in healthcare provision. We are advocating for an additional \$150,000 to establish two renal dialysis chairs, ensuring residents have access to life-saving treatment within 30 minutes of their homes.

Additionally, the current emergency response system in Tocumwal is inadequate, with ambulance wait times averaging 40 minutes. We are exploring alternative solutions but require federal support to ensure equitable emergency healthcare access.

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**Berrigan Shire Council**

📍 56 Chanter Street, Berrigan NSW 2172

📞 (03) 5888 5100 🌐 [www.berriganshire.nsw.gov.au](http://www.berriganshire.nsw.gov.au)





### **Water Security and Sustainability**

Berrigan Shire Council seeks to discuss the 450GL water buybacks and their impact on the Southern Connected Basin communities. We urge the government to ensure financial allocations for buybacks are directed toward affected communities to safeguard economic stability and water security. Additionally, we are keen to explore sustainable water utility provision through the Sustainable Communities Program, given the ongoing challenges in maintaining regional water infrastructure.

### **Higher Education Access – Country Universities Centre (CUC) Southern Riverina**

Berrigan Shire, in partnership with private industry and Edward River Council, has been working towards establishing Country Universities Centres in Finley and Deniliquin. Despite submitting two applications under the Regional Universities Hub program, we have not yet secured funding. Given the strong community and industry support for this initiative, and the demonstrated need in our community, we seek your guidance on how we can progress this vital project to expand educational opportunities in the Southern Riverina region.

### **Regional Connectivity Project**

Berrigan Shire Council strongly supports the Regional Connectivity Project, which involves 20 councils across New South Wales and Victoria in partnership with Telstra and private industry. This initiative aims to enhance telecommunications infrastructure in underserved regional areas, improving digital connectivity for businesses and residents. We seek federal support to ensure the successful implementation and funding of this critical project.

We appreciate your time and consideration of these pressing issues and look forward to discussing them in more detail at the ALGA Conference. Your support will be instrumental in advancing solutions that promote health equity, economic sustainability, and regional development in Berrigan Shire.

I would greatly appreciate the opportunity to discuss these matters with you during the ALGA Conference. We will be in Canberra between 24 and 27 June 2025. Please let me know a suitable time for this meeting. We are happy to meet you at Parliament House given these will be sitting days.

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**Berrigan Shire Council**

📍 56 Chanter Street, Berrigan NSW 2172

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Thank you for your time and consideration. I look forward to your response.

Yours faithfully,

Dr Julia Cornwell McKean GAICD  
**Mayor**

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**Berrigan Shire Council**

📍 56 Chanter Street, Berrigan NSW 2172

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Ref: EM/KE: 148415

20 March 2025

Mr. Tony Tranter  
Manager Business Development  
Sporties Group  
Burkinshaw St.  
Barooga NSW 3644

**Re: NSW Sustainable Communities Program Early Investment Round**

Dear Tony

The Berrigan Shire Council is very pleased to provide this letter of support for your funding application to the NSW Sustainable Communities Program Early Investment Round.

Bullanginya Dreaming has been a game changing tourism development for Barooga and surrounding areas. It has not only brought extensive economic activity, but we have also seen new visitor segments coming to the area, drawn here specifically to experience the spectacular lunar light journey. It is exciting to think stage two upgrades and accommodation options are already planned and ready for implementation.

The Sporties maintain both their community facilities and the Barooga Recreation Reserve, which meets the requirements of the NSW Office of Sport, Regionally Significant Sport Facility, including hosting a number of National, State, and Regional events. The provision of a fit-for-purpose, compliant Operations Compound to manage and maintain these spaces is critical in assuring their capacity to be maintained at the appropriate level.

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The towns of Berrigan Shire have been exceptionally disadvantaged by the implementation of the Murray Basin Plan, with Finley hitting an inconceivable 1 on the SEIFA index in 2016. The Berrigan Shire was also the number one dairy producing Local Government Area in NSW in the early 2010s; however, milk production in the 2020s has more than halved. The need for diversification of business offerings in this area is therefore essential.

The project will enable Aboriginal business development and economic participation by furthering the already strong partnership with the Bangerang Aboriginal Corporation, by supporting Indigenous artists and by providing training opportunities in cultural tourism.

The project supports continued tourism infrastructure development, securing the future of cultural and nature based tourism in the area. The completion of this next stage will make facilities available to target new demographics for the region in the form of school camps and corporate retreats.

The Sporties Group is one of the largest employers regionally. The proposed project will continue to build capacity within the community with a strong focus on Traditional Owner led cultural tourism initiatives that will grow the visitor economy.

The project will improve regional service delivery by providing a contemporary accommodation option, tailor-made for the astute, modern-day visitor; thereby addressing an identified gap in the current accommodation offering in the area.

The Berrigan Shire Council is confident in the capacity of the Sporties Group to deliver the project as they have a proven track record in this area over a long period of time. The project should be considered "shovel ready" and is highly recommended for consideration as a project that will have a significant impact on employment, Aboriginal enterprise development and tourism infrastructure in the region. The Council looks forward to a favourable outcome for this funding application.

Yours faithfully

KARINA EWER MBA. MCDR, MAHRI, MAICD  
CHIEF EXECUTIVE OFFICER

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**Berrigan Shire Council**

📍 56 Chanter Street, Berrigan NSW 2172

☎ (03) 5888 5100 🌐 [www.berriganshire.nsw.gov.au](http://www.berriganshire.nsw.gov.au)





Ref: 202526: JCM20

07 April 2025

The Honourable Ryan Park MP  
Minister for Health, Minister for Regional Health and Minister for the Illawarra and the South Coast  
GPO Box 5341  
Sydney NSW 2001

Via Email: [MOH-Minister@health.nsw.gov.au](mailto:MOH-Minister@health.nsw.gov.au)

#### **Tocumwal Ambulance Disappointment**

Dear The Hon Ryan Park MP,

I am writing to express my surprise and disappointment that Tocumwal was excluded from the recent announcement regarding additional NSW Ambulance paramedics for Albury and Deniliquin and an additional 30 ambulance stations across the state. These announcements have raised significant concerns in our community about the priority the government places on our health care here on the border. I would therefore like to inquire as to the current status of plans for an ambulance station in Tocumwal.

We are grateful for the offer of a Community Emergency Response Team (CERT). However, despite genuine and significant efforts to recruit volunteers through public meets, pop-up stalls, advertisements and other initiatives, the Tocumwal Ambulance Steering Committee has not been able to secure sufficient volunteers at this time. I would like to extend our thanks to NSW Ambulance for their support and collaboration in these efforts.

I draw attention however to the unresolved issue between Fire and Rescue NSW (FRNSW) and NSW Ambulance regarding the future of Tocumwal's first responders. At the last public meeting in December 2024, I specifically requested NSW Ambulance work with FRNSW to resolve these issues. Unfortunately, it does not appear progress has been made. We believe these ongoing issues have contributed to the lack of volunteer engagement.

**Berrigan Shire Council**

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📞 (03) 5888 5100 🖱️ [www.berriganshire.nsw.gov.au](http://www.berriganshire.nsw.gov.au)



Of further concern to our community are an increase in instances of ambulance attendance in Tocumwal without first responders attendance. Whilst this is not always the case, it has occurred in at least one serious situation. Without a CERT and no dedicated ambulance service, we are deeply concerned about the implications for the safety and wellbeing of our residents.

I urge you to address these matters urgently and provide clarity on the future of emergency medical services in Tocumwal. Our community deserves reliable and timely access to emergency care and we hope you will take the necessary steps to ensure this is possible. Evidence provided by NSW Ambulance itself suggests an average wait time of 40 minutes or more for Tocumwal residents. That cannot remain an acceptable outcome for our community.

Thank you for your attention on these important issues. I look forward to your prompt response.

Yours sincerely,

Dr Julia Cornwell McKean GAICD  
**Mayor**

**Berrigan Shire Council**

📍 56 Chanter Street, Berrigan NSW 2172

📞 (03) 5888 5100 🌐 [www.berriganshire.nsw.gov.au](http://www.berriganshire.nsw.gov.au)



Meeting	Officer/Director	Section	Subject
Council 21/02/2024	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Construction of key worker housing - Lewis Crescent, Finley
<b>Resolved OCM 030/24</b>			
<b>Moved:</b> Cr John Taylor			
<b>Seconded:</b> Cr Edward (Ted) Hatty			
<b>That the Council</b>			
1. Call for tenders for the design and construction of two units to be constructed on 47 Lewis Crescent, Finley			
2. The construction of the units to be funded by:			
(a) \$300,000 from Council's Capital Works reserve			
(b) a \$500,000 loan borrowed over a ten-year period with interest-only payments until redemption.			
			<b>CARRIED</b>
<b>11 Mar 2024 1:16pm Hansen, Matthew</b>			
Work on design and construct specification underway. Specification for loan tender under Development. LHD have given verbal notice they will participate., Aim to have out to tender in April			
<b>10 Jul 2024 8:52am Fletcher, Andrew</b>			
A brief for a tender in being prepared. Requested specs and design details. Tender is likely to be for a design and construct.			
<b>14 Jan 2025 1:50pm Fletcher, Andrew</b>			
Information and report to be presented to Council, February meeting.			
<b>13 Mar 2025 11:29am Fletcher, Andrew</b>			
Report submitted to Council in March			
<b>25 Mar 2025 8:36am Fletcher, Andrew - Completion</b>			
Completed by Fletcher, Andrew (action officer) on 25 March 2025 at 8:36:44 AM - Motion to rescind was passed. No further action required.			

Meeting	Officer/Director	Section	Subject
Council 22/01/2025	Ewer, Karina Ewer, Karina	Confidential Matters	Tocumwal Aviation Museum - land and building
<b>Resolved OCM 025/25</b>			
<b>Moved:</b> Cr Renee Paine			
<b>Seconded:</b> Cr Katie Ngatoko			
<b>That Council direct the CEO to prepare a probity report regarding the process of possible sale of the Tocumwal Aviation Museum. The report, including independent valuation and community engagement plan, are to be presented to council at as soon as possible.</b>			
			<b>CARRIED</b>



**13 Feb 2025 7:33am Hansen, Matthew**

Council has obtained a valuation for the land and buildings. Work on the plan has not yet started

**08 Apr 2025 2:36pm Ewer, Karina - Completion**

Completed by Ewer, Karina (action officer) on 08 April 2025 at 2:36:22 PM - Presented to the April Council Meeting

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Lewis Crescent, Finley - Workers Accommodation
<b>Resolved</b> <b>OCM 067/25</b>			
<b>Moved:</b> Cr Katie Ngatoko			
<b>Seconded:</b> Cr Renee Paine			
That Council rescind resolution OCM 030/24 adopted 11 March 2024, as per the Berrigan Shire Council Code of Meeting Practice and the <i>Local Government Act 1993</i>			
<b>CARRIED</b>			
<b>09 Apr 2025 3:38pm Fletcher, Andrew - Completion</b>			
Completed by Fletcher, Andrew (action officer) on 09 April 2025 at 3:38:30 PM - Reported to Council. Not proceeding and will consider future options - selling			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Ewer, Karina Ewer, Karina	Reports to Council	CEO Study and Research Leave
<b>Resolved</b> <b>OCM 066/25</b>			
<b>Moved:</b> Cr Renee Brooker			
<b>Seconded:</b> Cr Sharon Dennis			
That Council :			
1.    adopt the CEO Study and Examination Leave as presented,			
2.    direct the CEO to include the CEO Study and Examination Leave guidelines as schedule D of the CEO Contract,			
<b>CARRIED</b>			



**08 Apr 2025 2:35pm Ewer, Karina - Completion**

Completed by Ewer, Karina (action officer) on 08 April 2025 at 2:35:31 PM - Complete

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Fletcher, Andrew Fletcher, Andrew	Notices of Motion/Questions with Notice	Notice of Motion - Barooga Recreation Reserve LRCI funding
<b>Resolved</b> <b>OCM 069/25</b>			
<b>Moved:</b> Mayor Julia Cornwell McKean			
<b>Seconded:</b> Cr Renee Paine			
That Council direct the Chief Executive Officer table a report to the ordinary council meeting scheduled for April 2025, relating to Phase 3 of the Local Roads and Community Infrastructure (LRCI) program that:			
<ol style="list-style-type: none"><li>1. provides details of the funds spent against Berrigan Shire's allocation, and</li><li>2. provides a detailed chronology of the processes undertaken to identify suitable projects, including interactions with s355 committees of council</li></ol>			
			<b>CARRIED</b>
<b>10 Apr 2025 9:13am Fletcher, Andrew - Completion</b>			
Completed by Fletcher, Andrew (action officer) on 10 April 2025 at 9:13:39 AM - Report provided to April Council Meeting			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	George, Gary George, Gary	Confidential Matters	25045-PJ-Stormwater Pipeline Extension Jerilderie St, Berrigan
<b>Resolved</b> <b>OCM 071/25</b>			
<b>Moved:</b> Cr Catherine Healy			
<b>Seconded:</b> Cr Renee Paine			
<i>That Council</i>			
<ol style="list-style-type: none"><li>1. award the quotation submitted by O'Lex Civil Construction for Project 25-045-PJ – Supply and Install new HDPE Stormwater Pipeline at Jerilderie Street Berrigan - for the contract value of \$159,406.38 including GST,</li><li>2. authorise the transfer of the \$80,000 budget (Job code: 1417-0833-0000) allocated for drainage works at Wells Street, Finley, to the supply and installation of the stormwater pipeline project at Jerilderie Street, Berrigan,</li><li>3. authorises its Seal to be affixed to the above contracts in the presence of two signatories to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021,</li></ol>			





4. *appoint Gary George as the contract Authorised Person and*
5. *authorise the Authorised Person to approve variations on the Contract up to a maximum value of 10% of the contract sum.*

CARRIED

**09 Apr 2025 4:25pm George, Gary - Completion**

Completed by George, Gary (action officer) on 09 April 2025 at 4:25:08 PM - have awarded and had start up meeting - programmed to start works in May

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Hansen, Matthew Ewer, Karina	Confidential Matters	12-14 Hayes St Berrigan - options
<b>Recommendation</b>			
Information only.			
<b>Not read in open council as the matter is confidential under Section 10A(2) - (c) of the Local Government Act 1993</b>			
<b>27 Mar 2025 12:48pm Hansen, Matthew - Completion</b>			
Completed by Hansen, Matthew (action officer) on 27 March 2025 at 12:47:54 PM - Commissioned surveyor to undertake subdivision			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Nicosia, Chanalee Ewer, Karina	Reports to Council	Policy - Related party disclosure
<b>Resolved OCM 065/25</b>			
<b>Moved: Cr Renee Paine</b>			
<b>Seconded: Cr Matthew Hannan</b>			
<b>That Council</b>			
1. <b>revoke its Related Party Disclosure Policy adopted 15 July 2020 and</b>			
2. <b>adopt the Related Party Disclosure Policy attached to this report.</b>			
CARRIED			
<b>27 Mar 2025 12:21pm Nicosia, Chanalee - Completion</b>			
Completed by Nicosia, Chanalee (action officer) on 27 March 2025 at 12:21:17 PM - Complete, updated MagiQ, Pulse and Website			

Meeting	Officer/Director	Section	Subject
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Council 19/03/2025

McDonald, Keelan  
Ewer, Karina

Reports to Council

Australia Day Committee

Resolved

OCM 060/25

Moved:

Cr Katie Ngatoko

Seconded:

Cr Matthew Hannan

That Council:

a)

revoke existing members of the Section 355 Australia Day Committee of Management and

b)

pursuant to section 355 of the *Local Government Act 1993*, appoint the persons defined in this report to the Section 355 Australia Day Committee of Management.

Barooga Representative:	Mick O’Dwyer
Berrigan Representative:	Chris Nevins
Finley Representative:	Ashley Haynes
Tocumwal Representative:	Deborah White

CARRIED

27 Mar 2025 1:32pm McDonald, Keelan - Completion

Completed by McDonald, Keelan (action officer) on 27 March 2025 at 1:32:04 PM - Letter has been sent to the Australia Day Committee Members advising them of the changes.

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Rust, Natasha George, Gary	Reports of Committees	Local Traffic Committee Meeting
<b>Resolved</b> <b>OCM 055/25</b>			
<b>Moved:</b> Cr Sharon Dennis			
<b>Seconded:</b> Cr Renee Paine			
<b>That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 20 February 2025.</b>			
LTC1.    Council approve the application made by the Berrigan Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Friday 25 April, 2025 and the temporary road closure of Chanter Street, Berrigan between the hours of 8.30am and 10.30am.			
LTC2.    Council approve the application made by the Finley Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Friday 25 April, 2025 and the temporary road closure of Murray Street, Finley between the hours of 10.30am and 12.30pm.			
LTC3.    Council approve the application made by the Tocumwal Sub-Branch of the Returned      Services League to hold their dawn service on ANZAC Day,			



Friday 25 April, 2025 and the temporary road closure of Deniliquin Street, Tocumwal between the hours of 5.30am and 7.00am and their annual parade on ANZAC Day, Friday 25 April, 2025 and the temporary road closure of Deniliquin Street, Tocumwal between the hours of 10.30am and 12.30pm

- LTC4. Council approve the application made by the Barooga Police Station for dedicated police vehicle parking. Area to be marked with painted area and signage.
- LTC5. Council note request for 45 degree angle parking at 59-61 Jerilderie Street, Berrigan was rejected as it does not meet a variety of standards. Transport for NSW advised that as Jerilderie Street is a regional road, mixed parking options cannot be enacted.
- LTC6. Council note a request to review speed zone around area of Trikki Kids Barooga (Nangunia Street) has been rejected. All speed zone reviews are undertaken by Transport for NSW, previous review should it did not meet criteria for a reduction. Council will undertake an audit of signage.

**CARRIED**

02 Apr 2025 3:49pm Rust, Natasha - Completion

Completed by Rust, Natasha (action officer) on 02 April 2025 at 3:49:26 PM - All actions completed for this item and interested parties notified.

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Watkins, Christie Fletcher, Andrew	Reports to Council	Finley School of Arts Committee of Management
<b>Resolved</b> <b>OCM 061/25</b>			
Moved:            Cr Sharon Dennis			
Seconded:       Cr Renee Brooker			
That Council:			
a) revoke existing members of the Finley School of Arts Committee of Management and			
b) pursuant to section 355 of the <i>Local Government Act 1993</i> , appoint the following persons to the Finley School of Arts Committee of Management:			
		President:	Ross Whittaker
		Secretary	Tracy Anderson
		Treasurer	Christine Lawlor
		Bookings Officer	Jan Gray
		Committee:	Noel A'Vard, Anne Freestone, Kerry-Anne Lawlor, Ted Gray



CARRIED

27 Mar 2025 1:42pm Watkins, Christie - Completion

Completed by Watkins, Christie (action officer) on 27 March 2025 at 1:42:32 PM - Completed

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Nicosia, Chanalee Ewer, Karina	Reports to Council	Procurement policies - revocation
<b>Resolved</b> OCM 064/25			
Moved: Cr Katie Ngatoko			
Seconded: Cr Catherine Healy			
That Council			
1. Revoke the following policies			
a. Procurement and disposal policy adopted 15 May 2017			
b. Disposal policy adopted 15 May 2017			
c. Local Preference policy adopted 15 May 2017			
d. Tender policy adopted 17 July 2019			
2. Note the Procurement Policy and associated procedures endorsed by use by the Executive Leadership Team attached as appendix 1 and 2			
3. Endorse the decision of the Chief Executive Officer to classify the Procurement Policy as administrative.			
CARRIED			
27 Mar 2025 11:33am Nicosia, Chanalee - Completion			
Completed by Nicosia, Chanalee (action officer) on 27 March 2025 at 11:33:01 AM - Complete, updated MagiQ, Pulse			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Ewer, Karina Ewer, Karina	Reports to Council	Advocacy Plan
<b>Resolved</b> OCM 063/25			
Moved: Cr Sharon Dennis			
Seconded: Cr Katie Ngatoko			



**That Council:**

1. adopt the designed Berrigan Shire Advocacy Plan attached as an appendix to this report, and
2. direct the Chief Executive Officer to distribute the advocacy plan is to each candidate for the upcoming federal election in the seat of Farrer, placing specific emphasis on the council's position to have water buy backs not only stopped, but wound back.

**CARRIED**

**10 Apr 2025 9:27am Ewer, Karina - Completion**

Completed by Ewer, Karina (action officer) on 10 April 2025 at 9:27:33 AM - Complete - emails sent 10/04/2025. Letters from Mayor also sent





Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Hansen, Matthew Ewer, Karina	Reports to Council	Council Action List Report
<b>Action:</b> <i>Council Resolution 107/2022</i> Cr Hatty and Cr Paine that the Council:  4. Direct the Chief Executive Officer to formalise a Crown Land lease for the occupancy of the shopfront at Tocumwal War Memorial Hall on a commercial basis.  <b>09 Jan 2023 5:18pm Hansen, Matthew</b> Crown Land Management Plan needs to be prepared and land surveyed before a lease can be drawn up. Current licence needs to be extended. <b>06 Feb 2023 9:52am Hansen, Matthew</b> Still waiting on the development of a Crown Land Management Plan <b>06 Apr 2023 12:34pm Hansen, Matthew</b> CT Management Group commissioned to deliver PoM. Work to start 14 April 2023. Annual licence agreement with laundromat to be extended 12 months. <b>04 Aug 2023 12:50pm Hansen, Matthew</b> Draft Plan of Management prepared. Waiting on signoff by staff and public exhibition before adoption by Council. <b>14 Mar 2024 3:47pm Hansen, Matthew</b> Draft Plan of Management reviewed by Council at March SPW. Plan to be sent to Crown Lands for review in March <b>04 Nov 2024 11:45am Hansen, Matthew</b> Draft plans sent to Crown Lands for review. Waiting on response. <b>15 Jan 2025 8:46am Hansen, Matthew</b> Response received from Crown Lands - council yet to respond			

Meeting	Officer/Director	Section	Subject
Council 15/11/2023	Hansen, Matthew Ewer, Karina	Reports to Council	Mural - Foundry Park
<b>Resolved</b> <b>OCM 320/23</b>  <b>Moved:</b> Cr John Taylor <b>Seconded:</b> Cr Sarah McNaught  <b>That the Council:</b>  1. approve the installation of a vinyl mural at Foundry Park based on a photograph of the old blacksmith shop on that site taken in 1894. 2. contribute up to \$10,000 towards the project from its own funds. 3. manage the project directly, including commissioning the artwork and arranging for installation.  <b>CARRIED</b>			



**28 Nov 2023 1:19pm Hansen, Matthew**

No progress to date. Unlikely to progress until January  
Artist's brief complete and will be issued by 24 October.

**11 Nov 2024 9:30am Hansen, Matthew**

Considering reverse brief to selected artist now.

**15 Jan 2025 8:44am Hansen, Matthew**

DCEO to contact preferred artist in Feb. Concept change from vinyl wrap to directly painted mural on the wall

**13 Feb 2025 7:20am Hansen, Matthew**

Quote received from preferred artist. Waiting on permission from neighbouring landowner to use their wall.

**13 Mar 2025 11:15am Hansen, Matthew**

Permission to paint on neighbour's wall not provided

**10 Apr 2025 8:50am Hansen, Matthew**

Waiting on direction from council

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Fletcher, Andrew Fletcher, Andrew	Reports to Council	Rural Land Use Strategy
<b>Resolved</b> <b>OCM 351/23</b>			
<b>Moved:</b> Cr Renee Paine			
<b>Seconded:</b> Cr Sarah McNaught			
<b>Action</b>			
Council direct staff to undertake an internal Rural Land Use Strategy.			
<b>12 Jan 2024 9:26am Hansen, Matthew - Reallocation</b>			
Action reassigned to Fletcher, Andrew by Hansen, Matthew - DSPD task			
<b>13 Feb 2024 12:35pm Fletcher, Andrew</b>			
Agreed by Council that we will prepare a Rural Land Use Strategy in-house. Update will be provided to SPW in April 2024.			
<b>06 May 2024 9:52am Fletcher, Andrew</b>			
Preparing a Rural Land Use Strategy in-house. Draft Gannt chart for the project has been prepared and will need to create a working committee/group for input throughout the process.			
<b>03 Oct 2024 11:15am Fletcher, Andrew</b>			
Strategy being done inhouse. Have advertised for a working group and have developed an implementation/staging plan.			
<b>03 Oct 2024 11:27am Fletcher, Andrew - Target Date Revision</b>			
Target date changed by Fletcher, Andrew from 20 December 2023 to 30 June 2025 - Target date was set when the action was allocated - strategy has a defined implementation process.			
<b>14 Jan 2025 1:51pm Fletcher, Andrew</b>			
Drafting the Rural Land Use Strategy. Project Plan prepared and will follow the identified process.			
<b>10 Apr 2025 9:11am Fletcher, Andrew - Target Date Revision</b>			

CARRIED



Target date changed by Fletcher, Andrew from 30 June 2025 to 29 October 2025 - Unable to establish a working group. Different plan and process. Info doc to assist.

**10 Apr 2025 9:11am Fletcher, Andrew**

We have been unable to establish a working group. The document/strategy is likely to be information to assist applicants, noting State position and LEP changes.

Meeting	Officer/Director	Section	Subject
Council 21/02/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Chanter Street Update
<b>Resolved OCM 032/24</b>			
<b>Moved:</b> Cr Renee Paine			
<b>Seconded:</b> Cr John Taylor			
<b>That Council</b>			
<ol style="list-style-type: none"><li>1. endorse the decision to adopt Option 2 to increase the project scope as outlined in Appendix 3,</li><li>2. direct the Deputy CEO to finalise negotiation with Essential Energy and sign any agreement required to accept the offered co-funding of \$252,000 for the works to be undertaken,</li><li>3. request the project manager to develop a formal project plan and engagement strategy to keep the community informed of progress on the Chanter St Undergrounding Project. These documents are to be included on Council's website for easy reference by the community.</li><li>4. report back to Council the outcomes of the next round of engagement with the community, including their feedback on the project plans and costs of reconnection.</li></ol>			
<b>CARRIED</b>			
<b>14 Mar 2024 3:52pm Hansen, Matthew</b> Project committee established and draft plan developed,			
<b>06 May 2024 9:35am Hansen, Matthew</b> Work progressing. May potentially run into timing problems towards the end of this year. Project Plan to be presented to the May Council meeting			
<b>10 Jul 2024 9:11am Hansen, Matthew</b> Civil design has been approved by TfNSW. Power design lodged with Essential Energy and waiting approval. Newsletter circulated to Chanter St traders and property owners.			
<b>10 Oct 2024 8:42am Hansen, Matthew</b> Design work continuing. Consultation with affected landowners and businesses continuing			
<b>09 Jan 2025 8:19am Hansen, Matthew</b> Waiting on approval for final design. A noting report will be presented to the January meeting			
<b>13 Mar 2025 11:14am Hansen, Matthew</b> Tender documents being drawn up now			
<b>10 Apr 2025 8:55am Hansen, Matthew</b> Tender released. To come to council for a decision in June 2025.			



Meeting	Officer/Director	Section	Subject
Council 15/05/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Closure - Wores Hill Road
<b>Resolved</b> <b>OCM 112/24</b>			
<b>Moved:</b> <b>Cr Edward (Ted) Hatty</b>			
<b>Seconded:</b> <b>Cr John Taylor</b>			
<b>That Council:</b>			
1.    note the Chief Executive Officer's decision to close the section of road identified in this report,			
2.    upon creation of title, delegate authority to the Chief Executive Officer to directly negotiate a sale of the former road reserve to the adjoining owner, subject to obtaining an independent valuation on an "added value" basis and			
3.    delegate authority to the Mayor and Chief Executive Officer to authorise its Seal to be affixed to the contract for sale of this land in the presence of two signatories authorised to affix the Seal pursuant to clause 400 of the <i>Local Government (General) Regulation 2021</i> .			
<b>CARRIED</b>			
<b>27 May 2024 9:33am Hansen, Matthew</b> Applicant informed of Council decision and directed to lodge application to LRS for title			
<b>10 Jul 2024 9:08am Hansen, Matthew</b> Waiting on applicant to lodge with LPI			
<b>10 Oct 2024 8:41am Hansen, Matthew</b> Applicant has lodged with LPI. Waiting on title to be created.			
<b>11 Nov 2024 9:29am Hansen, Matthew</b> Title has been created and road closure gazetted. Valuation required			
<b>09 Jan 2025 7:52am Hansen, Matthew</b> Waiting on vendor to discuss valuation proposal			
<b>13 Feb 2025 7:22am Hansen, Matthew</b> Valuation received. Contract for sale to be drawn up.			
<b>13 Mar 2025 11:11am Hansen, Matthew</b> Contract being drawn up now. Waiting on advice from purchaser			
<b>07 Apr 2025 11:08am Hansen, Matthew</b> Waiting on purchaser to execute documents			

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



Seconded: Deputy Mayor Carly Marriott

That Council:

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

CARRIED

20 Sep 2024 10:48am Hansen, Matthew

Draft Plan sent to Crown Lands for review on 16/082024

11 Nov 2024 9:27am Hansen, Matthew

Still waiting on Crown Lands review. Followed up on 4 November 2024

15 Jan 2025 9:11am Hansen, Matthew

Crown Lands has provided feedback. Council is yet to respond.

10 Apr 2025 8:54am Hansen, Matthew

Response in late April

Meeting	Officer/Director	Section	Subject
Council 17/07/2024	Hansen, Matthew Ewer, Karina	Reports to Council	Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management
2.	Resolved	OCM 167/24	
Moved:	Cr John Taylor		
Seconded:	Deputy Mayor Carly Marriott		
That Council:			
1.	receive and note the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management and		
2.	refer the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management to Crown Lands (Department of Planning, Housing and Infrastructure) for approval to proceed to public exhibition,		
3.	delegate authority to the Chief Executive Officer to revise the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management in		





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

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

CARRIED

**20 Sep 2024 10:51am Hansen, Matthew**

Draft sent to Crown Lands for review 22/08/2024

**04 Nov 2024 11:59am Hansen, Matthew**

Still waiting on Crown Lands review. Follow up email sent 04/11/2024

**15 Jan 2025 9:14am Hansen, Matthew**

Crown Lands have responded. Council yet to respond back.

**10 Apr 2025 8:54am Hansen, Matthew**

Response in late April

Meeting	Officer/Director	Section	Subject
Council 16/10/2024	Nonavinakere, Vageesh George, Gary	Reports to Council	Barooga raw water intake remediation works
<b>3. Resolved OCM 229/24</b>			
Moved: Cr Katie Ngatoko			
Seconded: Cr Matthew Hannan			
That Council, in relation to the Barooga raw water intake			
<ol style="list-style-type: none"><li>1. award the quotation submitted by Soil Conservation Services for the remediation of the riverbank at the Barooga WTP raw water intake for the contract value of \$356,457 excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required.</li><li>2. authorises its Seal to be affixed to all documents relating to this contract in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the <i>Local Government (General) Regulation 2021</i>;</li><li>3. appoint Michael Eddie as the contract Authorised Person;</li><li>4. authorise the Authorised Person to approve variations on the contract up to a maximum value of 10% of the contract sum.</li></ol>			
CARRIED			
<b>05 Nov 2024 3:31pm Nonavinakere, Vageesh</b>			
SCS have been requested to clarify on a few issues pertaining to the proposed works. Due to high water level, SC is planning the works in March/April next year.			



**05 Nov 2024 3:37pm Nonavinakere, Vageesh - Target Date Revision**

Target date changed by Nonavinakere, Vageesh from 30 October 2024 to 15 November 2024 - Work is yet to be awarded pending some clarification on issues.

**13 Jan 2025 9:42am Hansen, Matthew - Email**

Vageesh - please provide a status update for this council meeting. The remediation works are planned around Easter time (April/May). Currently, the water level is still around 1.5m mark, the contractor has advised to wait till the level drops below 1 m mark which occurs around April/May time.

**07 Apr 2025 3:40pm Nonavinakere, Vageesh - Target Date Revision**

Target date changed by Nonavinakere, Vageesh from 15 November 2024 to 25 July 2025 - Further risk assessment was completed on the original design to mitigate risks. The final design is being finalised. The river water level start receding from May onwards and the work is planned to complete the works by end of July.

Meeting	Officer/Director	Section	Subject
Council 4/12/2024	George, Gary George, Gary	Action	Vermont St Footpath
<b>Action</b>			
A report come to Council with the impacts of the Vermont Street Footpath.			
<b>17 Dec 2024 2:18pm George, Gary</b>			
A grant application has been applied for on the concept design of a footpath on the east side of Vermont st, Between MacFarland St and Golf Course Road. Waiting to see if this gets funded from Tansport NSW			
<b>13 Jan 2025 10:24am George, Gary</b>			
Still waiting on grant application if this was successful or not!			
<b>13 Feb 2025 9:03am George, Gary</b>			
still waiting on Grant application result			
<b>10 Mar 2025 2:14pm George, Gary</b>			
Transport NSW said announcement should be made in May 2025			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	George, Gary George, Gary	Reports of Committees	Local Traffic Committee Meeting
<b>Resolved OCM 056/25</b>			
<b>Moved: Cr Matthew Hannan</b>			
<b>Seconded: Cr Sharon Dennis</b>			
<i>That council direct the Chief Executive Officer seek further information from NSW Police Force and Transport NSW regarding the review of the speed zone adjacent to Trikki Kids Barooga and report back to council</i>			
<b>CARRIED</b>			



**09 Apr 2025 4:21pm George, Gary - Email**

Note: Have got verbal comments back, did not meet warrant to reduce speed limit, AADT volume is low, no accident history, no speeding history. Can look at advisory speed advisor indicators in funding opportunity. No report supplied

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Hansen, Matthew Ewer, Karina	Motion	Motion
<b>Resolved</b> <b>OCM 073/25</b>			
Moved:            Mayor Julia Cornwell McKean			
Seconded:       Cr Renee Brooker			
That council liaise with the family of Ray Nye in relation to an appropriate memorial for Mr Nye, either at Barooga cemetery ,where he volunteered in recent times, or Barooga Recreation Reserve. CARRIED			
<b>09 Apr 2025 5:07pm Hansen, Matthew</b>			
Initial conversation held with family representative who is receptive to the concepts. A further meeting to be held in May to confirm specifics.			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Darron Fruend Gary George	Motion	Motion
<b>Resolved</b> <b>OCM 074/25</b>			
Moved:            Cr Katie Ngatoko			
Seconded:       Cr Matthew Hannan			
That council, at its own cost, design, manufacture, and install a replacement for the sign on the Newell Highway at Finley recognising the achievements of Shane Crawford and Tom Hawkins in the AFL. CARRIED			

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Koopman, Michelle Ewer, Karina	Reports to Council	Insurance Renewals



4. Resolved OCM 062/25

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Paine

That Council:

- note this report
- direct the Chief Executive Officer report to council on the total cost of the 2025-26 insurance renewals, once known.

CARRIED

10 Apr 2025 8:59am Koopman, Michelle

Report to come to Council in July following receipt of renewal information.

10 Apr 2025 9:00am Koopman, Michelle - Target Date Revision

Target date changed by Koopman, Michelle from 02 April 2025 to 16 July 2025 - Information not available until late June

Meeting	Officer/Director	Section	Subject
Council 19/03/2025	Nonavinakere, Vageesh George, Gary	Reports to Council	Strategic Planning Report - Water and Sewer
5. Resolved OCM 068/25			
Moved: Cr Katie Ngatoko			
Seconded: Cr Renee Brooker			
That the Council:			
1. accept the fee proposal submitted by NSW Public Works (NSWPW) to develop strategic plans for Berrigan Shire Council's water and sewer services to the value of \$740,700 (excl. GST), of which 60% is funded by the NSW Government's Department of Climate Change, Energy, the Environment and Water (DCCEEW) and 40% (\$296,280) funded by Council,			
2. note the total project budget, inclusive of additional allowances for contingency, provisional items, project management and services of \$960,170. As above, 60% to be funded by the DCCEEW and 40% (\$384,068) to be funded by Council.			
3. note the Request for Exemption from Procurement Process document seeking authorisation to contract directly with NSWPW and not call for tenders for the works, as permitted under s55(3)(b) of the <i>Local Government Act 1993</i> ,			
4. delegate the signing of the Request for Exemption from Procurement Process to the CEO,			
5. authorise its Seal to be affixed to the relevant contracts in the presence of two signatories authorised to affix the seal, pursuant to Regulation 400 of the			



*Local Government (General) Regulation 202,1*

6. appoint Gary George as the contract Authorised Person and
7. authorise the Authorised Person to approve variations on the Contract up to a maximum value of 10% of the contract sum.

CARRIED

**10 Apr 2025 9:16am Nonavinakere, Vageesh - Target Date Revision**

Target date changed by Nonavinakere, Vageesh from 19 December 2025 to 30 April 2025 - Waiting for the grant deed from DCCEEW before executing the contract with PWA to commence the project. The deed is expected to be signed off in April 2025.





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## Chapter 1 – Operating Environment

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To understand the decisions and services delivered at local level, council should understand the external environment in which it operates. The external environment includes such matters as the Australian federal system, state government oversight, federal and state government grants programs, the local economy and the impacts of growth on its service delivery decisions. This section seeks to discuss each of those matters in turn.

### 1. Australian Federal System

Local government is not recognised in the Australian Constitution and as such retains a relatively minor role within the Australian federal system (Steytler, 2024). Despite two attempts at constitutional recognition in both 1974 and 1988, and a third aborted attempt in 2013 (Twomey, 2012) little has been resolved as to how local government is to discharge its increasing responsibilities in the long term (Brown, 2002).

#### 1.1 Taxation

The tax system as related to the Australian federal system plays a large and important part of local government sustainability and is generally poorly understood by community. In the 2022-23 financial year, Australia recorded the largest increase to average tax rates in the developed world, primarily due to bracket creep and the end of income tax offsets (Ainsworth, 2024) for a total of 7.6 per cent.

Goods and services tax (GST) collections for the same period increased by \$7.8 billion or 10.5 per cent whilst excise collections (directly associated with fuel prices) increased by \$3.5 billion or 15.5 per cent (*Australian Taxation Office Annual Report 2022-23*, 2024). GST is collected and distributed based on [horizontal fiscal equalisation](#) (described below) as per the [Intergovernmental Agreement on Federal Financial Relations](#), Part 2 s5(f) (*Intergovernmental Agreement on Federal Financial Relations*, 2022).

Federal and state taxes are collected surreptitiously (i.e. they are removed prior to receiving wages or as part of a general transaction) and so are not noticed by those paying them, even though they have increase exponentially in the last few years.

Local government taxation (rates) is the ONLY tax for which an invoice is raised at least annually. In reality, due to rate capping, Berrigan Shire's increase in rates was restricted to 2.5% during the 2023-24 financial year. A discussion regarding [local government revenue raising](#) is included below for further context. Local government taxes in this way represent between 3 and 5 percent of public sector tax revenues, depending on the jurisdiction (Steytler, 2024).

#### 1.2 The Subsidiarity Principle

Subsidiarity is the principle, that the level of government closest to a service deliverable, should be the level of government with the discretion to deliver that service. The Australian Constitution clearly sets out the roles of the Commonwealth government at section 51 of the constitution, thereby allowing the states to provide for anything not listed ("Australia's Constitution,"). Further discussion at section 96 (allowing financial transfers to the states), section 107 (the ability to change the roles of the federal parliament) and section 119 (the ability of the Commonwealth to protect the states against invasion) underpin the intention of subsidiarity across the federal structure of Australia.

In this way, subsidiarity should provide that any individual in Australia has the same access to the same services, allowing for local preferences, anywhere they live in Australia.

Because local government however is not featured in the federal constitution, no roles of local government have specifically been provided for. In this way, local government is typically denied



adequate discretion over local revenue raising to support its service deliverables ("Research for Submission to Local Government Productivity Enquiry," 2022).

### 1.2.1 Local Government as part of the Australian Federal System

Local government is tasked with delivering an increasing range of services. Traditionally restricted to "roads, rates and rubbish" (or services to property), since the late 1990s those services have increasingly been expanded to services to people (aged care, child care, community wellbeing etc) (Drew et al, 2022).

As state government funding retreats from the local government sector (see below), federal government influence has increased (Ergas, 2011). To understand federal pressures on local governments the below outline is provided.

### 1.3 Local Government as Asset Owner

As at June 2022, local government in Australia had a net worth of \$563,877 million with assets worth \$589,869 million and liabilities worth \$25,992 million (*Local Government National Report 2020-21: Report on the operation of the Local Government (Financial Assistance) Act 1995*, 2023).

Local government assets can be broken into several categories. For the purpose of this section, councils' road infrastructure will be considered as approximately 75 percent of Australia's roads are managed by local councils (Terrill et al., 2023). Council roads (whether sealed or unsealed) link homes and businesses of all types to the arterial, corridors and freeways of the national road network (Terrill et al., 2023).

The federal government has led to increasing road funding from \$500 million to \$1 billion annually over the 4 financial years commencing 2024-25 (The Hon Catherine King MP, 2023). At the same time Black Spot Funding (now Road Safety Funding) will increase from \$110 million to \$150 million under a competitive grant model.

It is important to note, this increase in road funding accounts for only 10 per cent of what the federal government spent on roads in the 2022-2023 financial year (Terrill et al., 2023).

#### 1.3.1 Local Government as Employer

According to the Australian Bureau of Statistics the Australian workforce was 14,006,800 as at June 2023 (Australian Bureau of Statistics, 2023a). Across government, as at June 2023 the public sector comprised of:

- 350,300 employees in Commonwealth government (including defence force personnel) – 2.5%,
- 1,871,900 in state government – 13.4% and
- 208,200 in local government – 1.5% (Australian Bureau of Statistics, 2023b).

Local government therefore represents approximately 8.5% of the total public sector and 1.5% of Australia's total workforce. Given local governments in rural and remote areas are generally the largest, or one of the largest, local employers, local government impact on regional economies should not be underestimated.

In the context of Berrigan Shire, the labour force was 3,168 in June 2023 (including full, part time and casual workers). Of that number 1,979 were full time employees. Council's workforce at that time totalled 95 full time equivalents (FTE), meaning it represents 3% of employment in the Shire and 4.8% of the full time workforce.



## 2. Federal Grant Funding

Horizontal fiscal equalisation (HFE) is the principle which seeks to ensure each state has the same fiscal capacity to deliver its services (Commonwealth Grants Commission, 2022). To ensure local access to HFE, the Commonwealth government has twice attempted to have local government included in the Australian Constitution (see above). Failure of those attempts however led directly to the development and implementation of the *Local Government (Financial Assistance) Act 1995* (FAGs Act), which came into effect in 1996. Local governments colloquially refer to grants supplied under this mechanism as FAGs grants.

At implementation FAGs grants were equal to 1 per cent of Commonwealth tax revenue (CTR). Since that period however, due to respective federal government's changing policy settings, they have declined to what is now approximately 0.53 per cent of CTR. Despite this, the Commonwealth government now represents the primary funder of local government through its FAGs program.

The objectives of the FAGs Act is outlined in [Appendix 2](#).

Council should consider the National Principles for the Allocation of Grants Under the *Local Government (Financial Assistance) Act 1995* as provided in [Appendix 3](#) of this document.

Despite the intentions outlined in the FAGs Act and the National Principles, each state assesses the ways in which the FAGs grants are distributed differently (4(b) above), meaning the principle that "each local governing body in the State or Territory is able to function, by reasonable effort, at a standard no lower than the average standard of other local governing bodies in the State or Territory) is not generally being achieved (Drew & Miyazaki, 2022). A discussion regarding the [NSW Grants Commission](#) is provided below.

Other forms of federal grant funding are available, however they are restricted to competitive grants where council needs to compete against other councils, and often other community groups to access funding to deliver specific projects that meet the grant funding guidelines. Discussion of [competitive grant funding](#) is also considered below.

### 2.1 Berrigan Shire's FAG 2022-2023

In order to consider the quantum of FAGs it is important to note, in NSW the roads component of the FAGs grant does not consider road length as a metric. Rather the NSW Grants Commission uses a population and a relative disadvantage factor. The "relative disadvantage" generally applies to rural and remote councils with:

- small and declining populations,
- limited capacity to raise revenue,
- financial responsibility for sizeable networks of local roads / infrastructure and diminishing financial resources and / or,
- relative isolation.

Each of the above factors contribute to the amount provided to rural and remote councils.

Further, there is a minimum grant provided to councils who:

- have economies of scale,
- are geographically smaller,
- are not relatively disadvantaged,
- have greater revenue raising capacity and /or,
- experience year on year growth.

There are 10 councils in NSW who receive a minimum grant. All are located in the Sydney area and account for only 24% of the population (*Financial Assistance Grants 2023-24: Fact Sheet 2023, 2023*).





To understand how this calculation works against councils such as Berrigan Shire Council I have compared Berrigan Shire LGA with Woollahra LGA. Berrigan is designated a large rural council for the purposes of the FAGs grant distribution process, whilst Woollahra LGA is one of the councils who receives a minimum grant, and is one of the wealthiest LGAs in the country. It is also considered the most advantaged council under the Australian Bureau of Statistics' (ABS) Socio-Economic Indexes for Areas (SEIFA).

For this comparison I have used the road length data set provided by Transport for NSW, which is used to calculate Block Grant funding to each council. That data is available at <https://data.nsw.gov.au/data/dataset/2-local-roads-length/resource/a9edeabb-cfe7-4bf4-afc9-65eeb14d55a2>

I have then considered the Estimated Local Roads Entitlement for each LGA as provided for in the NSW Grants Commission assessment provided at [Appendix 4](#). Only local road lengths are considered for each Council as Regional Roads receive some Block Grant funding from State government and State roads are either managed by Transport for NSW, or through full cost recovery through agreements with local councils.

The calculation is provided in Table 1 below:

Council	Local Road Length	Estimated Local Roads Entitlement 2023-24	Total Funding per km of Local Road
Berrigan	1,054km	\$1,748,015	\$1,658.50/km
Woollahra	147km	\$505,216	\$3,436.84/km

**Table 1: Local Road Funding (FAGs) Comparison of two Councils.**

The calculation above clearly shows funding is skewed to population centres rather than on a fiscal equalisation basis. Some make the argument that Woollahra has a population of 53,487 people whilst Berrigan has a population of 8,657, meaning there are more cars on the Woollahra network than on ours. Council should note however, Berrigan Shire roads are subject to considerable heavy vehicle movements which have a far greater impact on road longevity. Also, not accounted for are the numbers of bridges across our road network which contribute considerably to the cost of road network delivery as a service.

## 2.2 Roads to Recovery

Introduced in 2001, the Roads to Recovery (R2R) program has proved essential to assisting councils to manage their significant road infrastructure burden. This funding comes directly from federal government to local governments under the [National Land Transport Act 2014](#).

The Grattan Report (Potholes and Pitfalls) showed the increasingly poor condition of our nation's road infrastructure due to the heavy reliance on local government to manage and upgrade a network it has not been provided sufficient funding for. The report was able to demonstrate that all roads in the country have failed to keep up with the growing demands of the population, including electric vehicles and the increasing reliance on heavy vehicle freight (Terrill et al., 2023). With the delivery of the Grattan Report *Potholes and Pitfalls*, the federal government undertook to increase this funding over the next four years to \$1 Billion dollars (*Roads to Recovery Program*, 2024).

The current funding round is provided under the [National Land Transport \(Roads to Recovery List\) Determination 2024](#). Over the four year period (2024/25 to 2028/29) Berrigan Shire Council will be provided \$7,722,264 ("National Land Transport (Roads to Recovery List) Determination 2024," 2024). Council must apply for each project to be accepted under this program through the R2R Portal and



report on its delivery, including before and after photographs, signage, detailed costing reports etc. To receive this funding, Council must also commit \$1,482,971 of its own source funding (i.e. it cannot come from other grant funding sources) to the nominated roads (\$296,594.20 per year for each of the five years). The conditions under which this grant funding must be administered and managed can be found at [National Land Transport \(Roads to Recovery Conditions\) Determination 2024](#).

### 3. State Government Oversight

Local governments in Australia exist under the constitutions of each state and territory. Recognition occurred between 1979 and 1989 (Roth, 2013). State constitutional recognition of local government occurred in NSW in 1986 (Roth, 2013).

Part 8 of the NSW Constitution recognises local government and is provided at [Appendix 5](#) for information.

It is clear from NSW Constitution that, although the state of NSW allows election of councillors, it may at any time it wishes, appoint councillors. Although this generally happens only when there are not enough candidates for an election to be held (i.e. for Berrigan Shire eight or less candidates run for election), the State can at any time appoint people to serve as councillors.

Section 2 of the above clearly states local government “powers, authorities, duties and functions” are provided only by the state and are therefore restricted to those provided by the state. In NSW, the basic framework under which local government operates is the *Local Government Act 1993* (LG Act). Chapter 3 of the LG Act provides the principles by which local government must operate in NSW. Chapter 3 is provided below for reference. As such local governments operate under the delegation of “powers, authorities, duties and functions” from state government as noted in [Appendix 6](#).

Other than the LG Act, councils hold responsibilities under large number of Acts and Regulations including the list provided at [Appendix 7](#). Local government is of course, subject to all legislation enacted in NSW and the Commonwealth.

Local government cannot operate outside of the “powers, authorities, duties and functions” delegated to it by the state government. It does however have the ability to decide on the service levels provided by those delegated roles and the ability to provide discretionary services according to the needs of their communities. It is in this way local governments find themselves delivering services such as general practitioner services, aged care and child care on behalf of their communities, where federal, state or private sector services provision has been removed from their communities.

#### 3.1 Council Amalgamations

Council amalgamations are brought up at this time due to the fact there are both federal and NSW inquiries presently underway considering the sustainability of local government in Australia. After every investigation of this nature in every state (except Western Australia) amalgamations have been the outcome of those investigations (McQuestin et al., 2021). The premise of these amalgamations have been to achieve scale economies for local government areas (Drew et al., 2022), therefore saving the community money. Overwhelmingly however, these amalgamations have proved to have the opposite effect (Drew et al., 2022). Rural and remote councils cannot achieve those economies through amalgamations because, at the same time as increasing their populations, the area of the council increases as does the responsibility for the infrastructure network. In rural and remote councils in particular, amalgamation has overwhelmingly caused dis-economies of scale, with communities often subject to considerable increases in rates to cover the short fall (Drew et al., 2022).

During the NSW council amalgamations, instigated as a result of the *Local Government (Council Amalgamations) Proclamation 2016*, 39 councils were forcibly amalgamated to 17 new councils, namely: Armidale Regional, Inner West, Canterbury-Bankstown, Snowy Monaro Regional, Hilltops, Edward River, Cootamundra-Gundagai, Federations, Western Plains Regional, Mid-Coast, Georges





River, Murrumbidgee, Northern Beaches, Murray River, Queanbeyan-Palerang Regional and Snowy Valleys Councils ("Local Government (Council Amalgamations) Proclamation 2016," 2016).

Berrigan Shire Council was able to avoid this process and remained untouched by amalgamations at that time. This has proved significant as per the below.

Of the above amalgamated councils 9 (53 per cent) have applied for Special Rate Variations in the last 5 years, stating the amalgamations have detrimentally affected their financial sustainability (*Special Variations & Minimum Rates 2023-24, 2023*).

The amalgamations went ahead despite an 18 month battle between the state and local government sector, including various court actions (Blayden, 2017). In the end, the state government abandoned plans to move from 152 to 112 councils (Blayden, 2017), with the results of the proclamation meaning the reduction achieved was to 128, which currently stands today.

Recently, the *Local Government Amendment (De-amalgamations) Bill 2024* passed both houses of parliament. This Act, once enacted, will allow for the de-amalgamation of the above councils where:

- councils develop a robust business case for de-amalgamation with community input,
- the Minister refers the business case to the Local Government Boundaries Commission for independent review and assessment,
- where the Commission recommends the proposal is sound, a compulsory referendum is then held and
- the majority of the community must support for the demerger for it to be granted.

It should then be noted the new legislation does provide a mechanism for the state government to contribute to the funding of demergers (NSW Office of Local Government, 2024). Those already pursuing demerger are Inner West (demerger vote at the 2021 local government elections supported with at 62.5 per cent majority), Snowy Valleys (currently preparing their business case), Canterbury-Bankstown (submitted their business case) and Cootamundra-Gundagai (who have already successfully lobbied the state to allow their demerger) (Taouk & Forbes, 2024). Demergers cost a significant amount of money, not only the hiring of new executive teams and councillors at minimum, but the division of assets and other governance considerations and frameworks need careful deliberation. Issues such as the considerable investments in water infrastructure, will have to be considered in any demergers. What is most telling is that 13 of the 17 (almost 80%), amalgamations have not worked and are having detrimental and costly effects on their communities (Drew et al, 2022a).

### 3.2 Rate Capping

State government, through the Independent Pricing and Regulatory Tribunal (IPART) sets what is known as the "rate cap" or "rate peg" each year. The rate peg sets the maximum increase councils are able to apply to their general income (rates) (Independent Pricing and Regulatory Tribunal). This practice actively limits councils' ability to set their revenue in line with expenditure (which is generally an outcome of service delivery levels). It is up to councils how they spread the total allowable increase amongst their ratepayers (Independent Pricing and Regulatory Tribunal), meaning sometimes a percentage increase for a particular type or rateable property increases by more than the rate peg.

IPART also consider whether they should set a maximum waste peg that can be applied to councils domestic waste management (DWM) annual charges (Independent Pricing and Regulatory Tribunal); despite the fact councils are legislated to be allowed to recover the costs of their DWM charges at the levels they cost councils to provide. To add to this revenue restriction, IPART also reviews council development contributions plans that propose contribution levels above the cap set by the rate pegging process (Independent Pricing and Regulatory Tribunal). In this way NSW councils' ability to raise sufficient revenue to cover the cost of service delivery, including the increasing responsibility for services to people, means all rural and remote councils in Australia are heavily reliant on grant funding. Berrigan Shire Council is no different with grant funding representing 52% of our income.





### 3.3 Special Rate Variations

IPART acknowledges the process they undertake will lead to a shortfall for many councils (Independent Pricing and Regulatory Tribunal) and therefore they provide a special rate variation (SRV) process councils can engage in to “catch up” that shortfall. The SRV process is considerable and costs councils a great deal of time and money to undertake. The Office of Local Government (OLG) requires councils to:

- demonstrate the need for the additional income,
- provide evidence the community is aware of the need for and the extent of a rate increase,
- establish the impact on affected ratepayers is reasonable,
- exhibit, approve and adopt relevant planning documents,
- explain and quantify the council’s productivity improvements and cost containment strategies and
- any other information the OLG consider relevant.

The [Guidelines for the Preparation of an Application for Special Variation to General Income](#) are linked to this document for the reader’s information.

### 3.4 Administration

Councils in administration in NSW:

- Central Darling (administrator appointed 25 January 2013)

Council	Parliamentary Inquiry Report
Central Darling	<a href="https://www.olg.nsw.gov.au/wp-content/uploads/Central-Darling-Public-Inquiry-Report.pdf">https://www.olg.nsw.gov.au/wp-content/uploads/Central-Darling-Public-Inquiry-Report.pdf</a>

**Table 2: NSW Councils in Administration as at 20 March 2025**

The primary reasons for being placed in administration, according to the above reports, include:

- financial risk,
- poor financial management practices,
- misuse of restricted funds,
- poor governance practices and
- dysfunctional elected bodies.

The above section is provided to demonstrate that councils can be dismissed for a range of reasons including the behaviour of councillors, governance and financial considerations.

It should be noted Central Darling Shire Council has now been under administration for more than 10 years. The NSW recently adopted a new [Local Government Amendment \(Rural and Remote Councils\) Act 2024](#) which provides for any council to be declared rural or remote thereby being subject to the conditions of the new provisions.

Elections have been deferred with the aim of holding elections in the first half of 2025. The election will therefore provide for the minister to appoint councillors based on skill sets and knowledge of local government.

### 3.5 Performance Improvement Notices

When / if the Minister for Local Government believes a council has become dysfunctional, or is failing to meet their legal obligations, the Minister may issue a Performance Improvement Notice. These



notices are issued under [Part 6 of the LG Act](#) and include a considerable process to be undertaken before the [Performance Improvement Notice](#) can be issued.

Performance Improvement Notices must be advertised on a council's website and reporting must be undertaken to demonstrate improvement in the relevant areas required by the Minister. Should the Council not show improvement, they can be placed into administration.

During the period for which a Performance Improvement Notice is operational, it is not unusual for a Ministerial Adviser to be placed at council to oversee the actions to be taken to improve council's performance. The cost of this Advisor is borne by the council.

Councils currently under Performance Improvement Notices include: [Kiama Municipal Council](#), [Georges River Council](#), [Edward River Council](#), [Balranald Shire Council](#), [Wingecaribee Shire Council](#), [Central Coast Council](#) and [Snowy Monaro Regional Council](#).

It should be noted [Balranald Shire Council](#), [Wingecaribee Shire Council](#) and [Central Coast Councils](#) were taken out of administration during the 2024 election cycle.

Reasons for Performance Improvement Notices include:

- poor financial discipline,
- inappropriately accessing restricted funds,
- deteriorating financial position,
- lack of adherence to governance requirements,
- inappropriate councillor behaviour and
- councillors becoming enmeshed in operational matters of the Council.

From the above, it should be obvious the state government can and do intervene in the operations of councils when and where they feel it necessary to do so. It is very important for councils to have good relationships with state government Ministers and relevant departmental staff to ensure the issues that should be reported to higher offices are reported openly and honestly.

## 4. State Grant Funding

Although state governments provide Grants Commissions to administer federal funding to local government, state government do not provide funding to local government in the same way. NSW state government provides local government access to grant funding almost exclusively through competitive grant funding rounds under various funding streams.

The primary grant funding provided to local government by the NSW state government is now through the Block Grant process and the Regional Emergency Road Recovery Funding (RERRF).

All roads other than "freeways, Crown public roads or any public road declared to be under the control of some other authority" (such as state highways), were made the responsibility of local governments in 1993 with the enactment of the *Roads Act 1993* (NSW Land Registry Services). Essentially this transferred the costs of managing and maintaining all local and regional roads to councils without funding being provided to allow for that transfer of responsibility. After considerable lobbying Block Grants were provided to councils to undertake works on Regional Roads.

### 4.1 Block Grant

Block Grants are managed through Transport for NSW and are meant to be a contribution towards the cost of work council undertakes on Regional Roads. The recitals of the funding agreement made between Transport for NSW and Council, which must be signed before funding will be supplied states:

- 3.1 *Transport for NSW and councils throughout New South Wales share responsibility for the management of the roads and traffic systems in New South Wales and are committed to a consultative approach to the exercise of that responsibility.*



- 3.2 *Transport for NSW and councils have a mutual interest to ensure that adequate funds are available from all spheres of government so that the roads and traffic system in New South Wales is managed in a manner acceptable to the community.*
- 3.3 *Transport for NSW and councils recognise that effective and efficient planning, management, administrative, funding and classification arrangements are necessary in the current economic and social climate.*
- 3.4 *Transport for NSW has offered to pay the Grant to Council on the terms set out in this Agreement and Council has accepted that offer...*

(Agreement for Block Grant Assistance to Council for Regional Roads, 2024)

For the 2024-2025 financial year, Berrigan Shire Council were provided \$1,102,000 total Block Grant. The amount is broken up into the following specific amounts:

- Roads component: \$941,000
- Traffic Facilities Component: \$80,000
- Supplementary Component: \$81,000 (Transport for NSW, 2024).

Berrigan Shire Council staff ensure the monies provided under this grant are used to manage and maintain the following roads only:

Number	Name	km	Description
MR226	Barooga-Cobram Road	3.94km	From Corowa-Tocumwal Road (MR550) at Barooga to the Cobram Bridge over the Murray (9pprox.. 3m)
MR356	Berrigan- Oaklands Road	17.78km	From the Jerilderie-Oaklands Road 9.6km west of Oaklands to the Riverina Highway (HW20) at Berrigan
MR363	Berrigan-Barooga Road	27.94km	From the Corowa-Tocumwal Road (MR550) near Barooga to the Riverina Highway (HW20) at Berrigan
MR550	Corowa-Tocumwal Road	41.78km	From the Corowa-Mulwala Road (MR315) north of Mulwala via Barooga to the Newell Highway (HW17) at Tocumwal
MR564	Berrigan-Jerilderie Road	14.49km	From the Riverina Highway (HW20) at Berrigan via Mairjimmy to the Newell Highway (HW17) At Wunnamurra

**Table 3: Berrigan Shire Regional Roads**

Operationally, Berrigan Shire Council ensure the money provided under Block Grant funding is restricted to managing the above roads. Currently Council is able to maintain approximately 5km annually and undertake approximately 10km of heavy patching (i.e. outer wheel path (shoulder) repairs). Any remaining funding will be used for minor and emergency response through each year.

Berrigan Shire Council is therefore responsible for 105.93km of regional roads, and are provided funding to manage 4% of the resealing works required and 9% of that network for heavy patching (a total of 13% of the identified network annually).



Council have tried over time to not commit own source funding to any of the regional road network, however during the 2023-2024 financial year spent \$800,000 on works undertaken on MR266. Funding allocated to that road was taken from R2R funding as works on flood recovery meant Council would not have met its R2R works requirements and own source funding if it had not included this work in its road works for that financial year.

As the Block Grant has not increased significantly in many years, staff are reporting that the grant falls short of the road length repairs generally required in our area, and Council has been “dipping” either into own source funding or into other grant funding such as [RERRF](#) as noted below. Certainly, Block Funding has not kept pace with the cost of delivering road infrastructure as a service at historical service levels. Council will therefore have to make some decisions about the service level provided for these roads in later sections of this report.

Reporting on expenditure under this grant (as with all grant funding other than FAGs) is considerable and includes providing information regarding the kilometres of road works completed and the square meterage. Photographs of before construction works and after construction works are required, including geotagging and a sign must be placed at the site of the construction stating where the funding has come from to do the road (the cost of the sign(s) can come from the cost of delivering the project(s)).

Council has the option of engaging in an agreement with Transport for NSW for the management of the State Road (Riverina Highway between Berrigan and Finley). This matter is considered below in Council’s service delivery section.

<b>MR 226 – Barooga Cobram Road</b>	<b>Value</b>
Earthworks	\$386,606
Footpaths	\$78,048
Roads	\$1,413,932
Bridges	\$4,314,598
<b>SUB TOTAL</b>	<b>\$6,193,184</b>
<b>MR 356 – Berrigan Oaklands Road</b>	<b>Value</b>
Earthworks	\$1,561,472
Roads	\$2,265,223
Stormwater	\$4,712
<b>SUB TOTAL</b>	<b>\$3,831,407</b>
<b>MR 363 – Berrigan Barooga Road</b>	<b>Value</b>
Earthworks	\$2,496,230
Roads	\$5,052,891
<b>SUB TOTAL</b>	<b>\$7,549,122</b>
<b>MR 550 – Corowa Tocumwal Road</b>	<b>Value</b>
Earthworks	\$3,351,479
Footpaths	\$143,076
Roads	\$6,255,629
Stormwater	\$372,405
<b>SUB TOTAL</b>	<b>\$10,122,589</b>





MR 564 – Berrigan Jerilderie Road	Value
Earthworks	\$1,682,687
Roads	\$2,883,833
<b>SUB TOTAL</b>	<b>\$4,167,028</b>
<b>TOTAL</b>	<b>\$31,863,329</b>

**Table 4: Total Value of Regional Roads in Berrigan Shire**

For context, consideration of the asset maintenance ratio is provided below to underpin the deterioration of regional roads over time. An acceptable asset maintenance ratio should be less than 2%, which would indicate these assets are being serviced at a level that will not lead to a backlog of maintenance being required to maintain current standards.

The asset maintenance (backlog) ratio, is assessed by dividing the total maintenance cost by the total asset value. In this case:

$\$1,102,000 / \$31,863,329$  gives a ratio of 3%, indicating at the current rates state government are not supplying enough funding to maintain the regional roads at the levels required, meaning they will continue to deteriorate if councils do not inject their own funds into their maintenance. That solution however is not recommended.

## 4.2 Regional Emergency Road Repair Fund

During the flooding of 2022 the then Regional Road Repair Program (REPAIR) was suspended and the Regional Emergency Road Repair Fund (RERRF) was developed. The RERRF program was the Liberal government's Regional and Local Roads Repair Program (which was implemented directly after the floods). The Labor Party has honoured the commitment to ongoing RERRF Funding.

RERRF Funding for Berrigan Shire is a total of \$6,012,600 commencing date 31 October 2023 with all projects to be delivered under this funding by 31 October 2027 (\$1,503,150 per annum). It should be noted the REPAIR program has been suspended until this time so it is currently not known if that will be ongoing, or another program will take its place.

RERRF funding requires monthly reporting with a detailed work plan across all years provided to Transport for NSW by 30 April 2024. Changes to the plan can be applied for but will need to meet strict criteria. Quarterly Reports are also required for full project updates and an Annual Certificate of Expenditure is required. As each project is finalised a full report and final certificate of expenditure also requires submission to the Department. The administrative burden to undertake work under this funding is therefore significant.

## 4.3 The Road Classification Conundrum

Between 2003 and 2009 the NSW state government undertook a Road Reclassification Review which was implemented in 2012. At that time Council were "gifted" the roads noted above as they became classified as Regional Roads. At the time, funding commensurate with maintaining those roads was promised to Councils to ensure their upkeep.

In February 2019, the NSW Government initiated a Road Classification Review and Regional Road Transfer Program. The result of that report was to recommend that 15,000km of road be transferred back to State government as state government was not providing sufficient funds to manage the network at an appropriate level and local government were being forced to spend own source funding on these roads as a result (*Independent Panel - Road Classification Review and Regional Road Transfer Interim Report*, 2021). To date no roads have been transferred back to state responsibility (The Hon Jenny Aitchison MP, 2023).



The above is a form of cost shifting to local governments. State government know the funding provided does not cover the works required to maintain regional roads at acceptable levels, however nothing continues to be done to address the issue. [Cost shifting](#) is discussed at length in a later part of the report.

## 5. Competitive Grants

Competitive grants are, as the name implies, a competitive process for accessing state and federal grant funding. By nature then, each local council, and often community groups, businesses and individuals, compete against each other for a “slice of the grant pie”.

Competitive grant have become the more favoured tool of governments, which in theory encourage local governments to improve their projects (making them “shovel ready” is the catch phrase) and make sure funding goes to the more meritorious ones. In reality this is not what occurs.

Rural councils like Berrigan Shire rarely have staff dedicated to grant writing and therefore have to rely on experts in this field, sometimes costing up to \$30,000 or more to develop the business cases required for a successful application. That money is not covered by the grant. Competitive grants therefore waste the time and resources of council without any guarantee of achieving desired results. Councils with greater capacity do tend to have greater success during these application processes (*Submission to the Inquiry into the integrity, efficacy and value for money of NSW Government grant programs*, 2020).

Further, most grant funding now requires at least 50% funding from local government, further depleting local government resources. For Berrigan, this requirement restricts the value of projects we can consider putting forward for these types of grant funding.

Grant rounds align with the policy settings or election promises of federal and state government, which do not necessarily align with local preferences, nor the operational plans of delivery programs of councils (*Submission to the Inquiry into the integrity, efficacy and value for money of NSW Government grant programs*, 2020). Finally, grants generally require new infrastructure to be provided as an outcome, rather than address the concerns of local government or their communities, such as allowing for the maintenance or upgrading of existing assets. In the terms of council's long term financial sustainability, adding new infrastructure, increases pressure on both our maintenance commitments and the depreciation impacts on council's budget outcomes.





## 6. Vertical Fiscal Equalisation

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Former\\_Committees/reffed/reffed/report/c04](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/reffed/reffed/report/c04)

This section is provided to understand the difference between [horizontal fiscal equalisation](#) (HFE), discussed earlier, and vertical fiscal equalisation (VFE). As discussed HFE is the mechanisms employed through the *Intergovernmental Agreement on Federal Financial Relations* which seeks to ensure each state has the same fiscal capacity to deliver its services. In this case, grant funding like FAGs, funding from federal to state government etc, seeks to address HFE.

VFE however is when the financial costs of providing services change between different levels of government over time (Trood et al., 2011). Financial adjustments are required to ensure the constitutional responsibilities of one level of government do not become misaligned with the capacity of that government to raise revenues and meets the financial demands made on it (Trood et al., 2011). In Australia VFE is most significantly required because the federal government collects 81% of all tax income (*Re:think Tax discussion paper*, 2015) but does not need that to deliver all of its services. State governments collect approximately 15.5% of taxes, whilst local government collects only 3.5% of all tax revenue (Australian Bureau of Statistics, 2024). The issue is then to work out what services each level provides and the financial resources needed to do so. In Australia this does not effectively occur as there is considerable overlap between the service delivery of federal, state and local government in every jurisdiction (Ergas & Pincus, 2011).

Where VFE does not occur, the outcome for local government is what is termed cost shifting. [The impacts of cost shifting to the Berrigan Shire Council budget is discussed in depth below](#). In the context of VFE, however it is important to note that as councils have been mandated to move from services provided only to property, to services increasingly provided to people, the impacts on all councils' ability to remain sustainable has been, and continues to be, adversely affected.



## 7. Action Items

No	Recommendation	Deliverable	Responsible Person	Due Date
1.1	<b>Federal and State Government Relations</b> The Australian Local Government Association (ALGA) continues to advocate for the constitutional recognition of local government to secure a more stable and significant role for local government within the Australian federal system. Council will support such advocacy where the outcomes increase community understanding of councils' roles and responsibilities and secures councils' long term sustainability.	Advocacy Plan – Reviewed at least biannually	CEO	Completed – next review date January 2027
1.2	<b>Taxation Awareness</b> Council should actively engage in efforts to educate the community about the local government taxation system, emphasising the impact of rate capping and the limited revenue raising capacity of Berrigan Shire Council when compared to its state and federal counterparts.	Develop communication plan that forms part of our rate process, that helps people understand how much of their rates are used to deliver services to the community	CEO (Communications Co-ordinator)	
1.3	<b>Principle of Subsidiarity</b> Council will advocate for greater discretion over local government revenue raising opportunities to support service delivery and ensure local preferences and needs are met effectively.	Advocacy Plan – Reviewed at least biannually	CEO	Completed – next review date January 2027
1.4	<b>Road Infrastructure</b> Advocate and support ALGA's lobbying to increase federal and state funding for road maintenance and upgrades, highlighting the significant burden placed on local councils for managing 75% of Australia's road network. This is in line with the Potholes and Pitfalls Report.	Advocacy Plan – Reviewed at least biannually	CEO	Completed – next review date January 2027



No	Recommendation	Deliverable	Responsible Person	Due Date
1.5	<b>Funding Utilisation</b> Reports to be provided to council at least annually regarding the efficient and effective use of grant funding provided through Roads to Recovery and Block Grant programs to ensure they are meeting the renewal requirements of council's roads and the regional roads council has been provided care and control of.	Annual Report	Director Infrastructure	May each year
1.6	<b>Local Government as Employer</b> Council staff are currently reviewing and updating council's workforce resourcing plan. It is recommended Council consider its role as a primary employer in the shire and develop effective, cost efficient programs to enhance the skills and capabilities of council employees. This approach will ensure effective service delivery and operational efficiency, ultimately benefiting the community and broader region.	Workforce Resourcing Strategy	Human Resource Co-ordinator	August 2025
1.7	<b>Fair Distribution of Grant Funding</b> Council actively engage with ALGA's advocacy for an increase to FAGs to 1% of Commonwealth taxation revenue. It is recommended advocacy consider a more equitable distribution of FAGs which considers factors such as population, road length and heavy vehicle movements that impact rural councils disproportionately.	Advocacy Plan – Reviewed at least biannually	CEO	Completed – next review date January 2027
1.8a	<b>Competitive Grants</b> Council develop a strategic approach to applying for competitive grants, including building internal capacity for grant writing and forming partnerships to enhance application success rates.	Corporate Business Partner position implemented	Director Infrastructure	June 2025



No	Recommendation	Deliverable	Responsible Person	Due Date
1.8b	Council implement a restricted fund that will allow for the acceptance of adhoc grants requiring co-contribution, that meet the requirements of council's strategic outcomes.	Grants Restricted Fund	Director Corporate Services	December 2025
1.9	<b>State Government Oversight</b> Council strengthen its governance practices. Regularly reviewing and updating policies ensures compliance with relevant legislation and regulations. A robust governance structure will ensure council has clear roles and responsibilities including an accountability framework embedded in its service delivery outcomes.	Governance Framework Project Governance Framework Policy Review Program	CEO CEO Director Corporate Services	Complete June 2025 Annual update
1.10a	<b>Financial Planning</b> Council actively engage with the Budget Reform process to ensure it develops robust financial plans that account clearly for the limitations imposed by rate capping, cost shifting etc.	Budget Reform	Chief Financial Officer	December 2025
1.10b	Council consider the need a possible special rate variation, the quantum of the variation and whether it might be a temporary or permanent adjustment.	Long Term Financial Plan	Chief Financial Officer	May 2025
1.11	<b>Cost Shifting and Vertical Fiscal Equalisation</b> Council advocate for vertical fiscal equalisation to address the financial misalignment between the different levels of government, ensuring local governments have adequate resources to meet their service delivery obligations at minimum.	Advocacy Plan – Reviewed at least biannually	CEO	Completed – next review date January 2027





# Compliance Charter

This is a **Service Charter** which aims to provide consistency in compliance investigations for the Planning and Building Team in Berrigan Shire.



## Compliance Charter

At Berrigan Shire Council, we aim to ensure consistency and fairness in all investigations carried out by Council staff. This document outlines how Council staff in the Planning & Building Team will deliver compliance services to the community, and, how the community can help us do this.

### Introduction

This Compliance Charter is essentially a **Service Charter**, which does the following:

- It provides useful advice for a customer asking Council to investigate a potential compliance breach relating to planning or building.
- It guides Council staff to deliver, manage and respond to compliance issues and ensure consistency across the organisation.
- It informs everyone involved of the process that Council staff will follow to investigate a potential breach.
- It provides clarity and certainty to the customer and the community about Council's approach to investigating compliance.
- It sends a clear message to the community that Council takes potential compliance matters and alleged breaches of compliance, seriously.

### What is compliance and why is it important?

Berrigan Shire Council provides a range of services which aim to protect the community from known risks to life, property, the environment, residential amenity and public nuisance.

'Compliance' essentially means following due process. It means obtaining the right approvals or permissions and conducting authorised activities in accordance with any conditions or regulatory requirements.

- Source EPA Victoria

Berrigan Shire Council does this by meeting obligations and responsibilities under a broad range of environmental and building legislation in NSW. The departments responsible for meeting Council's obligations are:

- Building
- Planning

Legislation requires Council staff to administer the *Environmental Planning and Assessment Act 1979* (the Act), *State Environmental Planning Policies* (SEPPs), the *Berrigan Local Environmental Plan* (LEP), and the *Berrigan Development Control Plan* (DCP) for the overall benefit of our community.





Generally, a request to investigate a compliance matter comes into Council from Council staff or from a customer / the community.

In terms of the 'offence' or the 'offender', most of the time a person is not be aware that they need prior approval before undertaking an activity. However, everybody must take responsibility and be accountable for their actions. Not being aware of the need for prior approval is not a valid reason for non-compliance. And not doing anything to rectify a breach, when there is a clear opportunity to do so, is never a valid reason for non-compliance.

### Help us to help you

If you would like Council staff in the Planning & Building Team to investigate an alleged breach, you can email them at: [buildingandplanning@berriganshire.nsw.gov.au](mailto:buildingandplanning@berriganshire.nsw.gov.au).

In your email you will greatly assist us if you provide all of the following:

- Your full name and contact details (email and contact number). \*There are some issues that we cannot investigate without these basic details. And tell us if you are representing someone else.
- The address of the property (where the alleged breach is occurring).
- The name of property owner (if known).
- The name(s) of any other parties involved (if known).
- What your concern is.
- How you / your property are being affected.
- An application number (for example, a development application, building permit, construction certificate etc.) if known.
- Any relevant documents or details.

Council staff will acknowledge your email in 1-2 business days of receiving it. If you do not receive an acknowledgment from Council within 3 business days of sending your email, please ring 03 5888 5100 and ask to be put through to the Building & Planning Team.

If you choose to telephone us, please be prepared for Council staff to ask you the above questions and allow them the time to write down and record what you are saying.

### Expectations

Underpinning the Compliance Charter is a set of "expectations". It is important for everyone involved to follow these, so that a fair and transparent investigation can occur.



The expectations are as follows:

Respect	In all communications, be polite, open, informative and constructive.
Truth	Honesty is always the best policy.
Fairness	Treat everybody as an equal.
Listen	Take the time to listen and understand the situation.
Open	Be open to understanding the situation, the different perspectives, options, the consequences and solutions.
Case by case	Every situation is different, so every situation needs to be taken as it comes.
Impartiality	Take the time to listen to all sides of a story and get a shared understanding.
Take responsibility	Know all the facts and be accountable for how you act on them. Take responsibility for your actions.
Timeframes	Be aware that it may take time for an investigation to occur. Be flexible, reasonable and realistic.
Risk	Be aware that every investigation is different and that some compliance issues are more urgent than others requiring them to be investigated and actioned immediately. Council staff will look at the risk before deciding on how to proceed. Example: An allegation about potential unlawful vegetation removal (native trees) or a wall that is about to collapse would generally be considered a greater risk compared to a sign being erected with a permit).



In return, Council staff will be able to investigate and deliver on the following:

1. Getting all of the facts and being informed
2. Work collaboratively
3. Be visible and transparent
4. Explain and inform
5. Be consistent
6. Assess risk accurately
7. Have a clear understanding
8. Make a decision
9. Close each investigation and provide reason
10. Keep accurate records

### Getting all of the facts and being informed

What we will do:

- Acknowledge the issue by:
  - registering the issue (email) on Council's record management system;
  - deciding which department(s) are key to assisting with the investigation; and
  - keeping the complainant informed (by email, phone or letter).
- Identify and declare if a conflict of interest occurs.
- Establish what the relevant legislation/controls/policy are.
- Undertake a preliminary review of the issue, including looking at:
  - ownership / title of the relevant property;
  - previous history of the property e.g. permits or other complaint;
  - whether any service authorities need to be notified; and
  - whether any resources / technical advice (or the like) will be required.
- Be aware of any sensitive information (this might include an approved building floor / plan).
- Complete a risk assessment (OH&S safety awareness).
- Determine the most appropriate method of communication for the matter.
- Do a site inspection, as soon as possible.
- Consider whether there is any potential for compliance to be achieved.
- Save all relevant findings on Council's record management system.

### Work Collaboratively

What we will do:

- Approach every situation on a case by case basis and with a positive attitude.



- Nominate a single point of contact and coordinate through that single point of contact.
- Work together.
- Undertake joint site inspections where possible to minimize any inconvenience to the public.
- Look for a reasonable / practical solution.

### Be visible and transparent

What we will do:

- Be pro-active.
- Contact the offender owner by phone/or in person first (if possible), before official letters and notices are sent.
- Wear Council staff identification
- Leave contact details.
- Provide ongoing monitoring of the offence (where appropriate).
- Schedule times for meetings or site visits that are convenient for all parties.

### Explain and Inform

What we will do:

- Use media positively and regularly to inform the community of their obligations and special programs.
- Invite the customer to have a support person present at any site visit. This may include an independent expert:
  - Explain what is happening and what to expect on the visit.
- When visiting the property, officers will:
  - Introduce themselves and the reason for the visit.
  - Have the facts at hand.
  - Use clear, plain language.
  - Ask for an explanation.
  - Listen, provide advice and options for compliance.
  - Seek commitment to a timeframe.
  - Outline the process going forward and potential consequences.
  - Be realistic and upfront.
  - Leave the property as you found it - "Please shut the gate". •
- Provide clear fact sheets/web and information sources to help people comply.
- Use community forums as a means of talking about compliance with the community.



## Be Consistent

What we will do:

- Base decisions on a consistent standard process.
- Align the approach to the level of risk of the compliance matter.
- Follow the principles of the compliance framework.
- Learn and improve our processes and continuously evolve and improve.

## Assess Risk Accurately

What we will do:

- Use a common risk management model to identify the level of the action in response to the compliance issue. Understand the impacts of the risks and who these may apply to.
- Respond to the issues of highest risk first.
- Assess costs versus outcome.
- Consider the consequence.

A risk is often specified in terms of an event or circumstance and its impact on the achievement of an organisation's goals and objectives. A risk is measured in terms of a combination of the consequences and likelihood of a risk event occurring. Risk may have a positive or a negative impact.

- Consequence "the outcome or impact of an event." There can be more than one consequence from one event. Consequences can range from positive to negative, and can be expressed qualitatively or quantitatively. Consequences are considered in relation to the achievement of objectives.
- Likelihood "used as a general description of probability or frequency". It can be expressed qualitatively or quantitatively.
- Risk Management "the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects."

## Have a clear understanding

What we will do:

- Communicate through one point of contact to all departments that are involved.
- To help understand each other we will:
  - use plain English
  - actively listen
  - focus on trying to understand
  - use various forms of communication, e.g. phone, email, letters, etc.
  - provide timely communication throughout the process to all parties.



- Escalate awareness of the issue as required (General Managers, CEO, Councillors) in accordance with the table below. When a priority rating is assigned, it can be used for determining the level of escalation awareness that is required. Where a matter is escalating it should be interpreted that the Team Leader, Manager, General Manager and CEO will continue to be updated.

## Make a decision

What we will do:

- Work within the parameters of the regulations, legislation and codes, etc.
- Keep an “open mind” and seek practical outcomes when assessing the matter.
- Seek and suggest proactive responses and outcomes when making decisions.
- Ensure appropriate delegation is applied (internal and external).
- Escalate matters based on clear guidelines.
- Clearly communicate and confirm a shared understanding.
- Set and outline achievable timeframes as agreed.
- Monitor the situation, review if any change has occurred and escalate as required.
- Take appropriate action based on level of severity based on our Compliance Response Matrix.
- Be accountable for the decision that we make.

Council’s response to a situation can sometimes be driven by legislation and therefore the severity of the breach may determine the action that has to be taken.

## Close each investigation and provide reason

What we will do:

- Ensure the responsible officer completes all compliance matters.
- Inform all relevant parties of the outcome.
- Place final documentation on Council’s record management system.
- Thank stakeholders for their cooperation

## Keep accurate records

What we will do:

- Save all relevant documents (emails, written correspondence) electronically, in Council’s digital record management system.





- Record events and recollect conversations and situations in an unbiased way.
- Recognize the appropriate level of confidentiality needed, as required.
- Use standard documentation and plain English, wherever possible.
- Comply with the requirements of the *Information Privacy Act 2000*.
- Liaise with internal departments within Council, where required.

### Feedback

If you have had an experience with Building or Planning, good or bad, we welcome your constructive feedback. Please email us at: [buildingandplanning@berriganshire.nsw.gov.au](mailto:buildingandplanning@berriganshire.nsw.gov.au) using these words in the subject heading: **Feedback on experience with Building / Planning**.

#### Berrigan Shire Council

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