



**murray river  
council**

# **AGENDA**

## **Ordinary Council Meeting Tuesday, 25 July 2023**

**I hereby give notice that an Ordinary Meeting of Murray River Council  
will be held on:**

**Date: Tuesday, 25 July 2023**

**Time: 1pm**

**Location: Mathoura Visitor & Business Centre  
Multi-function room  
23 Moama Street  
Mathoura NSW 2710**

**Terry Dodds  
Chief Executive Officer**



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- 1 OPENING MEETING**
- 2 ACKNOWLEDGEMENT OF COUNTRY**
- 3 APOLOGIES & APPLICATIONS FOR A LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES****4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING HELD ON 27 JUNE 2023 OF MURRAY RIVER COUNCIL****File Number:** -**Author:** Lindy Leyonhjelm, Executive Assistant**Authoriser:** Terry Dodds, Chief Executive Officer**RECOMMENDATION**

1. That the minutes of the Extra Ordinary Meeting of Murray River Council held on 27 June 2023 be confirmed as a true and correct record.

**DISCUSSION**

Murray River Council held its Extra Ordinary Meeting of the Council on Tuesday 27 June 2023, commencing at 1:00pm in the Council Chambers (Lower Level), Moama Administration Office, 52 Perricoota Road, Moama.

A copy of the draft minutes for the meeting is attached for ratification by the Council at this meeting.

**ATTACHMENTS**

1. Unconfirmed\_MINUTES\_Ordinary Meeting of Council 27 June 2023 [!\[\]\(adb0331d22f78481623cc605df40612a\_img.jpg\)](#) 

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MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes27 June 2023

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**MINUTES OF MURRAY RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA  
ROAD, MOAMA  
ON TUESDAY, 27 JUNE 2023 AT 1PM**

**PRESENT:** Cr Chris Bilkey (Councillor), Cr Nikki Cohen (Councillor), Cr Ann Crowe, Cr Neil Gorey, Cr Thomas Weyrich, Cr Frank Crawley, Cr Kron Nicholas, Cr Geoff Wise, Cr Dennis Gleeson

**IN ATTENDANCE:** Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Rod Croft (Director Planning & Environment), Stephen Fernando (Director Corporate Services), Jack Bond (Director Infrastructure), Sarah Ryan (Director Community & Economic Development), Sandra Gordon (Manager Governance & Risk)

## **1 OPENING MEETING**

The Mayor held a short appropriate prayer.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor opened the meeting with an Acknowledgement of Country.

## **3 APOLOGIES & APPLICATIONS FOR A LEAVE OF ABSENCE**

Nil

## **4 CONFIRMATION OF MINUTES**

### **4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING HELD ON 23 MAY 2023 OF MURRAY RIVER COUNCIL**

#### **RESOLUTION 010623**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

1. That the minutes of the Extra Ordinary Meeting of Murray River Council held on 23 May 2023 be confirmed as a true and correct record.

**CARRIED**

Questions without notice arising from minutes of previous meeting/s

## **5 DISCLOSURES OF INTERESTS**

CR NEIL GOREY HAS A LESS THAN SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST FOR ITEM 11.3 - PROPOSED ROAD NAMES OF UNNAMED CROWN ROADS, PARISH OF TOMARA & TOORANGABBY NSW 2731 IN THE CONFIDENTIAL MATTERS SECTION OF THE MEETING.

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

27 June 2023

**6 DEPUTATIONS****7 MAYORAL MINUTE(S)****7.1.1 MAYORAL MINUTES - ACKNOWLEDGEMENT OF KING'S BIRTHDAY HONOUR****RESOLUTION 020623**

Moved: Cr Thomas Weyrich

Seconded: Cr Kron Nicholas

That Murray River Council resolve to acknowledge the King's Birthday 2023 Honour bestowed on the Chief Executive Officer, Mr. Terry James Dodds, through the award of the Public Service Medal (PSM) and congratulate Mr. Dodds on being bestowed the said honour.

**CARRIED**

The Commonwealth of Australia bestows a range of honours on selected citizens on the King's Birthday.

During the most recent King's Birthday celebrations held on the 12<sup>th</sup> of June 2023, the CEO of our Murray River Council, Mr. Terry James Dodds, was bestowed the Public Service Medal (PSM). The PSM, awarded by the Governor General, recognises outstanding public service by employees of the Australian Government and state, territory, and local governments.

The citation accompanying the award of the honour, identified Mr. Dodds over 40 years of public service across three states and nine local governments. It also identified the contributions Mr. Dodds has made in managing and mitigating several emergencies including droughts and floods. It identified Mr. Dodds as being the driving force behind the development of many innovative programs and initiatives that have generated lasting benefits for the communities and local councils he has served. From pioneering a sustainable and nationally acclaimed Waste-to-Energy initiative, bringing about significant workplace reforms to improve staff morale and collaboration, to developing water contamination solutions, Mr Dodds' visionary guidance, superior problem-solving abilities and expeditious operational skills contribute to his reputation as being an exemplary leader and asset to the public service at large.

Receiving an honour such as the PSM is a great achievement, and I would like to add my personal heartfelt congratulations to Mr. Dodds. Based on the short period I have had the pleasure of being associated with Terry, I can confirm that he is a very worthy recipient of this honour.

The official citation for Mr. Dodds can be found at  
<https://honours.pmc.gov.au/honours/awards/2013227>

**8 REPORTS OF COMMITTEES**

Nil

**9 REPORTS TO COUNCIL****9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS****9.1.1 MEDIA POLICY REVIEW****RESOLUTION 030623**

Moved: Cr Frank Crawley

Seconded: Cr Neil Gorey

**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****27 June 2023**

That Council resolve to adopt the updated Murray River Council Media Policy (Pol 108) and place it on public display for public comment for 28 days.

**CARRIED****9.1.2 MONTHLY OPERATIONAL REPORT****RESOLUTION 040623**

Moved: Cr Neil Gorey  
Seconded: Cr Geoff Wise

That the Monthly Operational Report as of May 2023 be received and the information noted by the Council.

**CARRIED****9.1.3 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS****RESOLUTION 050623**

Moved: Cr Nikki Cohen  
Seconded: Cr Geoff Wise

That the Council resolve to receive and note the status of previous resolutions of Council (in open and closed Council) contained in the Monthly Operation Report including the Resolution Tracker Reports.

**CARRIED****9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS****9.2.1 SETTING OF THE 2023-2024 ANNUAL FEES FOR COUNCILLORS & THE MAYOR****RESOLUTION 060623**

Moved: Cr Kron Nicholas  
Seconded: Cr Thomas Weyrich

That Council resolve to pay the following fees for the 2023/2024 financial year (commencing July 2023), in keeping with the determination made by the Local Government Remuneration Tribunal of New South Wales:

- a). an Annual Fee of Seventeen Thousand, Six Hundred and Eighty dollars (\$17,680) to each Councillor (including the Mayor); and
- b). an Additional Fee (over and above the Annual Fee), of Thirty-Seven Thousand, Nine Hundred and Twenty Five dollars (\$37,925) to the Mayor.

**CARRIED**

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

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## 9.2.2 BUDGET 2023-24: ORDINARY RATES, UTILITY CHARGES &amp; SCHEDULE OF FEES

**RESOLUTION 070623**

Moved: Cr Kron Nicholas

Seconded: Cr Nikki Cohen

That Murray River Council (Council) resolve to adopt the Ordinary Rates, Utility Charges and related matters provisionally adopted by **Council** at its Extraordinary Meeting held on 09 May 2023 (EM), (thereafter placed on public display for comment for 28 days without having received any submissions), without any changes, in keeping with the relevant provisions of the **Act**, as follows:

1. categorisation of land and delegation of authority to determine such categorisation to the Chief Executive Officer, for purpose of levying Ordinary Rates, as per resolutions 1 and 2 of agenda item 5.2.1 of the **EM**, and
2. making and levying of Ordinary Rates on rateable properties using a two-tier structure of a Base Amount and an Ad Velorem rate, with the values for the two tiers to be as detailed in resolution 3 of agenda item 5.2.1 of the **EM**, and
3. treating lots in a strata plan as allowed for in s495A of the **Act**, and
4. making and levying Stormwater Management Services Charges as per the resolution of agenda item 5.2.2 of the **EM**, and
5. making & levying Filtered Water Service Charges, consisting of Filter Water Access Charges and Filtered Water Consumption Charges, as per resolution 1 (including subsections a. & b.) of agenda item 5.2.3 of the **EM**, and
6. discontinuing a separate filtered water charge structure for the North Barham Pipeline, as per resolution 2 of agenda item 5.2.3 of the **EM**, and
7. making & levying Raw Water Service Charges, consisting of Filter Water Access Charges and Filtered Water Consumption Charges, as per resolution 3 (including subsections a. & b.) of agenda item 5.2.3 of the **EM**, and
8. making & levying Sewer Service Charges, consisting of Sewer Access Charges and Sewer Discharge Charges, as per resolution 1 (including subsections a. & b.) of agenda item 5.2.4 of the **EM**, and
9. delegating to the Chief Executive Officer the authority to provide a discount on the Sewer Discharge Charge, for Business properties that do not have a raw water connection, as per resolutions 1c. of agenda item 5.2.4 of the **EM**, and
10. making & levying Trade Waste Charges, consisting of Annual Trade Waste Charges and Trade Waste Discharge Charges, as per resolution 2 (including subsections a. & b.) of agenda item 5.2.4 of the **EM**, and
11. making & levying Waste Charges and an Annual Legacy Landfill Levy as per resolutions 1 and 2 respectively of agenda item 5.2.5 of the **EM**, and
12. levying Ordinary Rates & Utility Charges, extending concessions to Pensioners, and affording relief to ratepayers facing Hardship, as per resolutions 1, 2, and 3 respectively of agenda item 2.5.6 of the **EM**, and
13. charging interest on overdue Rates & Charges, at the maximum permissible rate of 9% per annum, as per resolution 4 of agenda item 2.5.6 of the **EM**, and
14. applying the revised Schedule of Fees, appended as Schedule 2 to this report, for goods and services provided.

**CARRIED**

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

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**9.2.3 BUDGET 2023-24: REVENUE POLICY****RESOLUTION 080623**

Moved: Cr Frank Crawley  
Seconded: Cr Dennis Gleeson

That Murray River Council (Council) resolve, as prescribed in s223(f) of the **Act**, to adopt the Revenue Policy for 2023-24 appearing as Attachment 1 to this report.

**CARRIED****9.2.4 2023-24 OPERATIONAL PLAN AND 2023-24 TO 2032-33 LONG TERM FINANCIAL PLAN****RESOLUTION 090623**

Moved: Cr Frank Crawley  
Seconded: Cr Geoff Wise

That Council resolve to:

1. in accordance with Sections 404 and 405 of the *Local Government Act 1993*, Council adopt the Murray River Council 2023-2024 Operational Plan, including the 2023-2024 to 2032-2033 Long Term Financial Plan, and
2. in accordance with Part 9, Division 5, Section 211(2) of the *Local Government (General) Regulation 2005*, Council approve expenditure and capital works as detailed in the Murray River Council 2023-2024 Operational Plan, including the 2023-2024 to 2032-2033 Long Term Financial Plan, and
3. adopt the following Reserve movements:
  - a. from reserves to fund the following Capital activities:
    - i. \$302,689 from General reserve
    - ii. \$1,326,300 from Sewer reserve
    - iii. \$1,661,130 from Water reserve
    - iv. \$1,999,000 from Waste reserve; and
  - b. to reserves for the following Operational activities:
    - i. \$1,003,221 to the General reserve
    - ii. \$2,495,697 to the Sewer reserve
    - iii. \$2,569,643 to the Water reserve
    - iv. \$1,214,068 to the Waste reserve.

**CARRIED****9.2.5 LIQUIDITY REPORT AS AT 31 MAY 2023****RESOLUTION 100623**

Moved: Cr Geoff Wise  
Seconded: Cr Dennis Gleeson

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That the Liquidity Report, incorporating Investments as of 31 May 2023, consisting of a Liquid Asset Position of \$49,345,813 which includes investments of \$43,874,574 be received and noted by Council.

**CARRIED****9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 PROPOSED PRIVATE ROAD NAMES, TANGULA ESTATE - DP 1134973, BETWEEN LOT 2 DP 1134973 & LOT 2 DP 1067731, SWAN HILL ROAD, MURRAY DOWNS****RESOLUTION 110623**

Moved: Cr Neil Gorey  
Seconded: Cr Dennis Gleeson

That Council resolve to adopt the private road names Sugargum Court, Willow Lane & Tangula Place, within DP 1134973, in accordance with NSW Roads Act 1993 (Section 162), NSW Road Regulation 2018 (Part 2, Division 1) and the Geographical Names Board of New South Wales requirements and place them on public display for 10 business days.

**CARRIED****9.3.2 MURRAY RIVER COUNCIL LOCAL TRAFFIC COMMITTEE****RESOLUTION 120623**

Moved: Cr Thomas Weyrich  
Seconded: Cr Nikki Cohen

That Council note the DRAFT minutes of the Murray River Council Local Traffic Committee meeting held on Wednesday 5 April 2023.

**CARRIED****9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS**

Nil

**9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS****9.5.1 MRC COMMUNITY FINANCIAL ASSISTANCE PROGRAM FRAMEWORK 2023-24****RESOLUTION 130623**

Moved: Cr Neil Gorey  
Seconded: Cr Dennis Gleeson

That Council approve the updated Community Financial Assistance Program Framework 2023-24 document, including the list of annual allocation recipients.

**CARRIED**



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**9.5.2 GRANT FUNDING APPLICATIONS - MAY 2023****RESOLUTION 140623**

Moved: Cr Frank Crawley

Seconded: Cr Geoff Wise

That Council receive and note the Grant Funding Applications Report for May 2023.

**CARRIED****9.5.3 UPDATE ON ECONOMIC DEVELOPMENT AND TOURISM STRATEGY****RESOLUTION 150623**

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

That the Officer's report on providing an Update on Economic Development and Tourism Strategy as of 15 June 2023 be received and the information noted by the Council.

**CARRIED****9.5.4 SECTION 355 COMMITTEE REPORT - MEETING MINUTES AS AT JUNE 2023****RESOLUTION 160623**

Moved: Cr Neil Gorey

Seconded: Cr Kron Nicholas

That Council receive and note the June 2023 Section 355 Committee Report.

**CARRIED****9.5.5 MOULAMEIN COURTHOUSE AND MEN'S SHED - AGM****RESOLUTION 170623**

Moved: Cr Frank Crawley

Seconded: Cr Dennis Gleeson

That Council:

1. Revoke existing members of the Moulamein Courthouse and Men's Shed Committee of management; and
2. Pursuant to Section 355 of the *Local Government Act 1993* appoint the new committee members nominated at the May 2023 AGM.

**CARRIED****9.5.6 KYALITE PROGRESS & RECREATION RESERVE COMMITTEE - AGM****RESOLUTION 180623**

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27 June 2023

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

That Council:

1. Revoke existing members of the Kyalite Progress & Recreation Reserve Association Committee; and
2. Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the July 2022 AGM.

**CARRIED****9.5.7 MOULAMEIN SOUTH RECREATION RESERVE - AGM****RESOLUTION 190623**

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council:

1. Revoke existing members of the Moulamein South Recreation Reserve Committee of management; and
2. Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the February 2023 AGM.

**CARRIED****9.5.8 MOAMA LIONS COMMUNITY VILLAGE COMMITTEE - REQUEST FOR RATE WAIVER****RECOMMENDATION**

That Council consider (in the positive or negative) a rate waiver for the Moama Community Lions Village units located at 10 & 12 Council Street Moama until construction of the new units commences.

**RESOLUTION 200623**

Moved: Cr Dennis Gleeson

Seconded: Cr Frank Crawley

That Council not approve a rate waiver for the Moama Community Lions Village units located at 10 & 12 Council Street Moama until construction of the new units commences.

In Favour: Crs Chris Bilkey, Neil Gorey, Frank Crawley and Dennis Gleeson

Against: Crs Nikki Cohen, Thomas Weyrich, Kron Nicholas and Geoff Wise

**EQUAL**

Due to the Mayor's casting vote, this is now the resolution of Council.

**CARRIED****FORESHADOWED MOTION**

Was not upheld as original motion (above) became the resolution of Council.

**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****27 June 2023**

That Council approve a rate waiver for the Moama Community Lions Village units located at 10 & 12 Council Street Moama for a period of one financial year only.

**9.6 CORRESPONDENCE REPORT****9.6.1 CORRESPONDENCE REPORT****RESOLUTION 210623**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

That the Correspondence Report be received and the information noted by the Council.

**CARRIED**

At 2:34 pm, Cr Dennis Gleeson left the meeting.

At 2:36 pm, Cr Dennis Gleeson returned to the meeting.

**9.7 SUNDRY DELEGATES REPORT****9.7.1 SUNDRY DELEGATES REPORT****RESOLUTION 220623**

Moved: Cr Frank Crawley

Seconded: Cr Neil Gorey

That the Sundry Delegates Report of the Mayor and Councillors for the period 23 May 2023 through to 26 June 2023 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

**CARRIED****10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE**

Nil

**11 CONFIDENTIAL MATTERS****RESOLUTION 230623**

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

That Council moves out of Open Council into Closed Council at 2:38pm.

**CARRIED**

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**RECOMMENDATION**

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

**11.1 Awarding of Tender - MRC 2306 - Heavy Patching Program 2023/24**

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

**11.2 Planning Agreement for 13 Maidensmith Drive, Moama**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**11.3 Proposed Road Names of Unnamed Crown Roads, Parish of Tomara & Toorangabby NSW 2731**

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

**RESOLUTION 2470623**

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

That Council moves out of Closed Council into Open Council at 2:55pm.

**CARRIED****RESOLUTION 280623**

Moved: Cr Frank Crawley

Seconded: Cr Thomas Weyrich

That Council brings forward the resolutions from Closed Council into Open Council and these be read aloud.

**CARRIED****11.1 AWARDING OF TENDER - MRC 2306 - HEAVY PATCHING PROGRAM 2023/24****RESOLUTION 240623**

Moved: Cr Frank Crawley

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Seconded: Cr Dennis Gleeson

**THAT COUNCIL**

1. Notes the Tender Evaluation Report attached under Attachment 1 for an overview of the Completed Tender Process.
2. Accepts the tender from Central Vic Stabilising Pty Ltd for \$2,701,072.00 Inc GST for Tender Number MRC 2306 – Heavy Patching Program 2023/24
3. Authorise the CEO to sign the contract documents and authorise any contract variations within budget.

**CARRIED****11.2 PLANNING AGREEMENT FOR 13 MAIDENSMITH DRIVE, MOAMA****RESOLUTION 250623**

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

1. That the Officers Report be received and noted.
2. That Council endorse the Voluntary Planning Agreement (VPA) between Murray River Council and Layfield Road Pty Ltd and authorise the CEO to execute the agreement on Councils behalf.

**CARRIED**

In Favour: Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis Gleeson

Against: Nil

**CARRIED 8/0****11.3 PROPOSED ROAD NAMES OF UNNAMED CROWN ROADS, PARISH OF TOMARA & TOORANGABBY NSW 2731****RESOLUTION 2560623**

Moved: Cr Geoff Wise

Seconded: Cr Nikki Cohen

1. Council to refuse the proposal to name roads Lanark Road, Mia Mia Road, Saint Ninians Road, and Melrose Road in the Parish of Tomara & Toorangabby NSW 2731, as shown in the map contained in Attachment 1 to this report.

**CARRIED**

/In Favour: Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis Gleeson

Against: Nil

**CARRIED 8/0**

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**12 CONCLUSION OF MEETING**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 2:58pm.**

**The next Ordinary Meeting of Murray River Council will be held on Tuesday 25 July 2023, commencing at 1pm, in Mathoura Visitor & Business Centre, Multi-function room, 23 Moama Street, Mathoura NSW 2710.**

**THESE MINUTES ARE SIGNED AS A TRUE AND ACCURATE RECORD OF THE PROCEEDINGS OF THE ORDINARY MEETING OF THE MURRAY RIVER COUNCIL HELD ON 27 JUNE 2023, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 25 JULY 2023.**

.....  
**MAYOR**

.....  
**CEO**

Questions without notice arising from minutes of previous meeting:

**5 DISCLOSURES OF INTERESTS**

**6 DEPUTATIONS**

At this stage of the meeting, Philip Crowe will make a deputation to the Council regarding item 11.3 in the Confidential Matters Report - DA10.2013.90.1 Elevated Dwelling House

**7 MAYORAL MINUTE(S)**

Nil

**8 REPORTS OF COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS

#### 9.1.1 LGNSW ANNUAL CONFERENCE ATTENDEES AND MOTIONS TO BE SUBMITTED

**File Number:** -

**Author:** Lindy Leyonhjelm, Executive Assistant

**Authoriser:** Terry Dodds, Chief Executive Officer

#### RECOMMENDATION

That Council:

1. Agree and confirm that the CEO, Mayor, and other Councillors attending the LGNSW Annual Conference being held 12 – 14 November 2023 at Rosehill Gardens Resort.
2. Confirm number and names of Councillors attending the conference to register attendees prior to 29 September 2023 to take advantage of the early bird special.
3. Council will agree and resolve the motions to be submitted to the LGNSW Annual conference at the 22 August 2023 Ordinary Meeting of Council.
4. Voting delegates to be confirmed for the Annual Conference and submitted by 17 October 2023

#### BACKGROUND

The LGNSW Annual Conference provides an opportunity to share ideas, seek inspiration, and help determine our sector's policy directions for the coming year.

From 12 to 14 November 2023, Councillors from across NSW will come together at the Rosehill Gardens Racecourse to debate and discuss the key issues, as we work towards a better future for NSW.

Council-submitted motions will be debated and resolved to set our advocacy priorities for the year ahead, while a tradeshow, workshops and training sessions are available to support delegates in our efforts to effectively represent our communities. Motions are to be submitted by Friday 15 September 2023 to the LGNSW portal.

#### DISCUSSION

In the past, Council have sent the CEO, Mayor and Deputy Mayor to attend the Annual LGNSW conference to be heard and seek advocacy through the motions that are submitted. Registration opens on Monday 24 July with an early bird discount available to purchase until Thursday 28 September 2023. Council will be required to agree on the number of councillors and confirmation of names by 28 September to take advantage of the early bird registration discount.

Potential motions that can be discussed and agreed upon are:

- Land banking
- Lack of control over local planning decisions



**STRATEGIC IMPLICATIONS**

2. Strategic Theme 2: A Place of Progressive Leadership

2.5 - Continue to be a trusted and ethical leader that leads by example - Leadership that is trusted, capable and collaborative.

5.4.1 - Pursue advocacy on key issues of importance to the community and Council

**BUDGETARY IMPLICATIONS**

Cost per person to attend conference, cost of conference dinner and cost of travel and accommodation (TBC).

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS****RISK ANALYSIS**

- **What can happen?**  
Unable to attend to advocate for Murray River council
- **How can it happen?**  
If no one can represent MRC
- **What are the consequences of the event happening?**  
Not hearing the motions to advocate on behalf of MRC and NSW council areas
- **What is the likelihood of the event happening?**  
Unlikely
- **Adequacy of existing controls?**  
Have more than one person intending to go to conference
- **Treatment options to mitigate the risk?**  
Nil

**CONCLUSION**

Council discuss and agree on the number of Councillors attending and put forward the motions (in August 2023 Ordinary Meeting of Council) for submission by 15 September 2023 to be included in the agenda for the 2023 annual conference.

**ATTACHMENTS**

Nil

**9.1.2 MONTHLY OPERATIONAL REPORT****File Number:** -**Author:** Courtney Dean, Coordinator Communications**Authoriser:** Terry Dodds, Chief Executive Officer**RECOMMENDATION**

That the Monthly Operational Report as of June 2023 be received and the information noted by the Council.

Below are summary points from several Business Unit reports. Please refer to the Monthly Operating Report for full details.

**Parks, Gardens, Open Spaces and Biosecurity**

- *Recreation reserve lighting upgrades project:* Tooleybuc Recreation Reserve 95% complete. Moulamein oval and netball courts 80% complete. Retrofit at Barham's main oval and netball courts complete (with some small repair works in July). Retrofit at Bunnaloo's Tennis Courts complete. Retrofit at Mathoura's netball and tennis courts completed.
- The new female change facility has successfully been installed onsite at Moama's Jack Eddy Oval. Project is on track to be completed by September 2023.
- *Horseshoe lagoon landscaping:* Concept design completed and we are now awaiting revisions before proceeding to final design. Procurement underway for selected items such as lights, water fountains etc.
- 448 km of roadside weed spraying was undertaken this month.
- New open space furniture continues to be rolled out across the council including a large delivery to Barham recently being completed.
- Landscaping works progressing at Perricoota Road / Cobb Highway under Transport for NSW. Irrigation network in place and soil installation continuing to occur.
- Increased water levels have inundated several locations around Moama including the Moama Beach and Horseshoe Lagoon. Moama Beach amenities block and BBQ's were removed due to the water height. Locations to be inspected once water levels recede.

**Water and Wastewater**

- As part of the project to improve Barham's water supply pressure, the team recently undertook works at the water treatment plant to install new valves. This resulted in a total shut down of the filtered water in town: all went well, and the water was restored ahead of schedule. This project will significantly increase water pressure for the town and improve the level of service for many residents in Barham.

**Plant, Fleet and Stores**

- *Fuel-use stats:* Monthly fuel expenditure is tracking at \$100k to \$120k depending on workdays per month and extent of maintenance work being done at distant locations. This has been consistent all year.
- A number of new vehicles have been commissioned in recent months, replacing older vehicles or disposing vehicles identified as surplus to requirements. 5 vehicles have been returned and will be disposed through public auctions with all staff being notified of auction details.

**Major Projects**

- *Frasers Road/Murrain Yarrein Creek Bridge:* Bridge structure completed, with the bridge approach works in progress. New bridge should be open to traffic very soon.
- *Tooranie Road/Yarrein Creek:* Construction scheduled to commence October/November 2023. Impacted again by flooding.
- *Murray Downs Foreshore Boat ramp and associated works:* Flooding started immediately after commencing work on site, so this project has been delayed.

- *Echuca-Moama Floodplain Risk Management Study and Plan*: Modelling for recalibration of the Echuca-Moama Flood Study against the October 2022 Echuca-Moama Floods is in progress.

### Buildings and Facilities

- Both the Moulamein Library and Community Services buildings were recently given an internal refresh with a full internal paint and new blinds fitted to the library.
- *Captains Cottage Moama, post-flood rehabilitation works*: Internal cleaning and painting works completed. Engineers report recommends underpinning of the east wall 1.5 years post flood event.
- *Old Telegraph Station, post-flood rehabilitation works*: Internal and external cleaning completed. Painting nearing completion. New subfloor ventilation system, cellar glass panel and power points due to be installed shortly.
- Works progressing well on the new Moama Preschool despite poor weather. The under-slab services have been installed, building slab has been completed and framing is well underway. Building colour schemes have also been finalised and carpark works have commenced.

### Waste and Compliance

- The Moama Landfill Cell 5 project was completed in June (excluding the leachate management system and storage pond). Waste is now being deposited in the cell and a temporary leachate management system has been installed. This is a significant milestone marking the end of 8 months of earthworks and lining activities.
- This year marked the first full round of inspections completed by our Environmental Health Coordinator. Previous year inspections were completed by a contractor. It has provided a great opportunity to build ongoing working relationships with proprietors and food handling staff with many taking full advantage of the benefit of being able to call Council any time they required specialist advice and guidance.
- Rangers have been identifying outdated signage and replacing with new, revised MRC versions while travelling through our many communities. This enables an enforceable and consistent message throughout the LGA.

### Development Services

- Issues with the e-Planning Portal system are being documented and have been discussed with Department Planning and Environment. Council has released a Development Update to the Development Forum Group acknowledging the issues with the portal and describing the function and processes of the portal in a straightforward way. Council's Director of Planning and Environment met with the Minister of Planning and Minister of Local Government to discuss the portal functionality.
- Builder's Forums are continuing every 6-8 weeks. The forums aim to share industry information amongst developers and builders to help ensure a smoother transition of development applications from the e-Planning Portal to the assessment officer and back to the applicant.... resulting in faster turnaround times for approvals.
- In June 2023 Jack Rogerson, Council's Assistant Building Surveyor completed his studies and is now on track to becoming an Accredited Council Certifier.

### Economic Development and Tourism

- Expressions of Interest were sought from suitable consultants to deliver our Arts and Cultural Strategy. A consultant has now been appointed. The project will get underway during July.
- Expressions of Interest were invited to operate the Moama Market. A successful applicant was appointed in June and will begin operating the market from 30 July.
- Moama Lights was successfully launched on 30 June, following an enormous effort from many staff across Council. (Due to high water levels in the Lagoon, the lights component of the event was subsequently cancelled the following week).
- *Economic Development Strategy*: Business and Economic Conditions Survey was conducted with 58 responses. These responses will now inform the development of an action plan to support the final Strategy.

### Customer Service

- The total calls for the 22/23 period for Murray River Council (excluding after hours calls) was 22,374 with an additional 721 returned calls made in relation to abandoned calls.
- 475 service requests were lodged through Customer Service and our Records team last month with 411 finalised. The total amount of Service Requests lodged for the 22/23 year was 7405 with 5913 finalised.

- The team is continuing with the 'customer call-back program'. A common theme amongst the feedback suggests we could improve our service by returning phone calls in a timely manner. Positive feedback centred on the information provided to our customers by Council staff.

### Community Services

- Community services celebrated our volunteers with a lunch at the Barham Hotel. Volunteers and staff travelled from locations across council – Mathoura, Moama, Moulamein & Tooleybuc - for the celebration. We love our volunteers!

### Community and Economic Development Directorate

- A contractor was appointed for development of Council's new Employment Lands Strategy. The focus of the Strategy is to ensure that land use and transport activities explicitly reflect the employment and productivity objectives of the NSW Government.
- *Barham Micro-Abattoir*: Occupation Certificate issued. DPI audit scheduled to take place in July. Lease should commence August 2023.

### Assets

- Changeover of Intramaps rating data from Authority to Technology One completed. All-staff-access to live data links between TechOne Rating and Intramaps scheduled for mid-July.
- Mapping of buried assets now loaded into Before You Dig (BYD) platform for auto-generation of external service requests.

### Procurement

- Council is seeking tenders from experienced professionals to deliver the River Country Art Trail project in its entirety, including all elements of project management: from coordination of community consultation to sourcing appropriate artists, and more.

### Information Technology

- The workload for the team remains high; this has become more evident with the resignation of the Embedded Desktop Support role due to an unsustainable workload. The Technology and Digital Services team is working with the managed service provider (MSP) to help manage the workload. The MSP will work closely with the internal ICT team to identify areas where efficiencies can be gained and develop strategies to reduce the workload.
- The organisation is mid rollout of Windows 11, which will provide improved security, performance, and usability features for end-users.

### Finance

- Work has commenced on the 2022/23 financial statements.
- Finance staff continue to improve reporting options available from the Tech One system. Recent reports created include a Works report that groups capital work orders by work project. This report will help with the capitalisation process in Tech One.
- Management Accountant will be issuing budget packs for 1<sup>st</sup> quarter budget review towards the end of July 2023.

### Business Intelligence

- *Intranet*: Information architecture finalised and draft expected in July. First release will see Policies & WHS available to all staff from any device.
- All major aspects for the new Property & Rating (P&R) and Enterprise Cash Receipting (ECR) modules in Tech One have come together. Additional works are continuing this month to build out the missing components.
- Enterprise Content Manager (ECM), which is TechOne's version of CM9 (our records system), has now been configured to manage all the documents being attached throughout the various modules. This will now enable effective archiving and disposal as well as security and access.

### Works

- Works teams have continued to perform well to deliver on Immediate Reconstruction Works prior to 30 June 2023 deadline along with other funding programs. Planning and scheduling is well underway for the new financial year including the next phase of flood recovery and reconstruction works.
- Improvements to maintenance programs including maintenance grading scheduling is underway.

- Works in progress or completed includes Wakool Road reconstruction, Centre Road reconstruction, Moulamein heavy patching, North Barham Road reconstruction and various resheeting on unsealed roads.
- Upcoming works include Perricoota Road resheeting consultation and design, Bunnaloo Road, Speewa Road, Chester Street and Wakool Steet intersection, Deniliquin-Barham Road, Barmah Road (pending external funding), Kyalite Road (pending external funding), and various kerb, gutter and footpath renewals.
- 310 potholes completed during June for a total area of 1,493m<sup>2</sup>.

### **People and Work, Health and Safety**

- Revised recruitment advertising processes have been successful. Utilising local print media in selected locations and redesigning our print media ads have proven to be most successful in attracting a greater quality and quantity of applicants for positions across the MRC footprint.
- Manager People is part of 'The Award' working party for the new Local Government Award and agreement has been reached with the United Services Union for a 3-year agreement. From July 2023 our employees will receive a 4.5 % increase on their wages and allowances.
- Development of the WHS document, incident reporting and online induction web page/intranet is currently being trialled and tested.

### **ATTACHMENTS**

1. **Monthly Operating Report- June 2023 (under separate cover)** 

**9.1.3 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS**

**File Number:** -

**Author:** Lindy Leyonhjelm, Executive Assistant

**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

That the Council resolve to receive and note the status of previous resolutions of Council (in open and closed Council) contained in the Monthly Operation Report including the Resolution Tracker Reports.

**BACKGROUND**

All resolutions of Council in Open and Closed council, including completed actions within the previous 6 weeks, are now shown in the Monthly Operation Report under their relevant section and responsible person.

In November 2018, Council introduced a software program called InfoCouncil. Resolutions of the Council that require action/s after each Council Meeting are automatically generated in InfoCouncil to the relevant Council officer for their action and comment.

**DISCUSSION**

The **Resolution Tracker Open Report** and the **Resolution Tracker Closed Action Report** contain 'active' resolutions respectively from open and closed meetings of the Council held since November 2018 that require action by Council's officers. The **Resolution Tracker Completed Actions Report** shows all actions that have been completed in the previous 6 weeks.

Comments for the action are shown in the Monthly Operations Report under each division and allocated responsible person. Resolutions that are reported by Council's officers as complete will drop off the 'active' list.

**STRATEGIC IMPLICATIONS**

2. Strategic Theme 2: A Place of Progressive Leadership

2.6 - Provide clear, concise and consistent information that is easily accessible to our customers - Improve externally provided information and communication.

**BUDGETARY IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

Nil.

**RISK ANALYSIS**

- **What can happen?**

Council's officers do not action the resolutions of the Council.

- **How can it happen?**

Resolutions from Council Meetings not being recorded in a systematic fashion.

- **What are the consequences of the event happening?**

Actions, because of the resolutions of the Council, not being completed in a timely manner or at all.

- **What is the likelihood of the event happening?**

Low.

- **Adequacy of existing controls?**

Use of the report and minute system, InfoCouncil, which automatically forwards actions (as a result of the resolutions of the Council) from Council Meetings to the relevant Council officer (report writer) after the completion of the minutes of a Council Meeting. A report can then be generated on the status of incomplete/outstanding actions.

- **Treatment options to mitigate the risk?**

Due diligence undertaken by Council's officers (administration and report writers).

## **CONCLUSION**

The Resolution Tracker and Action Reports are presented to Councillors for information in the Monthly Operation Report.

## **ATTACHMENTS**

**Nil**

## 9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

### 9.2.1 SALE OF LOT 3 DP 813704 - MATHOURA LINE ROAD, MOAMA

File Number: -

Author: Peter Beaumont, Manager Procurement, Contracts & Leases

Authoriser: Stephen Fernando, Director Corporate Services

#### RECOMMENDATION

That Murray River Council (Council) resolve to:

1. sell the land identified as Lot 3, DP813704 (the Land) in its current condition through competitive Expression of Interest process with no special conditions attached, and
2. authorise the appointment of Elders Rural Service (bearing Australian Company registration Number 72004045121) as the licensed real estate agent to undertake the sale of the said Land.

#### BACKGROUND

Council at its meeting held on 23 May 2023 considered a report on options for the future of the land parcel Lot 3, DP813704 - Mathoura Line Road, Moama (the Land). This parcel is referred to in the state government register as Centre Road, Moama.

At this meeting Council resolved sell the Land, in its entirety and in its current condition, and required the Chief Executive Officer (CEO) to present a firm proposal to Council containing the following information:

- a. a recommendation on whether to sell or lease the land, and if the recommendation is to lease, the recommended period for the lease, and*
- b. the sales or lease proceeds that can be expected based on the valuation undertaken, and*
- c. any conditions to be attached to the sale or lease of the said land, and*
- d. identification of the most desirable approach to market, from the approaches identified herein, and*
- e. the need for any sales intermediaries (e.g., auctioneer, real estate broker), and if so, recommendations for such intermediaries.*

This report is being present in order to satisfy the above requirements prior to undertaking the sale of the Land.

#### DISCUSSION

The purpose of this report is to provide information to the open Council meeting regarding the recommendation to sell the land described as lot 3 DP 813704 Line Road, Moama through an open market process.

Details of the estimated sale price have been excluded from the report to ensure the highest possible return for Council.

Council considered this matter at its meeting held on 23 May 2023.

As a result of the resolution, it was determined to proceed with a process to sell the land in its current form. The rezoning of the land was not further investigated based on the timeframes



required and location. The estimated return for Council with current market pricing in this area was also a determining factor as well as a possible sale opportunity leading into spring.

Subsequent to the initial resolution adopted on 23 May 2023, Council undertook an Request for Quote (RFQ) process to identify a suitable real estate agent to assist Council with the proposed sale of the Land. RFQs were sought from the following agents:

- Elders Rural
- Border Real Estate
- CLK First National
- Nutrien Harcourts
- Ray White (declined to respond)
- Century 21 (declined to respond)
- Knight Frank (declined to respond)
- Colliers (no response submitted)

The RFQ sought information regarding:

- Proposed Marketing Plan
- Experience in Rural/industrial Land sales of this size
- Staff experience and NSW licencing
- Recent sales of a similar nature
- Referees
- Estimated value of the Land (i.e., potential sale price)
- Fee Proposal and % fee on the sale

At the conclusion of the process Elders Rural (Echuca) was selected as the best value for money option for Council. Elders also had the lowest fee proposal (as a % of the sale price).

Elders also indicated an estimated sale price based on current land values. The detail of this estimated price is noted in the confidential report. This sale price is based on per hectare current pricing and interest in this area.

Elders also recommended undertaking the sale through an Expression of Interest (EoI) process for the sale with a five (5) week opening period. This was recommended as the most suitable approach in the current environment, enabling a competitive process while providing Council with the flexibility to make decisions after receipt of offers.

## **STRATEGIC IMPLICATIONS**

5. Strategic Theme 5: A place of Prosperity and Resilience

5.2 - Encourage and support economic development across the region - Commercial Investment Strategy.

## **BUDGETARY IMPLICATIONS**

Proceeds from the sale of the Land will have a positive impact on the cash position of Council. Any profit realised on the sale of the Land will have a positive impact on the operating position of Council in 2024-25.

## **POLICY IMPLICATIONS**

Murray River Council Land Acquisition and Disposal Policy (POL602)

Murray River Council Procurement Policy (POL205)

**LEGISLATIVE IMPLICATIONS**

Local Government Act 1993

Local Government (General) Regulations 2021.

**RISK ANALYSIS**

- **What can happen?**  
Minimal or no demand for the land
- **How can it happen?**  
Current Economic conditions
- **What are the consequences of the event happening?**  
Sales income not generated at this stage and Council continues to hold the land.
- **What is the likelihood of the event happening?**  
Unlikely based on agent advice and interest in land in this area.
- **Adequacy of existing controls?**  
A minimum reserve sale price to be set.
- **Treatment options to mitigate the risk?**  
NA

**CONCLUSION**

It is recommended, as reflected in the proposed resolution, that Council undertake the sale of the **Land**, through an EOI process and authorise the appoint of Elders Rural as the real estate agent to assist Council with the said sale.

Council to note that commercially sensitive aspects of the proposed sale is being presented to Council through a separate report in the confidential section of the agenda of this same Ordinary Meeting.

**ATTACHMENTS**

Nil

**9.2.2 NSW RURAL FIRE SERVICE ASSETS RECOGNITION**

**File Number:** -

**Author:** Kris Kershaw, Manager Finance

**Authoriser:** Stephen Fernando, Director Corporate Services

**RECOMMENDATION**

That Council resolve to:

1. continue to account for Council land and buildings assets used by the NSW Rural Fire Service in Council asset registers and financial statements, as the Council has care, control, and management of the buildings, and
2. not account for the NSW Rural Fire Service plant and equipment in the Council asset registers and financial statements, as the Council does not have care, control and management of the plant and equipment.

**BACKGROUND**

The *Rural Fires Act 1997* (hereafter referred to as ***the Act***) established the Rural Fire Service (RFS) to coordinate bush firefighting and prevention throughout the state and to provide rural fire services for New South Wales.

The NSW Rural Fire Fighting Fund holds all contributions required to meet the costs of the service and is maintained by the NSW Treasury. Annual contributions to the Fund are sourced from the following:

- NSW Treasurer 14.6%
- Relevant councils 11.7% (at s110(3) of ***the Act***)
- Insurance companies 73.7%

RFS districts and RFS brigades are established generally in line with local government areas (LGA). Murray River Council is part of the Mid Murray Fire Zone, which includes Murray River Council, Edward River Council, and part of the former Jerilderie Shire (Murrumbidgee Council).

Murray River Council currently maintains the buildings used by RFS within its LGA and services RFS vehicles through its maintenance depot upon request. Council charges the RFS for these costs directly to the RFS budget that Council maintains for maintenance and operation costs as these buildings are used exclusively by and for the sole benefit of the RFS.

Council accounts for land and buildings used by the RFS situated within the Murray River boundary in Council asset registers and financial statements.

However, Council does not account for RFS plant or other equipment as Council is of the view that these assets do not meet the requirements of Australian Accounting Standard Board (AASB) standard No. 116 (AASB 116). This was the position adopted by Council at the 24 May 2022 Council Ordinary Meeting.

This report is seeking to re-confirm Council's position with regards to not accounting for the NSW Rural Fire Service plant and equipment in the Council asset registers.

## DISCUSSION

The Office of Local Government (hereafter referred to as OLG) has stated, via the adopted Code of Accounting and Financial Reporting 2022/23 on page 54 (attached to this report), that *'The NSW Government has confirmed its view that these assets are not controlled by the NSW Rural Fire Services or the State. Councils need to assess whether they control any rural firefighting equipment in accordance with Australian Accounting Standards and recognise in their financial statements any material assets under their control and state the relevant accounting policy in relation to the treatment.'*

### Update Since May 2022 Report to Council

#### 2021/22 Audit Qualified Opinion by NSW Audit Office

It has been confirmed that forty-three (43) NSW Councils received a qualification on their 2021/22 financial statements, including Murray River Council, because of not recognising rural firefighting equipment in their financial statements.

The qualification that Murray River Council received for the 2021/22 financial year is shown in Attachment 2 of this report (called *FA1763 Report on the Conduct of the Audit 2022*). Within this qualification, it was argued that Council controlled rural firefighting equipment on the grounds that:

- these assets are vested in the Council under section 119(2) of the *Rural Fires Act 1997* (Rural Fires Act), giving the Council legal ownership
- the Council has the ability, outside of emergency events as defined in section 44 of the Rural Fires Act, to prevent the NSW Rural Fire Service from directing the use of the rural fire-fighting equipment by either not entering into a service agreement, or cancelling the existing service agreement that was signed on 1 April 2012
- the Council has specific responsibilities for fire mitigation and safety works and bush fire hazard reduction under Part 4 of the Rural Fires Act. The Council obtains economic benefits from the rural fire-fighting equipment as these assets are used to fulfil Council's responsibilities
- in the event of the loss of an asset, the insurance proceeds must be paid into the New South Wales Rural Fire Fighting Fund (section 119(4) of the Rural Fires Act) and be used to reacquire or build a similar asset, which is again vested in the Council as an asset provided free of charge.

This report outlines the position taken by Council previously, whereby it does not control the rural firefighting equipment. It is recommended that this position remains unchanged moving forward.

For information purposes, a list of the forty-three (43) councils to receive a qualified audit opinion on rural fire-fighting equipment is provided as part of Attachment 3 (see pages 65, 66 and 67 of the report called *Local Government 2022 Report - Extracted Pages*).

#### Local Government 2022 Report by the NSW Audit Office (hereafter referred to as NSW AO)

In the Local Government 2022 report, there was a focus on the RFS assets – this extract from that report has been included as Attachment 3 (Report called *Local Government 2022 Report - Extracted Pages*). On page 1 in the Auditor-General's foreword, the following comment was made:

*"Disappointingly, accounting for the value of rural firefighting equipment vested in councils continued to be an unnecessary distraction and resulted in 43 councils having their financial statements qualified. We continue to recommend that the Office of Local Government should intervene where councils fail to comply with Australian Accounting Standards by not recognising assets vested to them under section 119(2) of the Rural Fires Act 1997."*

On pages 10 and 15 of the report, the comment has been made that *"The OLG within the department should now intervene where councils do not recognise rural firefighting equipment."*

The mention of “*should now intervene*” – what does intervention look like? For example, does the NSW AO want the OLG to change the accounting code in a way to force councils to recognise RFS assets? The issue with the NSW AO statement wanting the OLG to intervene is that it is the council's responsibility to apply the accounting standards to the financial statements and not the OLG. It is on council to apply and adhere to the accounting standards when compiling the end of year financial statements.

The report also outlined that there were forty-three (43) NSW councils issued with a qualified audit opinion for non-recognition of rural firefighting equipment (refer to pages 65,66 and 67 of the attached Local Government 2022 report). There are forty-seven (47) NSW councils that do recognise rural firefighting equipment currently in their financial statements.

Finally, on page 15 of the Local Government 2022 report, the comment was made that “*Given the law and the State's clear position, it would appear that any council not recognising this equipment is non-compliant with the relevant Australian Accounting Standards.*” This statement is in contradiction to various other analysis and opinions done, including council's own assessment and the recently released Parker report (released in October 2022 under a freedom of information request).

### **Letter from OLG to the forty-three (43) Councils with Qualified Opinions**

It has been brought to council staff attention recently that the OLG has issued the forty-three (43) NSW councils with a qualified audit opinion a letter stating that councils provide the OLG a response on how they intend to address the recognition of rural fire-fighting equipment by way of:

In order to satisfy the Office of Local Government (OLG) that Council will address the qualified audit opinion it is requested that Council provide OLG with:

- the strategies implemented to address the qualified audit opinion and address any significant audit risks raised; and
- a copy of the Audit Office's 2021-22 management letter and Council's response.

At the time of writing this report, MRC has not received this letter from the OLG.

A copy of the letter received by another council has been provided as Attachment 4 for reference purposes.

### **Local Government NSW (hereafter referred to as LGNSW) Response to OLG**

Included with this report is a copy of the LGNSW response letter dated 27 June 2023 (Attachment 5) to the OLG express serious concern and disappointment at the qualification opinion and the OLG issuing letters to councils regarding the qualified opinions. The letter also re-confirms the position taken that councils will not change their position on the matter. The letter was made available to councils as part of the LGNSW President's Message update 5 July 2023. A copy of this can be found on Attachment 6.

To support the position MRC and other councils have taken, the letter outlined reasons as follows:

*“The position of LGNSW and councils is supported by:*

- *The State Government's own Local Government Accounting Code of Practice and Financial Reporting, which provides for councils to determine whether or not they record the RFS assets as council assets based on their professional opinion.*
- *A 7 June 2022 letter from the Secretary of the Department of Planning and Environment to the Auditor General which makes clear that ‘councils need to assess whether they control any rural firefighting equipment in accordance with Australian Accounting Standards’.*
- *An independent expert's 2018 report by GAAP Consulting commissioned by the OLG and only recently released after a successful GIPA request, which found that ‘councils have no*

*substantive rights for the control of fire-fighting equipment – vesting by itself does not confer control’. The expert report went on to recommend that:*

- o Fire-fighting equipment recognised by some councils should be derecognised.*
- o Fire-fighting equipment vested in councils should be recognised at cost in the RFS’s financial statements.”*

In the letter from LGNSW, it was noted that the GAAP Consulting report, titled ‘*Review of accounting for red truck assets and other fire-fighting equipment in NSW*’ was listed as a final draft, and notes that the OLG asked that the draft report first be considered by NSW Government before any consultation with the local government sector. This local government consultation on the report never occurred and the report was not shared publicly until it was successfully released under a Government Information (Public Access) Act request in 2022.

Finally, the LGNSW continues to support councils with the statement “*It is the clear position of LGNSW that councils should not record RFS mobile assets in their financial statements and LGNSW will continue to recommend that councils continue to consider their own position on this matter.*”

### **The Parker Report into RFS Red Fleet Assets**

Attached to the letter, and this report (as part of Attachment 5), is the GAAP Consulting report commissioned by the OLG back in 2018. The report was an expert’s report by Mr Colin Parker (over 40 years’ experience in financial reporting, auditing and ethics policy and implementation as well as a former member of the Australian Accounting Standards Board) into the *Review of accounting for ‘red truck’ assets and other fire-fighting equipment in NSW.* This report was completed in April 2018 and has recently been released under a GIPA application (requested by LG NSW) to the OLG. The report was made available to councils as part of the LGNSW President’s Message update 5 July 2023. A copy of this can be found on Attachment 6.

This report, as stated above was listed as a final draft, and notes that the OLG asked that the draft report first be considered by NSW Government before any consultation with the local government sector, but in summary the report conclusively states that Councils neither control RFS assets nor should recognise them.

To provide further explanation on this, pages 8 and 9 of the report, Mr Parker provides the following recommendations:

#### **My recommendations**

**31.** Fire-fighting equipment recognised by some councils should be derecognised. If the error is considered material, it should be disclosed as such under AASB 108 *Accounting Policies, Changes in Estimates and Errors*.

**32.** Fire-fighting equipment vested in councils whether recognised or unrecognised under options in the code should be recognised at cost in the RFS’s financial statements. This should be accounted and disclosed as an error under AASB 108 *Accounting Policies, Changes in Estimates and Errors* if the error is determined to be material.

**33.** Given the diversity of opinion between two group of stakeholders over a long period, an argument could be made that rather than an error, it is a change in accounting policy resulting for consideration of recently issued accounting standards (i.e., AASB 10, AASB 15, AASB



16) that provide more definitive guidance on the control. Accordingly, it would be not treated as error.

34. Under AASB 108, ‘an entity shall change an accounting policy only if the change: ... (b) results in the financial statements providing reliable and more relevant information about the effects of transactions, other events or conditions on the entity’s financial position, financial performance or cash flows’ (AASB 108.14).

35. AASB 108 also identifies two circumstances that are not changes in accounting policies: (a) the application of an accounting policy for transactions, other events or conditions that differ in substance from those previously occurring and (b) the application of a new accounting policy for transactions, other events or conditions that did not occur previously or were immaterial’ (AASB 108.16). For an argument of a change in accounting policy to be sustained the ‘differ in substance test’ would need to be argued.

36. As a change in accounting policy, the derecognition of fire-fighting equipment by those councils that had previously recognised such assets and their recognition by the RFS would present more reliable and relevant information to the users of their financial statements and be in line with the entities’ objectives.

37. My preference is for an error correction as the appropriate treatment.

38. Turning specifically to RFS-sourced land and buildings, these should be subject to the same control considerations as the red-fleet vehicles. There are likely to be further implications for councils where council land has been used as a contribution to infrastructure. These need to be determined by each council in accordance with their own facts and circumstances, applying the test of materiality.

\*\*\*\*\*

## NSW Parliament Members Private Bill

The NSW parliament member for Northern Tablelands (& Nationals party representative) Hon. Adam Marshall is trying to initiate an RFS political solution via a Private Members’ Bill. A full copy of Mr Adam Marshall MP media release, issued 19 June 2023, is attached to this report (Attachment 7), but to summarise the main points from it:

*“MEMBER for Northern Tablelands Adam Marshall will introduce a Private Members’ Bill into State Parliament this week, amending the Rural Fires Act 1997, to transfer the ownership of NSW Rural Fire Service (RFS) vehicles, fire trucks and buildings from local councils back to the State Government.”*

*“My Bill will remedy the situation, bringing the argy-bargy to an end by making it clear that RFS assets belong to, and should be accounted for by, the State Government, via the NSW Rural Fire Service.”*

*“This will bring the treatment of all these items in line with how the vehicle and building assets of all other emergency services in NSW are accounted for and remove an enormous and ridiculous cost burden from our local councils.”*

*“In essence, this Bill reverses a huge and archaic cost-shifting anomaly buried deep within the Act and puts the full cost back on the level of government responsible for the RFS; the State Government.”*

There are reports that the Private Members Bill above will be supported by Independent Member for Kiama, Hon. Gareth Ward MP.

The information below was reported in the May 2022 report and has remaining unchanged.

### Asset Recognition Criteria

The criteria for asset recognition are contained in various sections of the Framework for the Preparation and Presentation of Financial Statements and AASB116.

Under s119 of **the Act**, *'all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed'*. The NSW Government has also confirmed its view that these assets are not controlled by the NSW Rural Fire Services or the State.

Whilst **the Act** states that assets are to be vested in the council, the issue is around two core criteria concerns:

- where does effective control lie; and
- where does responsibility for the function lie.

AASB 116 requires that an asset shall only be recognised if, and only if:

- a) it is probable that future economic benefits associated with the item will flow to the entity.
- b) The cost of the item can be measured reliably.

Council does not provide rural fire fighting services to the community. Council helps the RFS to facilitate the delivery of bushfire management. While residents within Council's area receive a benefit from the activities of the RFS, RFS assets DO NOT provide any future economic benefit flow to Council.

Statement of Accounting Concepts 4 "Definition and Recognition of the Elements of Financial Statements" (hereafter referred to as SAC4) sets the basis on which an "Asset" should be recognised. There are three major factors to determine the characteristics of assets (SAC4 at 15):

1. The Entity must receive future economic benefits.
2. The Entity must have control over those future economic benefits.
3. The transaction or other event giving rise to the entity's control over the future economic benefit must have occurred.

SAC4 also establishes definitions of the elements of financial statements states, in that (at 14) *'An asset is defined as a resource that is **controlled by the entity** as a result of past events.'*

It goes on to state that *'control of an asset means the capacity of the entity to benefit from the asset in the pursuit of the entity's objectives and **to deny or regulate the access** of others to that benefit.'*

Attention needs to be given to the asset underlying substance and economic reality and not merely its legal form. In respect of not-for-profit entities, economic benefit is synonymous with service provision or enabling them to meet their objectives to beneficiaries.

### Information in relation to control of assets.

Further to **the Act** s119(2) that provides that all firefighting equipment acquired from the fund is to be vested in the council of the area, a council must not dispose of such equipment without the written consent of the Commissioner (s119(3)).



The Rural Fire District Service Agreement between Council and the Commissioner includes a basic section on district equipment (section 5):

- Council will allow the RFS to use the equipment, which is owned by, vested in or under the control of the Council.
- The Commissioner agrees to maintain the equipment on behalf of the Council; and
- The RFS will maintain a register of the equipment.

This can be compared to the section on Land and Buildings (section 6), which specifically states that the legal right to possession and control over the premises and land remains vested in Council and the RFS only has right of occupation. In addition:

- Council must maintain the premises in good repair.
- Council must pay all utility costs associated with the premises; and
- Council must pay all insurances associated with the building and public risk.

SAC4 (at 26) states that *‘Possession or ownership of an object or right would normally be synonymous with control over the future economic benefits embodied in the object or right. However, these are not essential asset characteristics.’*

SAC4 (at 37) states *‘Control over future economic benefits has been identified as an essential asset characteristic. While the ability of an entity to exercise control will often stem from the existence of legally enforceable rights, the absence of legal ownership does not preclude the existence of control. For example, an entity may protect the future economic benefits embodied in a formula or an invention not by obtaining a patent but by maintaining secrecy. Similarly, **the presence of legal rights does not guarantee control.**’* Therefore, the right of ownership is not essential to the determination of control.

## Accounting Recognition of Assets

As per AASB116, and stated in SAC4 (at 38) as well, requires that an asset shall only be recognised if, and only if:

- a) it is probable that future economic benefits associated with the item will flow to the entity.
- b) The cost of the item can be measured reliably.

### Future Economic Benefits

The RFS is funded directly by the State; both operating and capital acquisitions/ decisions are made directly by RFS Officers. While Council may be consulted in these decisions it takes no part in the final decision and as such Council has no direct input into the operations or capital acquisitions of the RFS.

**The Act** provides that *‘The NSW Rural Fire Service has the function to provide rural fire services for New South Wales’* [9(1)(a)]. It is considered therefore that it is the Rural Fire Service and not councils that receive future economic benefit from firefighting equipment assets in terms of both net cash flows and service provision.

### Control of Assets

SAC 4 (24) defines “control of an asset” as; *‘the capacity of the entity to benefit from the asset in the pursuit of the entity’s objectives and to deny or regulate the access of others to that benefit. **The entity controlling an asset is the one that can, depending on the nature of the asset, exchange it, use it to provide goods or services, exact a price for others’ use of it, use it to settle liabilities, hold it, or perhaps distribute it to owners.**’*

(a) *Land & Buildings*

The Rural Fire Service Agreement clearly identifies that Council retains full legal right to possession and control over premises occupied by the RFS. Councils are required to maintain buildings, pay all utility costs associated with the building and pay all insurances on the buildings and public risk associated with the use of the building.

This is like a lease agreement, and as such, Council retains control of the building and is required to hold the land and associated building as an asset.

(b) *Equipment*

S119 (3) of **the Act** stipulates that Council must not sell or otherwise dispose of any firefighting equipment ... without the consent of the Commissioner.

S119 (4) of **the Act** requires any funds received from sale must be credited to the RFS fund.

The RFS Zone Manager makes all decisions about capital improvements and new assets, while Council may be consulted in these decisions it takes no part in the final decision. The RFS insures all plant and equipment. In practice, the RFS makes all decisions to switch fleet and equipment to other fire districts as it deems necessary. Council has no access to and is not permitted to the use of any plant and equipment held by the RFS.

Council has no control over the purchase, use or sale of any RFS equipment. As such, the requirements of SAC 4 have not been met and RFS equipment should not be included as assets in Council's asset register or its financial statements.

## STRATEGIC IMPLICATIONS

### 2. Strategic Theme 2: A Place of Progressive Leadership

2.5 - Continue to be a trusted and ethical leader that leads by example - Leadership that is trusted, capable and collaborative.

5.1.1 - Council decision making takes into account the needs and priorities of our local communities and the longer term social, cultural, economic and environmental viability and sustainability of our region

## BUDGETARY IMPLICATIONS

Recommendation is to maintain current accounting treatment, so no budgetary impact on Council's budget.

If Council were to resolve to include the NSW RFS plant and equipment in Council's asset registers, it would impact the Income Statement by way of an increase in depreciation expense of approximately \$560,507 per annum, resulting in a deterioration of Council's financial position and its long-term financial sustainability.

## POLICY IMPLICATIONS

Nil.

## LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

Rural Fires Act 1997.

Australian Accounting Standards & Statement of Accounting Concepts

## RISK ANALYSIS

- **What can happen?**

NSW Audit Office (NSW AO) qualifies the financial statements of Council as a means of pressuring Council to conform the position dictated by the NSW State government through OLG.

- **How can it happen?**

By Council resolving to not account for the NSW RFS plant and equipment on Council's asset registers & financial statements

- **What are the consequences of the event happening?**

Moderate. Council will have a qualified audit, as it did receive for the 2021/22 financial statements. However, Council is aware that MRC is not alone in taking this position and multiple Councils have continued to not account for these assets. As such if the NSW AO, were to qualify the financial statements again for 2022/23 financial year, it would need to do so for approximately for forty-three (43) councils in NSW, which is likely to bring a higher level of external scrutiny to the issue.

- **What is the likelihood of the event happening?**

Likely.

- **Adequacy of existing controls?**

Controls are limited, as the decision to qualify the financial statements rests with the NSW AO.

- **Treatment options to mitigate the risk?**

Council can resolve to include the RFS plant & equipment in Council financial statements. While that would eliminate the risk of a qualified audit opinion, it would deteriorate the financial position of Council and it may also weaken the position that LGNSW and councils have taken on the matter – need to maintain the collective position on the matter.

## CONCLUSION






The AASB Accounting Standards require a standard higher than ownership when accounting for assets. Even if entities may own an asset, unless they have control of that asset and can clearly identify future economic benefits flowing to the entity from that asset, then it cannot be included in the entity's assets schedule.

When all criteria of asset recognition included in the AASB Accounting Framework and Standards are considered, while Council retains effective control of associated land and buildings, the NSW RFS retains control of plant and equipment. In line with this, Council's practice is to recognise associated land and buildings used by the RFS in its asset schedules, but not plant and equipment. It is also considered that regarding the objectives of financial reporting, Council's obligation and commitment to the rural fire fighting function is fully and accurately reflected in the statutory contribution expense made and the net cost of other relevant facilities provided.

Recent updates to this issue, including the LGNSW continuing to support councils, the release of the GAAP consulting report, and the private members bill to the NSW Parliament by Hon. Adam Marshall help to confirm that council is taking the correct position with regards to the non-recognition of rural firefighting equipment and more importantly, that council is not alone on this issue. The recommendation is that council does not change its position on this matter.

## ATTACHMENTS

1. **Attachment 1 - Code of Accounting and Financial Reporting 2020-21 – General Purpose Financial Statements Pages Extract** [!\[\]\(53bbead7c6301fdaad0e6a4142d703bc\_img.jpg\)](#) [!\[\]\(4b361dfca2bfec5a622761de90ba1207\_img.jpg\)](#)
2. **Attachment 2 - FA1763 Report on the Conduct of the Audit 2022** [!\[\]\(a46678db7641903cff84e0f1e49f29dd\_img.jpg\)](#) [!\[\]\(60cac153ba58cd634243fb984f1419ea\_img.jpg\)](#)

3. Attachment 3 - Local Government 2022 Report - Extracted Pages [↓](#) 
4. Attachment 4 - OLG letter to Another Council [↓](#) 
5. Attachment 5 - LG NSW Letter and GAAP Consulting Report into Red Truck and Other Rural Firefighting Equipment (under separate cover) 
6. Attachment 6 - LGNSW Presidents Message 5 July 2023 [↓](#) 
7. Attachment 7 - Mr Adam Marshall MP Media Release 19 June 2023 [↓](#) 



Office of  
Local Government

**LOCAL GOVERNMENT  
CODE OF ACCOUNTING PRACTICE  
AND FINANCIAL REPORTING 2022/23**



**December 2022**

NSW Council | Notes to the financial statements 30 June 2023

	<p>14. The cost of a major inspection or overhaul of an item occurring at regular intervals over the useful life of the item is capitalised only where Council has clearly identified as a separate component of the asset an amount representing major inspection or overhaul and has already depreciated that component to reflect the consumption of benefits that are to be subsequently replaced. The carrying amount of the parts replaced should be appropriately de-recognised. In all other circumstances, such costs are expensed as incurred.</p>
	<p><b>Depreciation</b></p>
AASB 116.58	<p>15. Each part of an item of IPPE with a cost that is significant in relation to the total cost of the asset should be depreciated separately (componentisation).</p> <p>16. The purpose of depreciation is to record the value (or cost) of the asset that has been consumed during the accounting period so that users can obtain an understanding of Council's assets and their performance. Depreciation expense in the financial statements should not be used as a proxy for the amount of future funding required to replace the existing asset nor a mechanism to set users' charges or rates based on fully funding depreciation.</p> <p>17. Generally, land has an unlimited life, however Councils need to depreciate land if it is considered to have a finite life, for example being used for quarries or landfill.</p> <p>18. Straight-line method of depreciation reduces the cost of the asset uniformly over the useful life of the asset which is considered the method that most closely reflects the expected pattern of consumption of the future economic benefits embodied in the assets of councils</p>
OLG	<p>19. OLG preference is for all councils to use straight-line method for depreciation of IPPE. If councils are using a depreciation method other than straight-line then councils need to have detailed systems and controls to support that alternative model.</p> <p>20. Where a council changes from a depreciation method other than straight-line to straight-line then it is accounted for as a change in accounting estimate per AASB 108 (change in expected pattern of consumption of the future economic benefits embodied in depreciable assets) and therefore should be accounted for on a prospective basis.</p>
AASB agenda decision	<p><b>Residual value</b></p> <p>The AASB's stated view is that residual value reflects consideration receivable for an asset at the end of its useful life to the entity, and accordingly would not include cost savings from the reuse of in-situ materials. This means that the potential cost savings from reusing existing infrastructure components should not be recognised as a residual value, i.e., an asset should be written down to zero at the point of renewal. Any savings that are expected to be achieved by the reuse of in situ material would be expected to be reflected in the replacement cost.</p> <p><b>Rural Fire Services (RFS) assets</b></p> <p>Under Section 119 of the Rural Fire Services Act 1997 (NSW), <i>'all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed'</i>.</p> <p>The NSW Government has confirmed its view that these assets are not controlled by the NSW Rural Fire Services or the State.</p> <p>Councils need to assess whether they control any rural firefighting equipment in accordance with Australian Accounting Standards and recognise in their financial statements any material assets under their control and state the relevant accounting policy in relation to the treatment.</p>



Cr Chris Bilkey  
Mayor  
Murray River Council  
PO Box 906  
MOAMA NSW 2731

Contact: Daniel Mobilia  
Phone no: (02) 9275 7379  
Our ref: D2226256/1763

8 December 2022

Dear Mayor

**Report on the Conduct of the Audit  
for the year ended 30 June 2022  
Murray River Council**

I have audited the general purpose financial statements (GPFS) of the Murray River Council (the Council) for the year ended 30 June 2022 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed a modified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2022 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

**SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS**

I identified the following significant audit issues and observations during my audit of the Council's financial statements.

**Modification to the opinion in the Independent Auditor's Report**

**Non-recognition of rural fire-fighting equipment**

The Council has not recognised rural fire-fighting equipment as assets within 'Infrastructure, property, plant and equipment' in the Statement of Financial Position at 30 June 2022. In my opinion, these assets are controlled by the Council and should be recognised as assets in accordance with AASB 116 'Property, Plant and Equipment'.

Australian Accounting Standards refers to control of an asset as being the ability to direct the use of, and obtain substantially all of the remaining benefits from, the asset. Control includes the ability to prevent other entities from directing the use of, and obtaining the benefits from, an asset.

Rural fire-fighting equipment is controlled by the Council as:

- these assets are vested in the Council under section 119(2) of the *Rural Fires Act 1997* (Rural Fires Act), giving the Council legal ownership
- the Council has the ability, outside of emergency events as defined in section 44 of the Rural Fires Act, to prevent the NSW Rural Fire Service from directing the use of the rural fire-fighting

- equipment by either not entering into a service agreement, or cancelling the existing service agreement that was signed on 1 April 2012
- the Council has specific responsibilities for fire mitigation and safety works and bush fire hazard reduction under Part 4 of the Rural Fires Act. The Council obtains economic benefits from the rural fire-fighting equipment as these assets are used to fulfil Council's responsibilities
- in the event of the loss of an asset, the insurance proceeds must be paid into the New South Wales Rural Fire Fighting Fund (section 119(4) of the Rural Fires Act) and be used to reacquire or build a similar asset, which is again vested in the Council as an asset provided free of charge.

The Council has not undertaken procedures to confirm the completeness, accuracy, existence or condition of these assets. Nor has the Council performed procedures to identify the value of assets vested in it during the year. When these assets are vested, no financial consideration is required from the Council and as such these are assets provided to Council free-of-charge.

Consequently, we were unable to determine the carrying values of rural firefighting equipment assets and related amounts that should be recorded and recognised in the council's 30 June 2022 financial statements.

This has resulted in the audit opinion on the Council's 30 June 2022 GPFS to be modified. Refer to the Independent Auditor's report on the GPFS.

## INCOME STATEMENT

### Operating result

	2022 \$m	2021 \$m	Variance %
Rates and annual charges revenue	17.8	18.0	1.1
Grants and contributions revenue	37.1	37.2	0.2
Operating result from continuing operations	(3.4)	8.1	142.0
Net operating result before capital grants and contributions	(21.8)	(11.1)	96.4

Rates and annual charges revenue (\$17.8 million) decreased by \$0.2 million (1.1 per cent) in 2021–22. The movement is driven by a decrease in annual charges and is not significant.

Grants and contributions revenue (\$37.1 million) decreased by \$0.1 million (0.3 per cent) in 2021–22. The movement is not significant.

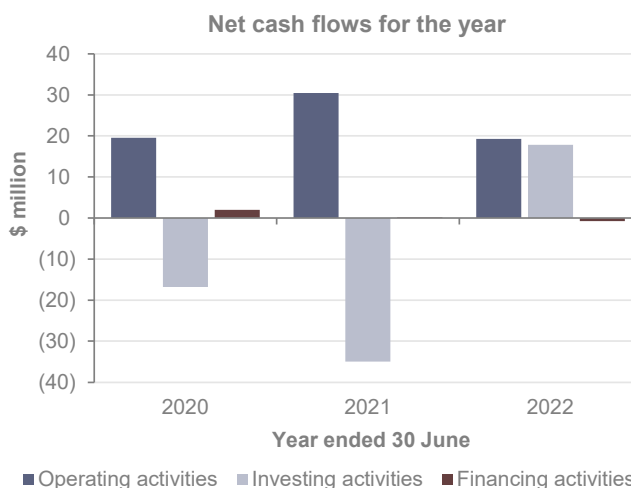
The Council's operating result from continuing operations (deficit of \$3.4 million including depreciation and amortisation expense of \$26.3 million) was \$11.5 million lower than the 2020–21 result. The decrease was mainly due to a \$6.4 million increase in depreciation, amortisation and impairment expense in 2020–21 as compared to the prior year. Council's depreciation on road assets increased by \$5.2 million to \$13.9 million in 2021–22 which was a result of the revaluation of this asset class in 2020–21. Council also recorded a \$3.2 million revaluation decrement of IPPE through the income statement in 2021–22 (2020–21: \$2.5 million).



The net operating result before capital grants and contributions (deficit of \$21.8 million) was \$10.7 million lower than the 2020–21 result. The decrease was mainly due to increase in depreciation, amortisation and impairment expense (as noted in above commentary).

## STATEMENT OF CASH FLOWS

- Council's cash and cash equivalents was \$2.4 million at 30 June 2022 (\$1.9 million at 30 June 2021). There was a net increase in cash and cash equivalents of \$0.5 million during 2021–22 financial year.
- Net cash provided by operating activities has decreased by \$11.2 million. The decrease is mainly due to the decrease in grants and contributions by \$5.9 million and an increase in payments for materials and services by \$3.9 million.
- Net cash used in investing activities has decreased by \$17.0 million. The decrease is mainly due to a decrease in purchases of investments by \$12.9 million.
- Net cash flows from financing activities have decreased by \$0.9 million, to \$0.8 million used in 2021–22 compared to \$0.1 million received in 2020–21. The decrease is mainly due to \$0.7 million proceeds from borrowings in 2020–21.



## FINANCIAL POSITION

### Cash and investments

Cash and investments	2022	2021	Commentary
	\$m	\$m	
<b>Total cash, cash equivalents and investments</b>	<b>48.3</b>	<b>52.7</b>	<ul style="list-style-type: none"> <li>Externally restricted cash and investments are restricted in their use by externally imposed requirements. The externally restricted funds as at 30 June 2022 has increased due to an increase in sewer fund restrictions by \$1.1 million and increase in developer contributions – general by \$0.6 million.</li> </ul>
Restricted and allocated cash, cash equivalents and investments:			
• External restrictions	33.5	30.8	<ul style="list-style-type: none"> <li>Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect identified programs of works and any forward plans identified by Council. The decrease of internally restricted funds of \$7.6 million is primarily due to a decrease in prepaid financial assistance grant by \$2.2 million, infrastructure replacement by \$2 million, decrease in employees leave entitlement by \$0.9 million, and decrease in industrial development by \$1.2 million.</li> </ul>
• Internal allocations	12.5	20.1	
• Unrestricted	2.3	1.8	
			<ul style="list-style-type: none"> <li>Unrestricted cash and investments have remained relatively consistent with the prior year.</li> </ul>

### Debt

Council has \$3.3 million of external borrowings (\$3.8 million in 2021) which is secured over the revenue of Council. Council repaid \$0.6 million of external borrowings and no new loans were entered during the year. Council also has a \$0.7 million bank overdraft facility (2021: \$0.7 million) which was undrawn as of 30 June 2022.

## PERFORMANCE

### Performance measures

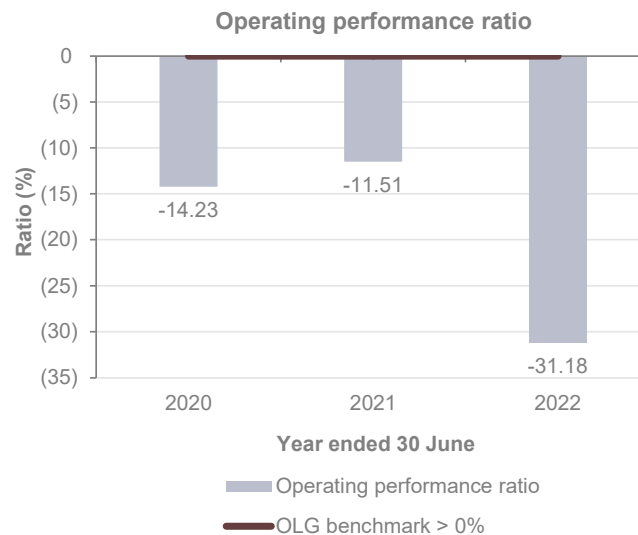
The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment.

#### Operating performance ratio

The Council did not meet the OLG benchmark for the current reporting period.

The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.

The operating performance ratio decreased to -31.18 per cent (2021: -11.51 per cent) due to the increase in depreciation, amortisation and revaluation decrement expense by \$6.4 million in 2021–22.

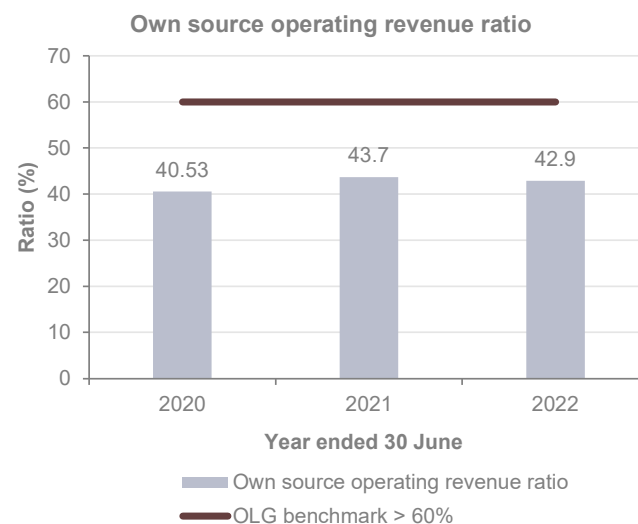


#### Own source operating revenue ratio

The Council did not meet the OLG benchmark for the current reporting period.

The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.

The own source operating revenue ratio of 42.90 per cent is relatively consistent with the prior year (43.7 per cent).

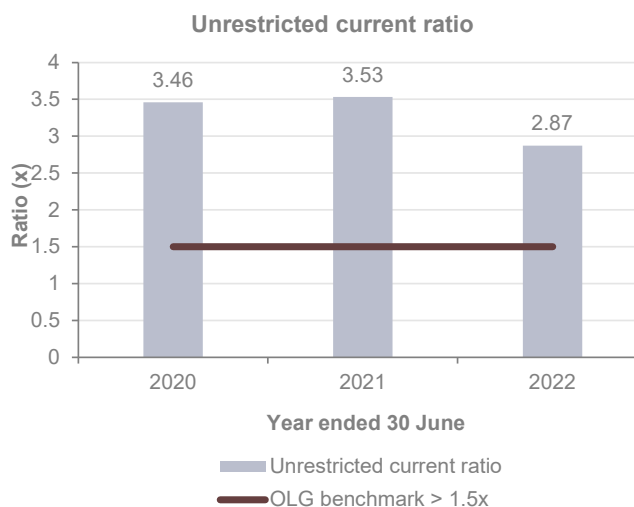


### Unrestricted current ratio

The Council exceeded the OLG benchmark for the current reporting period.

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.

The unrestricted current ratio of 2.87 per cent is relatively consistent with the prior year (3.53 per cent).

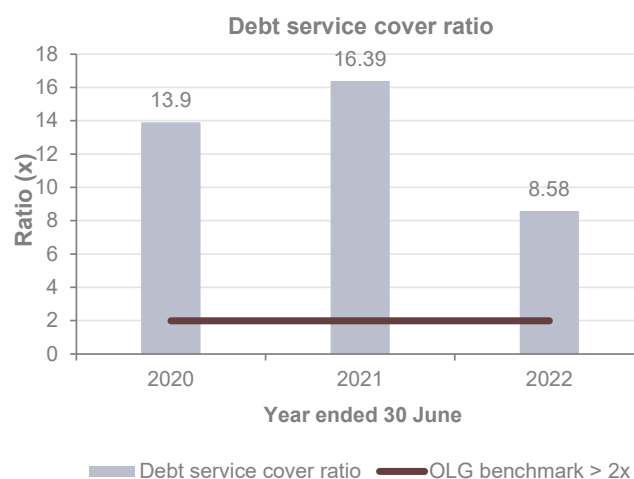


### Debt service cover ratio

The Council exceeded the OLG benchmark for the current reporting period.

The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.

Council's debt service cover ratio decreased to 8.58 times (2021: 16.39 times) due to no new loans being entered during the year.

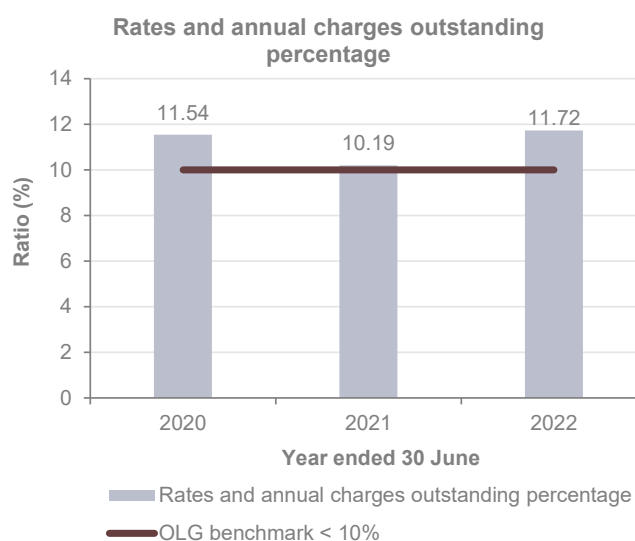


### Rates and annual charges outstanding percentage

The Council did not meet the OLG benchmark for the current reporting period.

The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional and rural councils.

The Council's rates and annual charges outstanding percentage has increased due to the increase in rates and annual charges outstanding in 2021–22.

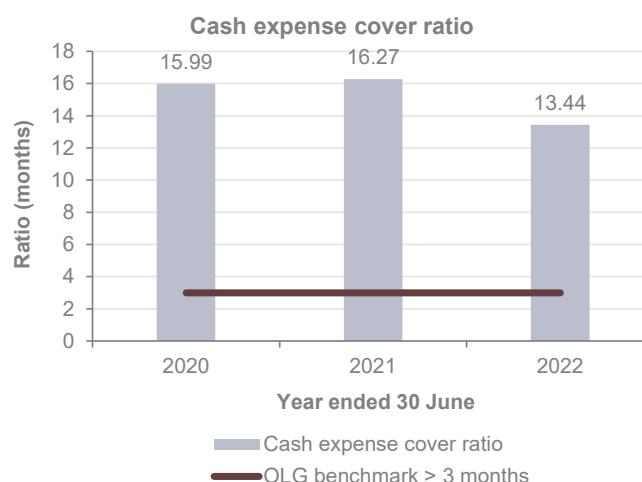


### Cash expense cover ratio

The Council exceeded the OLG benchmark for the current reporting period.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

The cash expense cover ratio has decreased due to decrease in cash and cash equivalent and investments by \$4.3 million.



### Infrastructure, property, plant and equipment renewals

The Council renewed \$15.1 million of assets in the 2021–22 financial year, compared to \$12.5 million of assets in the 2020–21 financial year. The increase is largely due to increase in renewals on roads and bridges.

## OTHER MATTERS

### Legislative compliance

My audit procedures identified a material deficiency in the Council's financial statements that will be reported in the Management Letter. Rural fire-fighting equipment was not recognised in the financial statements.

Except for the matter outlined above, the Council's:

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the GPFS
- staff provided all accounting records and information relevant to the audit.

*D Mobilia*

Daniel Mobilia  
Delegate of the Auditor-General for New South Wales

cc: Mr Terry Dodds, General Manager  
Mr Richard Ham, Audit, Risk and Improvement Committee Chair  
Mr Stephen Fernando, Director of Corporate Services  
Mr Kris Kershaw, Finance Manager  
Mr Michael Cassel, Secretary of the Department of Planning and Environment





FINANCIAL AUDIT

13 JUNE 2023

# Local Government 2022

NEW SOUTH WALES AUDITOR-GENERAL'S REPORT



## THE ROLE OF THE AUDITOR-GENERAL

The roles and responsibilities of the Auditor-General, and hence the Audit Office, are set out in the *Government Sector Audit Act 1983* and the *Local Government Act 1993*.

We conduct financial or 'attest' audits of state public sector and local government entities' financial statements. We also audit the Consolidated State Financial Statements, a consolidation of all state public sector agencies' financial statements.

Financial audits are designed to add credibility to financial statements, enhancing their value to end-users. Also, the existence of such audits provides a constant stimulus to entities to ensure sound financial management.

Following a financial audit the Audit Office issues a variety of reports to entities and reports periodically to Parliament. In combination, these reports give opinions on the truth and fairness of financial statements, and comment on entity internal controls and governance, and compliance with certain laws, regulations and government directives. They may comment on financial prudence, probity and waste, and recommend operational improvements.

We also conduct performance audits. These examine whether an entity is carrying out its activities effectively and doing so economically and efficiently and in compliance with relevant laws. Audits may cover all or parts of an entity's operations, or consider particular issues across a number of entities.

As well as financial and performance audits, the Auditor-General carries out special reviews, compliance engagements and audits requested under section 27B(3) of the *Government Sector Audit Act 1983*, and section 421E of the *Local Government Act 1993*.



GPO Box 12  
Sydney NSW 2001

The Legislative Assembly  
Parliament House  
Sydney NSW 2000

The Legislative Council  
Parliament House  
Sydney NSW 2000

In accordance with section 421D of the *Local Government Act 1993*,  
I present a report titled '**Local Government 2022**'.

A handwritten signature in black ink, appearing to read 'Margaret Crawford'.

**Margaret Crawford PSM**

Auditor-General for New South Wales  
13 June 2023

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## RECONCILIATION COMMITMENT STATEMENT

The Audit Office of New South Wales pay our respect and recognise Aboriginal people as the traditional custodians of the land in NSW.

We recognise that Aboriginal people, as custodians, have a spiritual, social and cultural connection with their lands and waters, and have made and continue to make a rich, unique and lasting contribution to the State. We are committed to continue learning about Aboriginal and Torres Strait Islander peoples' history and culture.

We honour and thank the traditional owners of the land on which our office is located, the Gadigal people of the Eora nation, and the traditional owners of the lands on which our staff live and work. We pay our respects to their Elders past and present, and to the next generation of leaders.

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## Local Government 2022

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## Auditor-General's foreword

Pursuant to the *Local Government Act 1993* I am pleased to present my Auditor-General's report on Local Government 2022. My report provides the results of the 2021–22 financial audits of 126 councils, 11 joint organisations and nine county councils. The audits for two councils and two joint organisations are in progress due to significant accounting issues.

Unqualified audit opinions were issued for 83 councils, 11 joint organisations and nine county councils' 2021–22 financial statements. The statements for 43 councils were qualified due to non-recognition of rural firefighting equipment vested under section 119 (2) of the *Rural Fires Act 1997*. And the audit opinion on Kiama Municipal Council's 30 June 2021 financial statements was disclaimed due to deficiencies in books and records.

This year has again been challenging for many New South Wales local councils still recovering from the impact of emergency events and facing cost and resourcing pressures. We appreciate the efforts of council staff and management in meeting their financial reporting obligations. We share a mutual interest in raising the standard of financial management in this sector, and the importance of accurate and transparent reporting.

Disappointingly, accounting for the value of rural firefighting equipment vested in councils continued to be an unnecessary distraction and resulted in 43 councils having their financial statements qualified. We continue to recommend that the Office of Local Government should intervene where councils fail to comply with Australian Accounting Standards by not recognising assets vested to them under section 119(2) of the *Rural Fires Act 1997*.

Sound financial management is critical to councils' ability to instil trust and properly serve their communities. The recommendations in this report are intended to further improve their financial management and reporting capability, and encourage sound governance arrangements and cyber resilience. I am committed to continuing this work with councils in the 2022–23 year and beyond.

Margaret Crawford PSM  
Auditor-General for New South Wales

## Planning and managing bushfire equipment

This [Planning and managing bushfire equipment](#) audit assessed the effectiveness of the NSW Rural Fire Service (RFS) and local councils in planning and managing equipment for bushfire prevention, mitigation, and suppression.

We found that the RFS has focused its fleet development activity on modernising and improving the safety of its firefighting fleet, and on the purchase of new firefighting aircraft. There is limited evidence that the RFS has undertaken strategic fleet planning or assessment of the capability of the firefighting fleet to respond to current bushfire events or emerging fire risks. The RFS does not have an overarching strategy to guide its planning, procurement, or distribution of the firefighting fleet. The RFS does not have effective oversight of fleet maintenance activity across the State, and is not ensuring the accuracy of District Service Agreements with local councils, where maintenance responsibilities are described.

We recommended that by December 2023, the Rural Fire Service should:

- develop a fleet enhancement framework and strategy that is informed by an assessment of current fleet capability, and research into appropriate technologies to respond to emerging fire risks
- develop performance measures to assess the performance and capabilities of the fleet in each RFS District by recording and publicly reporting on fire response times, fire response outcomes, and completions of fire hazard reduction works
- report annually on fleet allocations to RFS Districts, and identify the ways in which fleet resources align with district-level fire risks
- develop a strategy to ensure that local brigade volunteers are adequate in numbers and appropriately trained to operate fleet appliances in RFS Districts where they are required
- establish a fleet maintenance framework to ensure regular update of District Service Agreements with local councils
- review and improve processes for timely recording of fleet asset movements, locations, and maintenance status.

## Cyber Security NSW: governance, roles and responsibilities

Cyber Security NSW is part of the Department of Customer Service, and aims to provide the NSW Government with an integrated approach to preventing and responding to cyber security threats.

This [Cyber Security NSW: governance, roles and responsibilities](#) audit assessed the effectiveness of Cyber Security NSW's arrangements in contributing to the NSW Government's commitments under the NSW Cyber Security Strategy, in particular, increasing the NSW Government's cyber resiliency. The audit asked:

- Are internal planning and governance processes in place to support Cyber Security NSW meet its objectives?
- Are Cyber Security NSW's roles and responsibilities defined and understood across the public sector?

We recommended the Department of Customer Service, by 30 June 2023, should:

- implement an approach that provides reasonable assurance that NSW government agencies are assessing and reporting their compliance with the NSW Government Cyber Security Policy in a manner that is consistent and accurate
- ensure that Cyber Security NSW has a strategic plan that clearly demonstrates how the functions and services provided by Cyber Security NSW contribute to meeting its purpose and achieving NSW government outcomes
- ensure that Cyber Security NSW has a detailed, complete and accessible catalogue of services available to agencies and councils
- develop a comprehensive engagement strategy and plan for the local government sector, including councils, government bodies, and other relevant stakeholders.

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## 2. Audit results

Financial reporting is an important element of good governance. Confidence in and transparency of public sector decision-making are enhanced when financial reporting is accurate and timely.

This chapter outlines audit observations related to the financial reporting audit results of councils and joint organisations.

### Section highlights

- Ninety-three councils and joint organisations (2020–21: 109) lodged audited financial statements with OLG by the statutory deadline of 31 October.
- More councils received extensions. Fifty-seven councils and joint organisations (2020–21: 41) received extensions to submit audited financial statements to OLG.
- Unqualified audit opinions were issued for 83 councils, 11 joint organisations and nine county councils 2021–22 financial statements.
- A disclaimer of audit opinion was issued to Kiama Municipal Council relating to the 30 June 2021 financial statements.
- The audits of two councils and two joint organisations are still in progress as at the date of this report due to significant accounting issues.
- Qualified audit opinions were issued for 43 councils (2020–21: one) due to non-recognition of rural firefighting equipment vested to councils under the *Rural Fires Act 1997* in their financial statements. Forty-seven councils appropriately recognised this equipment.
- Since 2017, the Audit Office of New South Wales has recommended that OLG address the different practices across the local government sector in accounting for the rural firefighting equipment. Despite repeated recommendations, the OLG has not been effective in resolving this issue.
- The OLG within the department should now intervene where councils do not recognise rural firefighting equipment.
- The total number of errors and total dollar values (including corrected and uncorrected) in the financial statements decreased compared to prior year.
- Eighty-two per cent of councils performed some early financial reporting procedures (2020–21: 59%). We continue to recommend that OLG should require early close procedures across the local government sector.

**The department should intervene to assess councils' compliance with legislative responsibilities, standards and guidelines**

The financial statements of the NSW Total State Sector and the NSW Rural Fire Service do not include rural firefighting equipment that has been vested to councils under section 119(2) of the Rural Fires Act. The State Government has reconfirmed its view that rural firefighting equipment vested to councils under Section 119(2) of the Rural Fires Act is not controlled by the State. In reaching this conclusion, the State argued that on balance it would appear the councils control the rural firefighting equipment that has been vested to them. It is important to note that there are only two parties to the agreements that govern the use of vested rural firefighting equipment, leaving only two parties who would be considered to control this equipment – the NSW Rural Fire Service in the State sector, or councils in the local government sector.

Since 2017, the Audit Office has recommended that the Office of Local Government (OLG) and then the Department of Planning and Environment (the department) address the differing practices across the local government sector in accounting for rural firefighting equipment. In doing so, the Audit Office recommended that OLG should work with NSW Treasury to ensure there is a whole-of-government approach.

In 2021, having again considered the accounting position papers prepared by the respective stakeholders, the Audit Office of New South Wales advised councils and the department that any council not recognising this equipment is not complying with the requirements of the Australian Accounting Standards. We recommended that the department intervene when councils do not recognise vested rural firefighting equipment.

The department's role includes assessing whether intervention is appropriate with respect to councils' compliance with, and performance against legislative responsibilities, standards or guidelines. Given the law and the State's clear position, it would appear that any council not recognising this equipment is non-compliant with the relevant Australian Accounting Standards.

Despite these repeated recommendations in our 'Local Government 2021' and 'Planning and Environment 2022' Auditor-General's reports, the department has not been effective in resolving this issue. Forty-three of 146 completed audits of councils received qualified audit opinions on their 2022 financial statements. Sufficient time and engagement have been afforded to avoid these qualified audit opinions. This situation is unlikely to be resolved in the absence of regulatory intervention.

The department should now intervene to address this matter as a priority.

**Recommendation to the department (repeat issue)**

**Consistent with the NSW Government's accounting position on control of vested rural firefighting equipment and the department's role to assess councils' compliance with legislative responsibilities, standards or guidelines, the department should intervene where councils do not recognise rural firefighting equipment vested to them under section 119(2) of the Rural Fires Act.**

Recommendations to the department	Current status	
<b>The department should intervene where councils do not recognise rural firefighting equipment</b>		
Consistent with the department's role to assess council's compliance with legislative responsibilities, standards or guidelines, the department should intervene where councils do not recognise rural firefighting equipment.	<p><b>We continue to recommend that the department should intervene where councils do not recognise vested rural firefighting equipment (repeat recommendation)</b></p> <p>Since 2017, the Audit Office has recommended that the OLG and then the department address the different practices across the local government sector in accounting for rural firefighting equipment. In doing so, the Audit Office recommended that OLG should work with NSW Treasury to ensure there is a whole-of-government approach. NSW Treasury has articulated and communicated its clear position.</p> <p>In 2021, the Audit Office of New South Wales advised councils and the department that not recognising this equipment is non-compliant with the Australian Accounting Standards. We recommended that the department should intervene when councils do not recognise rural firefighting equipment.</p> <p>It is the department's role to assess whether intervention is appropriate with respect to councils' compliance with and performance against legislative responsibilities, standards or guidelines.</p> <p>Despite these repeated recommendations in our 'Local Government 2021' and 'Planning and Environment 2022' Auditor-General's reports, the department has not been effective in resolving this issue. Forty-three of 146 completed audits of councils received qualified audit opinions on their 2022 financial statements in relation to this issue.</p> <p>It is our view that this situation is unlikely to be resolved in the absence of regulatory intervention and the department should now intervene to address this matter as a priority.</p> <p>Refer to Section 2.1 for further information on this issue.</p>	Not addressed
<b>Early close procedures</b>		
OLG should require early close procedures across the local government sector by 30 April 2023.	<p><b>We continue to recommend that OLG consider requiring early close procedures across the local government sector (repeat recommendation)</b></p> <p>Potential policy requirements requiring early close procedures have not been discussed with key stakeholders, nor have requirements to perform early close procedures been communicated by OLG to councils and joint organisations as at the date of this report.</p>	Not addressed

## Appendix three – Councils received qualified audit opinions

No.	Council	Qualification
1.	Bathurst Regional Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
2.	Bega Valley Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
3.	Bellingen Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
4.	Byron Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
5.	Cabonne Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
6.	Carrathool Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
7.	Cessnock City Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
8.	Coolamon Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
9.	Dungog Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
10.	Edward River Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
11.	Federation Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
12.	Forbes Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
13.	Greater Hume Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
14.	Griffith City Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
15.	Hilltops Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
16.	Kempsey Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
17.	Lachlan Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
18.	Leeton Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
19.	Lockhart Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
20.	Mid-Western Regional Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)




No.	Council	Qualification
21.	Moree Plains Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
22.	Murray River Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
23.	Murrumbidgee Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
24.	Queanbeyan-Palerang Regional Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
25.	Snowy Monaro Regional Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
26.	Sutherland Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
27.	Tamworth Regional Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
28.	Temora Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
29.	Tweed Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
30.	Upper Lachlan Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
31.	Wagga Wagga City Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
32.	Weddin Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
33.	Wollondilly Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
34.	Glen Innes Severn Council	Non-recognition of rural firefighting equipment and buildings on council controlled land (and no evidence to support fair value)
35.	Junee Shire Council	Non-recognition of rural firefighting equipment and buildings on council controlled land (and no evidence to support fair value)
36.	Snowy Valleys Council	Non-recognition of rural firefighting equipment and buildings on council controlled land (and no evidence to support fair value)
37.	Blayney Shire Council	Non recognition of rural firefighting equipment (and evidence to support fair value exceeds materiality set for the audit)
38.	Tenterfield Shire Council	Non recognition of rural firefighting equipment and buildings on council controlled land (and evidence to support fair value exceeds materiality set for the audit)
39.	Warrumbungle Shire Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value) and Council determined to remove rural firefighting equipment from financial statements
40.	Bland Shire Council	Non-recognition of rural firefighting equipment and buildings (and no evidence to support fair value) and Council determined to remove rural firefighting equipment from financial statements

No.	Council	Qualification
41.	Yass Valley Council	Non-recognition of rural firefighting equipment (and no evidence to support fair value)
42.	Cootamundra-Gundagai Regional Council	Non-recognition of rural firefighting equipment and buildings on council controlled land (and no evidence to support fair value)
43.	Clarence Valley Council	Non recognition of rural firefighting equipment (and evidence to support fair value exceeds audit overall materiality)

## Attachment 4 - OLG Letter to Another Council

Strengthening local government



**Office of  
Local Government**

Our Reference: A862438  
Contact: Sarah Gubb  
Phone: 02 4428 4142

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

[Redacted]  
General Manager  
[Redacted]

Via email: [Redacted]

Dear [Redacted]

I am writing to draw your attention to the qualified audit opinion issued by the NSW Audit Office following the audit of Council's 2021-22 financial statements.

The Auditor General has chosen to qualify the audits of those councils that have not included Rural Fire Service (RFS) assets based on her opinion that failure to include these assets is not compliant with the Australian Accounting Standards.

The opinion also states that Council has not undertaken procedures to confirm the completeness, accuracy, existence or condition of these assets or performed procedures to identify the value of RFS assets vested in it during the year.


An unqualified audit opinion is a fundamental function of councils and failure to meet this requirement can be an indicator of poor financial management and council governance.

In order to satisfy the Office of Local Government (OLG) that Council will address the qualified audit opinion it is requested that Council provide OLG with:

- the strategies implemented to address the qualified audit opinion and address any significant audit risks raised; and
- a copy of the Audit Office's 2021-22 management letter and Council's response.

It would be appreciated if Council could provide the requested information prior to 28 July 2023.

Yours sincerely

  
**Ashley Albury**  
A/Deputy Secretary, Local Government

Attachment 6 – Local Government President’s Message NSWNews 5 July 2023.

Viewed: 12 July 2023

<https://www.lgnsww.gov.au/Public/Public/News/President-Message/2023/PM070423.aspx>

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5 July 2023

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You may notice we’ve had a bit of a facelift here at the Weekly and on our website!

After 10 years we thought it was time to freshen up our look, ensuring our digital communications are compliant with best practice and as accessible as possible while avoiding any expensive rebranding process.

Rest assured that other than minor tweaks to our corporate colours and fonts, there’ll be no change: LGNSW’s second decade continues with the same brand, same services, and same commitment to members as always!

## **NAIDOCweek (2 July to 9 July)**

Congratulations to the many councils right across NSW partnering with First Nations communities to mark NAIDOCweek this week, celebrating and recognising the history, culture and achievements of Aboriginal and Torres Strait Islander peoples.

The 2023 NAIDOCweek theme is [For Our Elders](#), highlighting the important role of Elders as cultural knowledge holders and leaders for their communities.

I was very pleased to meet with [Gr Pat Dixon Memorial Scholarship](#) Trustees earlier this week to consider applications for 2023 scholarships for Aboriginal or Torres Strait Islander councillors and council staff, and I look forward to having more to say on this year's recipients soon.

## **LGNSWonline forum this Thursday – Voice to Parliament**

Thank you all who have registered for the [LGNSWonline forum](#) this Thursday on the Voice to Parliament.

Please join me in hearing from speakers such as the Hon Linda Burney MP (Minister for Indigenous Australians), Professor Megan Davis (Pro Vice-Chancellor Indigenous UNSW and Professor of Law, UNSW), Gr Esma Livermore (Deputy Mayor, Queanbeyan-Palerang Regional Council) and Gr Darcy Byrne (Mayor, Inner West Council)

The forum will provide you with an opportunity to hear about the upcoming referendum on the Voice to Parliament and ask any questions you may have.

## **Water Management Conference**

Thank you, too, to all delegates who attended the LGNSW Water Management Conference in Parkes last week, discussing the latest technical innovations and best practice in water governance and management.

Among all other terrific speakers, it was great to have the Minister for Water, Rose Jackson MLC, and the Shadow Minister for Water, Steph Cooke MP, address delegates and express their commitment to councils' Local Water Utilities.

The shared commitment to close consultation with the local government sector is particularly welcome, particularly in light of the NSW Government's foreshadowed parliamentary inquiry into how best to safeguard and support local water utilities.

### **RFS mobile assets ('red fleet') update**

I was extremely disappointed to learn of the letters the Office of Local Government (OLG) has been sending to councils last week, regarding qualified audits these councils have received as a result of red fleet matter.

Many councils have taken the principled and professional decision not to recognise red fleet assets in their financial statements as councils have no control over the acquisition, deployment or disposal of these assets, and LGNSW supports these councils in this decision.

While the Auditor-General's qualified audits of these councils is disappointing, it is especially disappointing that contrary to its previous position the OLG is now asking councils across NSW to divert already strained council resources to provide OLG with information on strategies to respond to the nonsensical position that RFS mobile assets are not assets of the RFS.

This diversion of resources will distract councils from their core work for the community and will not provide a single ounce of public benefit.

LGNSW has written to the OLG strongly urging the OLG to reconsider its position on this matter, and highlighting the independent advice the OLG sought that directly contradicts the position the Auditor-General and OLG are now taking. Read the [LGNSW letter here](#).

### **Audit costs for local government**

I wrote last week to the Auditor-General raising concern at the significantly increased audit fees being imposed on councils this year.

Since the NSW Audit Office became the auditor for all NSW councils in 2018, the baseline costs of audits have continued to increase.

In the context of significant cost pressures on councils this year, a number of councils have raised with me the unsustainable audit fee increases they are receiving that are well in excess of CPI and far beyond the baseline local government rate peg of 3.7% for 2023-24. I have seen examples of fees increased by more than 100% year-on-year.

At the 2022 LGNSW Annual Conference, councils resolved to support a motion from Bega Valley Shire Council calling on the NSW Government to cover the full costs of audits for local governments in our State. I have also written to the NSW Government to highlight this resolution and will keep you updated once a response is received.

## Federal funding – good news for local government

I was very pleased to see two items of good news for councils confirmed in the past week, supported by advocacy from LGNSW councils across NSW and the Australian Local Government Association.

The Federal Government has announced the [advance payment](#) of the preliminary 2023-24 **Financial Assistance Grants** will represent about 100% of the amount council is entitled to. These funds should be in council accounts now, which is good news especially for councils that have anticipated and developed their budgets based on previous arrangements that have included this prepayment.

I was also very pleased to see the Federal Government announce it would fast track \$888 million in **Disaster Recovery Funding Arrangements** (DRFA) in NSW, which will support councils to speed up their recovery and restoration efforts after a very challenging period of compounding disasters in recent years.

Under the DRFA, payments are generally made after a State has submitted an audited claim for financial assistance and following reconstruction works. This advance payment will mean more up front support for councils and the communities they support as they recover from disasters.

We look forward to the NSW Government acting to remove any obstacles to these funds getting to where they are needed.

Sincerely,



**LOCAL GOVERNMENT NSW**

Level 8, 28 Margaret Street Sydney NSW 2000

02 9242 4000

[lgnsw.org.au](http://lgnsw.org.au)



Taken from [BILL TO TRANSFER RFS 'RED FLEET' OWNERSHIP TO STATE GOVERNMENT | Adam Marshall](#)

Date Downloaded: 12 July 2023

## BILL TO TRANSFER RFS 'RED FLEET' OWNERSHIP TO STATE GOVERNMENT



*Photo caption: Taking a stand to transfer ownership of NSW Rural Fire Services fleet and buildings to the State Government, Uralla Shire Mayor Robert Bell, left, Northern Tablelands MP Adam Marshall, Glen Innes Severn Mayor Rob Banham and Walcha Mayor Eric Noakes at the Kentucky RFS station today.*

Monday, 19 June 2023

MEMBER for Northern Tablelands Adam Marshall will introduce a Private Members' Bill into State Parliament this week, amending the Rural Fires Act 1997, to transfer the ownership of NSW Rural Fire Service (RFS) vehicles, fire trucks and buildings from local councils back to the State Government.

Mr Marshall made the announcement today at the Kentucky RFS station alongside the region's Mayors, who have put their support behind the NSW Rural Fires Amendment (Red Fleet) Bill 2023.

"The 'red fleet dispute' has been an ongoing debacle – a political football – over the last 12 months between the State Government and local councils over who own and pays for RFS assets," Mr Marshall said.



"My Bill will remedy the situation, bringing the argy-bargy to an end by making it clear that RFS assets belong to, and should be accounted for by, the State Government, via the NSW Rural Fire Service.

"This will bring the treatment of all these items inline with how the vehicle and building assets of all other emergency services in NSW are accounted for and remove an enormous and ridiculous cost burden from our local councils.

"Why should a local councils use ratepayer dollars to account for a depreciate an 'asset' which they do not purchase, manage or have the authority to dispose of?

"And why do councils legally own these vehicles but not police cars or Fire & Rescue NSW pumpers?"

Mr Marshall said his Bill would amend Section 119 of the Rural Fires Act 1997 to transfer the ownership of all NSW Rural Fire Service vehicles and buildings to the NSW Rural Fire Service.

"This will ensure these assets are vested solely with the RFS, which will be required to account for these assets, and the associated depreciation and costs, on its books," Mr Marshall said.

"Currently the NSW Auditor General requires all local councils to do this, costing them a small fortune, or risk having their accounts qualified.

"Last year 43 local councils had their accounts qualified for the 2021/22 financial year due to them not accounting for and depreciating all RFS assets in their local government areas on their books.

"The depreciation costs alone, cost each council and their ratepayers hundreds of thousands of dollars, which is money which could be better spent delivering services or fixing local roads.

"In the Northern Tablelands, more than \$4 million annually would be saved if this Bill were to pass the Parliament.

"In essence, this Bill reverses a huge and archaic cost-shifting anomaly buried deep within the Act and puts the full cost back on the level of government responsible for the RFS; the State Government.

"There has been so much talk lately of the financial sustainability of local councils moving into the future, so this Bill has come at a perfect time.

"I hope the government and opposition support my Bill so we can resolve this dispute once and for all."

**9.2.3 WARD BOUNDARIES REALIGNMENT FOR 2024 COUNCIL ELECTIONS****File Number:** -**Author:** Sandra Gordon, Manager Governance & Risk**Authoriser:** Stephen Fernando, Director Corporate Services**RECOMMENDATION**

That Murray River Council resolve to adopt the proposed changes to the electoral ward boundaries and place the proposal on public display for comment and feedback.

**BACKGROUND**

The Office of Local Government (OLG) published Circular 23-05 on the 5 June this year. The Circular advised that all NSW Councils must review their ward boundaries and notify the NSW Electoral Commission (NSWEC) of any changes to ward boundaries and/or names by **5 October 2023**.

Under Section 211 of the Local Government Act 1993, Councils that are divided into wards must keep ward boundaries under review to ensure the difference in elector numbers between wards does not exceed 10%.

Also, under Section 277A of the Local Government (General) Regulation 2021 ward boundary and name changes must be made by **5 October 2023** to be in effect for the **14 September 2024** ordinary elections unless the Electoral Commissioner otherwise approves in special circumstances.

**DISCUSSION**

Circular 23-05 indicates that before altering ward boundaries, Councils must:

- ▶ consult the NSWEC and the Australian Statistician; and
- ▶ prepare and publicly exhibit a plan detailing any proposed alteration (the ward boundary plan).

Councils must publicly exhibit the ward boundary plan for at least 28 days and consider any submissions made during the 42-day consultation period.

The NSWEC, in their letter dated the 17 July 2023 (attached) advised Council that they had considered the proposed ward boundaries and that they are consistent with the requirements of the Local Government Act 1993.

When Council calculated the difference in elector numbers between Murray River Council's three (3) wards the difference was approximately 32%.

Currently the number of electors in each of the wards according to the NSW Electoral Commission is as depicted in the table.

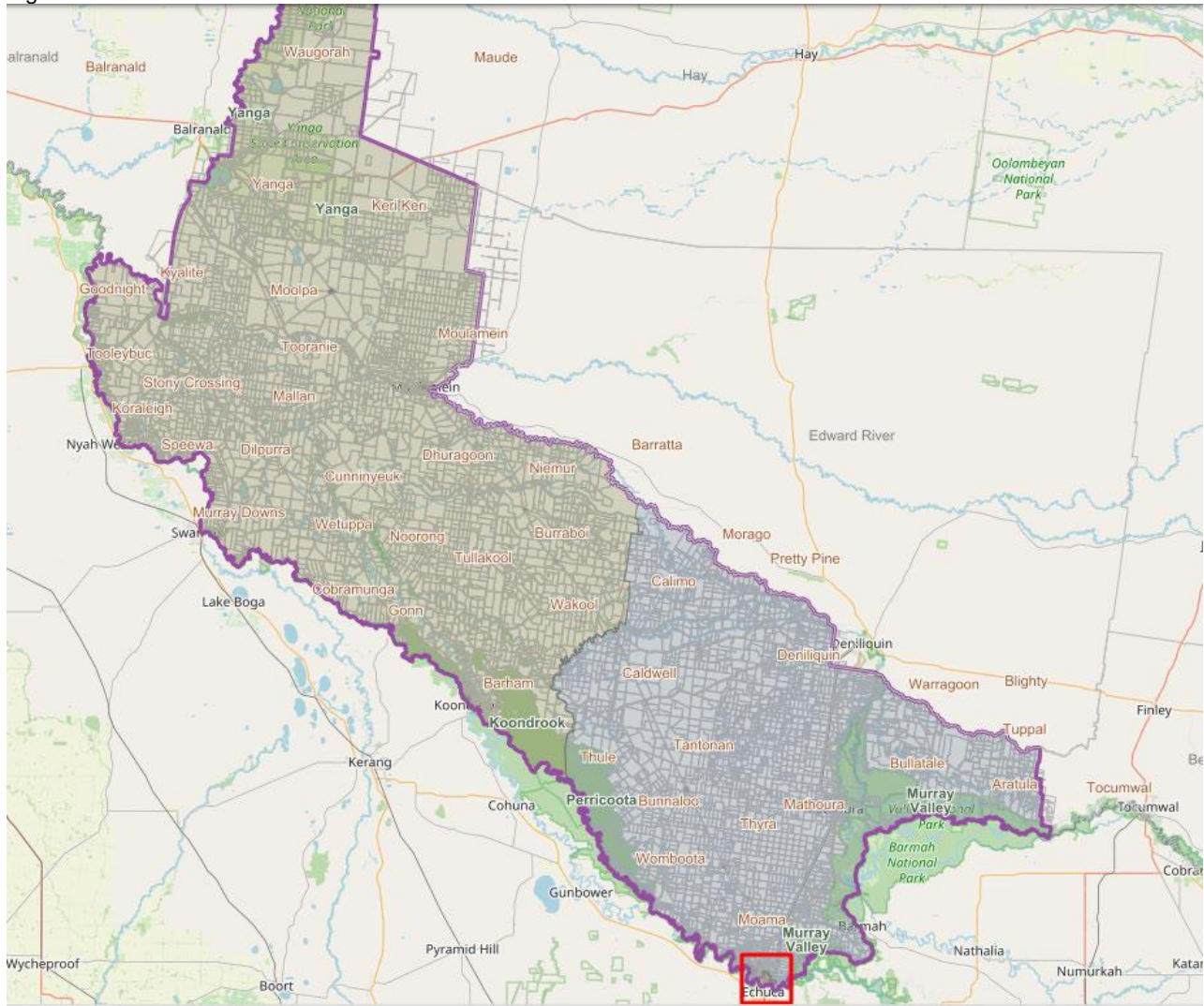
Greater Murray Ward	3,651
Greater Wakool Ward	2,753
Moama Ward	2,764
<b>TOTAL ELECTORS</b>	<b>9,168</b>

It is interesting to note that even though the Moama Ward is a high growth area, one would have expected that this ward would have the highest number of electors, this is not the case.

The primary reason is that the population growth has primarily occurred in the western area of the town of Moama (on either side of Perricoota Road, immediately west of the Cobb Highway). This area falls into the Greater Murray Ward.

The current Ward Boundaries are as per Figure 1. The Moama Ward, which is not very visible due to its size, is within the area marked with a red box.

Figure 1: Current Ward Boundaries



To correct this imbalance and to be compliant with the Local Government Act 1993, in simple terms, Council needs to move approximately 600 electors out of the Greater Murray Ward and include an additional 300 electors (approximately) into each of the Greater Wakool and Moama Wards.

Each ward is divided into Statistical Areas (SA1). The number of electors in each SA1 within the wards and the proposed changes are in the table below.

Ward Name	SA1 Number	Current Electors	Changed for 2024
Murray River Greater Murray	1-0903-1183-02	406	
Murray River Greater Murray	1-0903-1183-03	160	
Murray River Greater Murray	1-0903-1183-14	136	
Murray River Greater Murray	1-0903-1183-16	257	-257
Murray River Greater Murray	1-0903-1183-23	394	
Murray River Greater Murray	1-0903-1183-26	11	
Murray River Greater Murray	1-0903-1184-01	388	-388
Murray River Greater Murray	1-0903-1184-03	403	
Murray River Greater Murray	1-0903-1184-13	450	
Murray River Greater Murray	1-0903-1184-16	706	

Ward Name	SA1 Number	Current Electors	Changed for 2024
Murray River Greater Murray	1-0903-1184-18	190	
Murray River Greater Murray	1-0903-1184-19	150	
<b>Ward Total</b>		<b>3651</b>	<b>3006</b>
Murray River Greater Wakool	1-0902-1179-05	123	
Murray River Greater Wakool	1-0902-1179-07	46	
Murray River Greater Wakool	1-0902-1179-11	98	
Murray River Greater Wakool	1-0903-1183-06	233	
Murray River Greater Wakool	1-0903-1183-07	112	
Murray River Greater Wakool	1-0903-1183-08	225	
Murray River Greater Wakool	1-0903-1183-09	172	
Murray River Greater Wakool	1-0903-1183-10	157	
Murray River Greater Wakool	1-0903-1183-12	274	
Murray River Greater Wakool	1-0903-1183-13	278	
Murray River Greater Wakool	1-0903-1183-21	88	
Murray River Greater Wakool	1-0903-1183-25	305	
Murray River Greater Wakool	1-0903-1183-27	387	
Murray River Greater Wakool	1-0903-1183-28	255	
Murray River Greater Murray	1-0903-1183-16		257
<b>Proposed Ward Total</b>		<b>2753</b>	<b>3010</b>
Murray River Moama	1-0903-1184-02	162	
Murray River Moama	1-0903-1184-04	293	
Murray River Moama	1-0903-1184-05	67	
Murray River Moama	1-0903-1184-06	121	
Murray River Moama	1-0903-1184-07	338	
Murray River Moama	1-0903-1184-08	252	
Murray River Moama	1-0903-1184-09	291	
Murray River Moama	1-0903-1184-10	362	
Murray River Moama	1-0903-1184-11	356	
Murray River Moama	1-0903-1184-14	234	
Murray River Moama	1-0903-1184-15	288	
Murray River Greater Murray	1-0903-1184-01		388
<b>Proposed Ward Total</b>		<b>2764</b>	<b>3152</b>
<b>TOTAL ELECTORS</b>		<b>9168</b>	<b>9168</b>

The proposed changes will result in the following revised number of electors in each of the Murray River Council wards, resulting in a more balanced ward structure. The proposed changes will result in the difference in elector numbers between Murray River Council's three (3) wards of 4.6% - within the allowable tolerances.

Greater Murray Ward	3,006
Greater Wakool Ward	3,010
Moama Ward	3,152
<b>TOTAL ELECTORS</b>	<b>9,168</b>

These proposed changes to the geographical boundaries are shown on the maps on the following page. This proposal (as outlined in the attached document) will go out on public display and will be presented to the September Council meeting for final consideration. Council will then notify the NSW Electoral Commission (NSWEC) of the required changes to the ward boundaries prior to the 5 October 2023 deadline.



Figure 2: Proposed Revised Greater Wakool and Mathoura Ward Boundaries

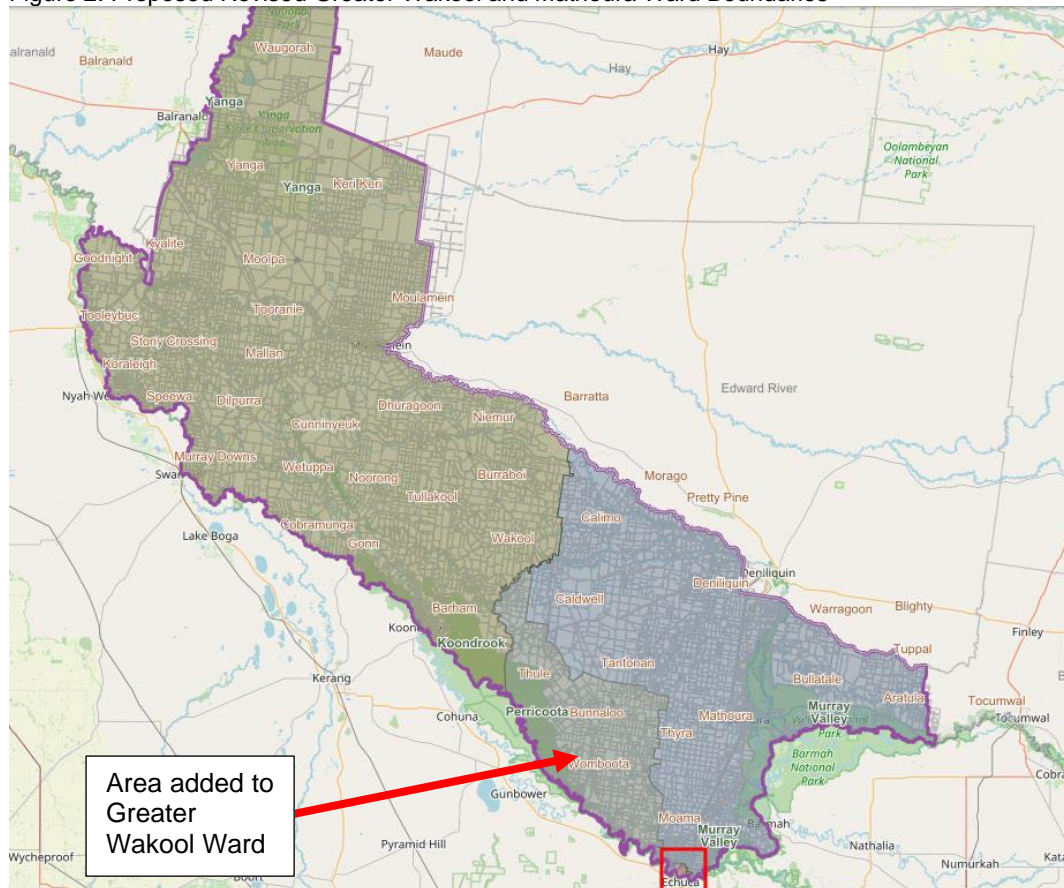
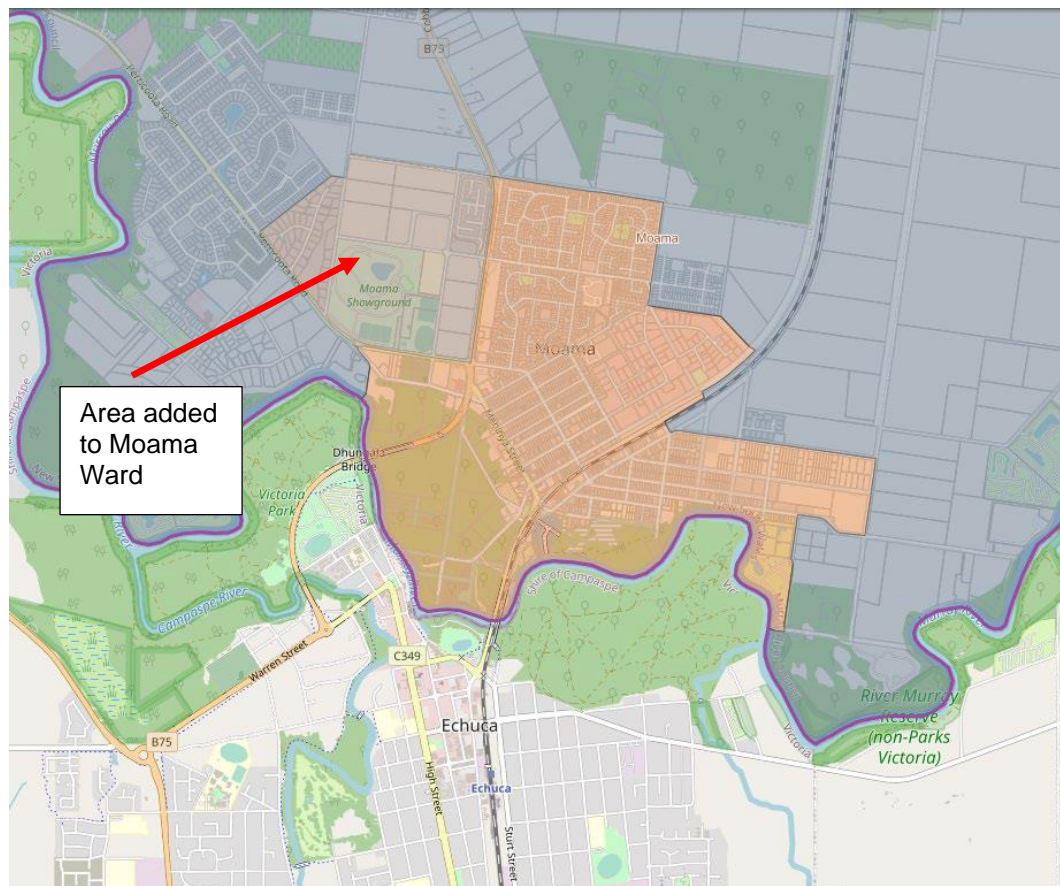


Figure 3: Proposed Revised Moama Ward Boundaries



**STRATEGIC IMPLICATIONS**

2. Strategic Theme 2: A Place of Progressive Leadership

2.6 - Provide clear, concise and consistent information that is easily accessible to our customers - Improve externally provided information and communication.

**BUDGETARY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

Council will be complaint with the Local Government Act 1993 and the Local Government (General) Regulation 2021

**RISK ANALYSIS**

- **What can happen?**

Council misses the deadline to advise the NSW Electoral Commission. (NSWEC)

Large number of community submissions opposing the proposed changes

- **How can it happen?**

Council is aware of the dates that they must comply with – very unlikely to occur.

- **What are the consequences of the event happening?**

Moderate consequence

Council will have to reconsider the proposed changes and work with the NSWEC to find a suitable solution.

- **What is the likelihood of the event happening?**

Very unlikely

- **Adequacy of existing controls?**

Adequate

- **Treatment options to mitigate the risk?**

Awareness of the requirements and liaison with the NSWEC

**CONCLUSION**

Murray River Council is required to make changes to their ward boundaries to be complaint with the Local Government Act 1993 and the Local Government (General) Regulation 2021.

**ATTACHMENTS**

1. Murray River Council Proposed Ward Boundary Realignment  
2. NSWEC Letter - Proposed Ward Changes consistent with the Act  



# **Proposed Ward Boundary Realignment**

June 2023

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## 1. Background

Murray river Council (Council) consists of three Wards (Greater Murray, Greater Wakool Moama,), with each ward electing three councillors. The current electors (number of people eligible to vote) of each Ward are as per Table 1.

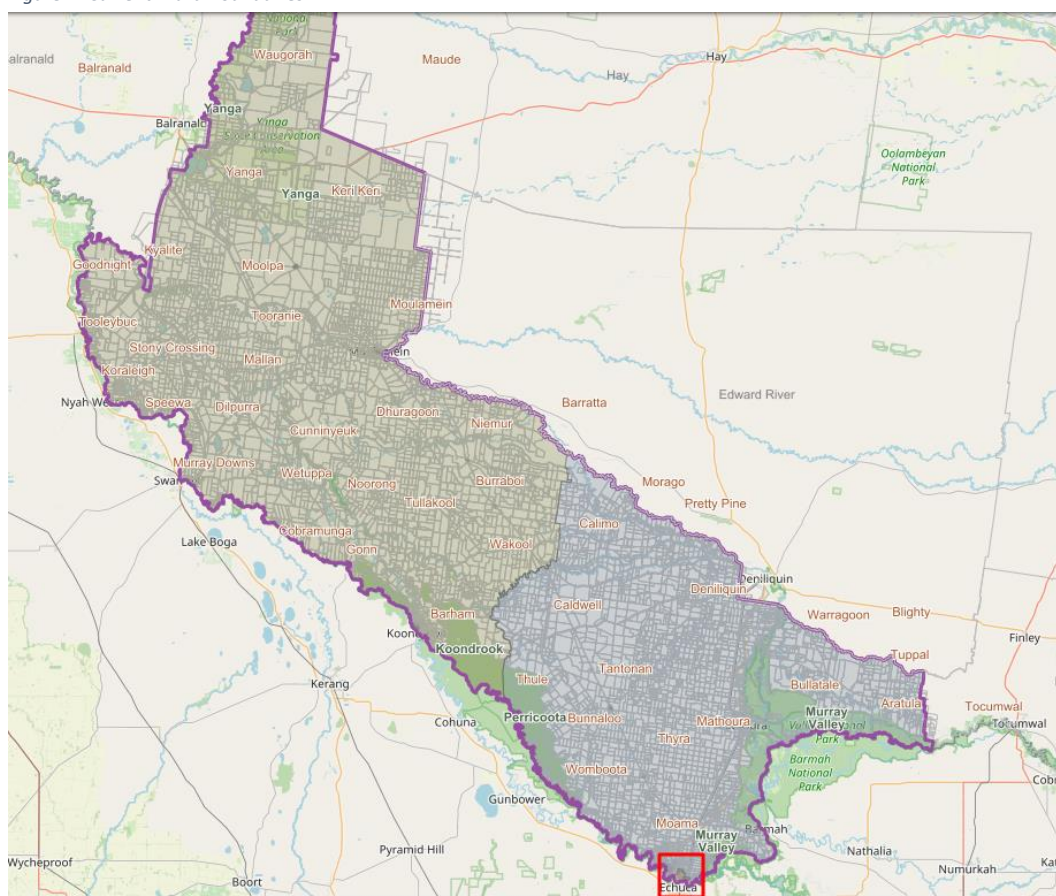
As can be seen from the said table, the balance of the electors in each Ward is misaligned, with Greater Murray above the average of around 3,000 per Ward and the other two being below the average. The primary reason is that the population growth has primarily occurred in the western area of the town of Moama (on either side of Perricoota Road, immediately west of the Cobb Highway.

This area falls into the Greater Murray Ward. The current Ward Boundaries are as per Figure 1. The Moama Ward, which is not very visible due to its size, is within the area marked with a red box.

Table 1: Current Electors by Ward

Ward	Electors
Greater Murray	3,651
Greater Wakool	2,753
Moama	2,764
<b>TOTAL</b>	<b>9,168</b>

Figure 1: Current Ward Boundaries



## 2. Proposed Realignment

The most granular population statistics available from the Australian Bureau of Statistics (ABS) is at a level defined as Statistical Area 1 (SA1). SA1s within each of the existing Wards and their respective populations (as at end May 2023) are given in Table 2.

Based on the populations within the SA1s, and the geographical location of the SA1s (each Ward must be a contiguous area), the proposed realignment is to make the following SA1 movements. The objective is to move approximately 300 electors from Greater Murray to Moama and another 300 from Greater Murray to Greater Wakool.

- Move SA 1-0903-1183-16 consisting of 257 electors, from Greater Murray to Greater Wakool.
- Move SA 1-0903-1184-01 consisting of 388 electors, from Greater Murray to Moama.

The proposed moves will result in a redistributed number of electors for each revised Ward as detailed in Table 3.

Table 3: Revised Ward Constitution

Ward	Electors	*Dev.
Greater Murray	3,006	0
Greater Wakool	3,010	+4
Moama	3,152	+146
<b>TOTAL</b>	<b>9,168</b>	

\* Deviation from minimum.

The revised boundaries are depicted in Figure 2, with the Moama Ward boundaries detailed in Figure 3.

It should be noted that even after the realignment, the growth areas will still be in the Greater Murray Ward. That ward being slightly under the average will mean a somewhat longer period before Council requires the next realignment.

Table 2: Ward Electors by SA1

Sub Area Name	SA1	Electors
Greater Murray	1-0903-1183-02	406
Greater Murray	1-0903-1183-03	160
Greater Murray	1-0903-1183-14	136
Greater Murray	1-0903-1183-16	257
Greater Murray	1-0903-1183-23	394
Greater Murray	1-0903-1183-26	11
Greater Murray	1-0903-1184-01	388
Greater Murray	1-0903-1184-03	403
Greater Murray	1-0903-1184-13	450
Greater Murray	1-0903-1184-16	706
Greater Murray	1-0903-1184-18	190
Greater Murray	1-0903-1184-19	150
<b>Greater Murray Total</b>		<b>3,651</b>
Greater Wakool	1-0902-1179-05	123
Greater Wakool	1-0902-1179-07	46
Greater Wakool	1-0902-1179-11	98
Greater Wakool	1-0903-1183-06	233
Greater Wakool	1-0903-1183-07	112
Greater Wakool	1-0903-1183-08	225
Greater Wakool	1-0903-1183-09	172
Greater Wakool	1-0903-1183-10	157
Greater Wakool	1-0903-1183-12	274
Greater Wakool	1-0903-1183-13	278
Greater Wakool	1-0903-1183-21	88
Greater Wakool	1-0903-1183-25	305
Greater Wakool	1-0903-1183-27	387
Greater Wakool	1-0903-1183-28	255
<b>Greater Wakool Total</b>		<b>2,753</b>
Moama	1-0903-1184-02	162
Moama	1-0903-1184-04	293
Moama	1-0903-1184-05	67
Moama	1-0903-1184-06	121
Moama	1-0903-1184-07	338
Moama	1-0903-1184-08	252
Moama	1-0903-1184-09	291
Moama	1-0903-1184-10	362
Moama	1-0903-1184-11	356
Moama	1-0903-1184-14	234
Moama	1-0903-1184-15	288
<b>Moama Total</b>		<b>2,764</b>
<b>GRAND TOTAL</b>		<b>9,168</b>

Figure 2: Proposed Revised Ward Boundaries

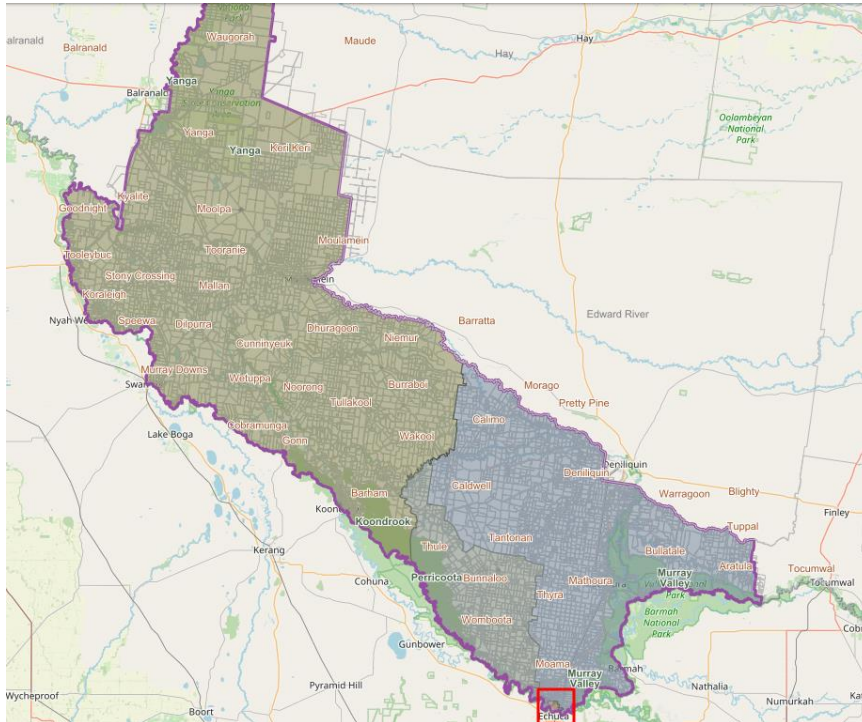
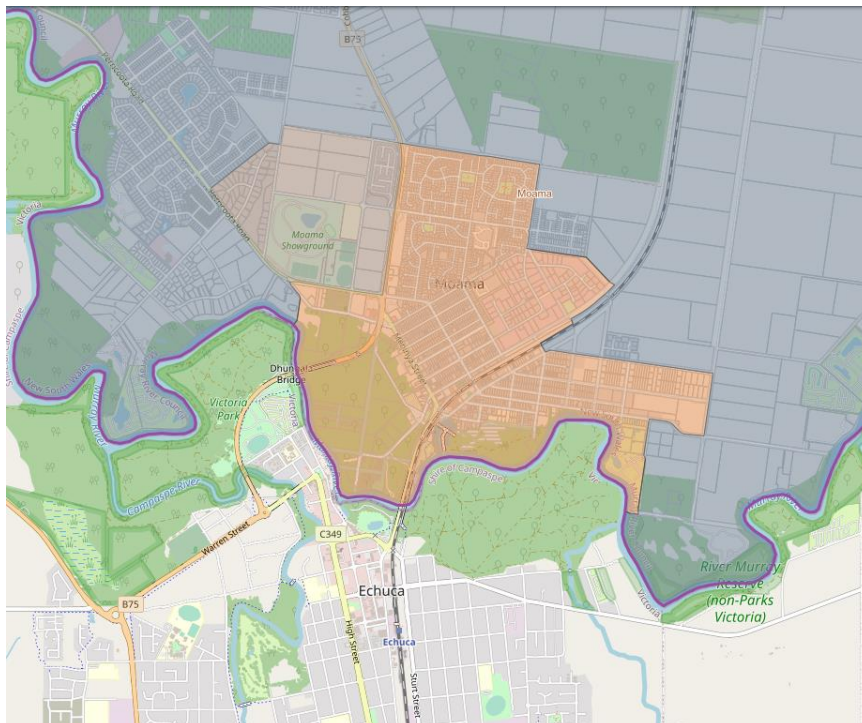


Figure 3: Proposed Revised Moama Ward Boundaries





17 July 2023

BY EMAIL

Stephen Fernando  
Director Corporate Services  
Murray River Council  
PO Box 906  
MOAMA NSW 2731

Dear Stephen Fernando,

**Review of Council ward boundaries - s 210A of the *Local Government Act 1993***

Thank you for your email of 4 July 2023 advising that Murray River Council has commenced a review of its internal ward boundaries.

I note that pursuant to s 210A(1)(a) of the *Local Government Act 1993 (the Act)*, Council is required to consult with the Electoral Commissioner to ensure that, as far as practicable, the proposed boundaries correspond to the boundaries of appropriate districts (within the meaning of the *Electoral Act 2017*), and to ensure that the proposed boundaries comply with s 210(7) of the Act which requires that a change to ward boundaries must not result in a variation of more than 10% between the number of electors in each ward.

The NSW Electoral Commission (**NSWEC**) has now considered the proposed ward boundaries and I am advised that they are consistent with the above requirements.

When Council has settled the new ward boundaries, I would appreciate receiving the completed ward boundary report and maps of the boundaries so that the boundaries can be plotted into the NSWEC's geographic information system (**GIS**). Holding Council's internal ward boundaries within the NSWEC's GIS will streamline the process for advising the Australian Electoral Commission (**AEC**) of any changes. The NSWEC will be able to provide this information to the AEC directly, in accordance with our joint roll arrangements, to support the expeditious transfer of electors to the new wards and the production of rolls.

If you have any queries regarding this request, please contact Ms Bronwyn Butland, Geospatial Lead, on 9290 5928 or at [Redistribution@elections.nsw.gov.au](mailto:Redistribution@elections.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink that reads 'A Summerell'.

Andrea Summerell  
**Executive Director – Elections Division**

Sensitive: NSW Government

231 Elizabeth Street SYDNEY NSW 2000 | GPO Box 832 Sydney NSW 2001  
T 1300 135 736 | [elections.nsw.gov.au](http://elections.nsw.gov.au)



**9.2.4 RELATED PARTY DISCLOSURES POLICY - REVIEWED****File Number:** -**Author:** Sandra Gordon, Manager Governance & Risk**Authoriser:** Stephen Fernando, Director Corporate Services**RECOMMENDATION**

Murray River Council resolve to:

1. adopt the Related Party Disclosures Policy V#2 (Policy) as presented and update the Policy Register accordingly, and
2. rescind previous version of the Policy.

**DISCUSSION**

The Related Party Disclosures Policy was first adopted by Council on the 16 April 2019.

Council policies are reviewed and presented to Council for adoption every four (4) years or during the term of a Council.

In reviewing Version #1 of this Policy, Council found that only a couple of minor changes were required.

Murray River Council's Policy and Procedures Framework V#3 - Clause 6.3 – Amending Existing Policies states that Council Policies will be amended as follows:

**Minor amendments** – including

- Changes to the format of the Policy
- Correction of grammar, spelling or context
- Updating position titles as a result of changes to the organisation structure
- Minimal changes to the content that have little impact on the original intent of the Policy (less than 5% of the overall content) and do not:
  - Change the intent of the policy
  - Impact on the community
  - Result in a conflict with any other existing policy or
  - Have any legal or financial implications

As all the requirements of Clause 6.3 of the Policy and Procedures Framework V#3 have been met, it is recommended that this Policy be adopted as is and not put on public display.

**INTENT OF THE POLICY**

All Councils in New South Wales (NSW) must produce annual financial statements that comply with Australian Accounting Standards. The Australian Accounting Standards Board (AASB) has determined that AASB 124 – Related Party Disclosures will apply to government entities, including local government.

Council is required to disclose Related Party Relationships (RPR) and Related Party Transactions (RPT), as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements, in accordance with AASB 124.


Murray River Council (the 'Council') recognises that RPT can present potential or actual conflicts of interest and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that KMP act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that KMP of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with Council in the annual financial statements.

This Policy shall be applied by Council and its auditors in:

- ▶ Identifying related parties and relevant transactions – RPT and ordinary citizens' transactions concerning KMP, their close family members and entities controlled or jointly controlled by any of them;
- ▶ Identifying outstanding balances, including commitments, between Council and its related parties;
- ▶ Establishing systems to capture and record the RPT and information about those transactions;
- ▶ Identifying the circumstances in which disclosure of the items in Clauses 1 and 2 are required; and
- ▶ Determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124.

## **ATTACHMENTS**

1. **Related Party Disclosure Policy (POL-110) V#2 DRAFT (under separate cover)** 

**9.2.5 LIQUIDITY REPORT AS AT 30 JUNE 2023****File Number:** -**Author:** Kris Kershaw, Manager Finance**Authoriser:** Stephen Fernando, Director Corporate Services**RECOMMENDATION**

That the Liquidity Report, incorporating Investments as of 30 June 2023, consisting of a Liquid Asset Position of \$57,042,586 which includes investments of \$48,865,234 be received and noted by Council.

**BACKGROUND**

Monthly report on reserves, investments and cash balances as at 30 June 2023.

**DISCUSSION**

Shown below are the Liquid Asset Balances and Investments for the period ending 30 June 2023.

DETAILS	APRIL 2023	MAY 2023	JUNE 2023
Cash Book Balance B/Fwd	\$ 922,962	\$ 2,408,422	\$ 5,471,240
Add income for month	\$ 2,816,029	\$ 11,901,012	\$ 15,323,179
Deduct expenditure for month	\$ 5,590,212	\$ 7,588,194	\$ 8,887,401
<b>CASH AVAILABLE</b>	<b>-\$ 1,851,221</b>	<b>\$ 6,721,240</b>	<b>\$ 11,907,018</b>
Redeem/(Purchase) Investments	\$ 4,259,643	-\$ 1,250,000	-\$ 5,234,401
<b>CASH BOOK BALANCE</b>	<b>\$ 2,408,422</b>	<b>\$ 5,471,240</b>	<b>\$ 6,672,617</b>
Add on-call account	\$ -	\$ -	\$ 1,504,737
Add investments	\$ 44,383,181	\$ 43,874,574	\$ 48,865,234
<b>CASH POSITION</b>	<b>\$ 46,791,602</b>	<b>\$ 49,345,813</b>	<b>\$ 57,042,586</b>
As per Bank Statements	\$ 2,401,583	\$ 5,441,066	\$ 5,660,515

**Reserves by Fund**

<b>Fund</b>	<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Waste</b>	<b>Total</b>
April 2023	\$17,748,188	\$8,786,897	\$15,381,067	\$4,875,450	<b>\$46,791,602</b>
May 2023	\$20,828,132	\$8,729,312	\$15,310,632	\$4,477,737	<b>\$49,345,813</b>
June 2023	\$27,737,372	\$9,287,425	\$15,812,714	\$4,205,075	<b>\$57,042,586</b>

**Status of Reserves**

<b>Funds</b>	<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Waste</b>	<b>Total</b>
Unrestricted	\$ 2,905,629	\$ 4,264,750	\$ 7,720,016	\$ 178,868	\$ 15,069,263
Internally Restricted	\$ 16,191,707	\$ 2,077,309	\$ 4,630,291	\$ 1,880,624	\$ 24,779,931
Externally Restricted	\$ 8,640,037	\$ 2,945,366	\$ 3,462,407	\$ 2,145,583	\$ 17,193,392
<b>Total</b>	<b>\$ 27,737,373</b>	<b>\$ 9,287,425</b>	<b>\$ 15,812,714</b>	<b>\$ 4,205,075</b>	<b>\$ 57,042,586</b>

**Details of Restricted Reserves**

The following schedule provides details of the **Internally Restricted Reserves** categorised by Fund.

<b>Internal Reserves</b>	<b>General Fund</b>	<b>Water Fund</b>	<b>Sewer Fund</b>	<b>Waste Fund</b>	<b>Total</b>
Buildings	\$ 427,606	\$ -	\$ -	\$ -	\$ 427,606
Bushfire Services	\$ 45,278	\$ -	\$ -	\$ -	\$ 45,278
Caravan Parks	\$ 486,373	\$ -	\$ -	\$ -	\$ 486,373
Cemeteries	\$ 38,120	\$ -	\$ -	\$ -	\$ 38,120
Community Services	\$ 517,184	\$ -	\$ -	\$ -	\$ 517,184
Council Contribution - Co Funding	\$ 407,527	\$ -	\$ -	\$ -	\$ 407,527
Economic Development	\$ 42,780	\$ -	\$ -	\$ -	\$ 42,780
Employee Leave Entitlements	\$ 1,220,450	\$ -	\$ -	\$ -	\$ 1,220,450
Financial Assistance Grants	\$ 7,786,690	\$ -	\$ -	\$ -	\$ 7,786,690
Heritage Buildings	\$ 18,495	\$ -	\$ -	\$ -	\$ 18,495
Infrastructure Works	\$ 110,650	\$ 2,077,309	\$ 4,630,291	\$ -	\$ 6,818,250
Land Management	\$ 227,526	\$ -	\$ -	\$ -	\$ 227,526
Levee Bank	\$ 521,264	\$ -	\$ -	\$ -	\$ 521,264
Office Equipment/ IT	\$ 185,000	\$ -	\$ -	\$ -	\$ 185,000
Parks & Recreation	\$ 365,768	\$ -	\$ -	\$ -	\$ 365,768
Plant Fund	\$ 2,907,088	\$ -	\$ -	\$ -	\$ 2,907,088
Public Halls	\$ 52,021	\$ -	\$ -	\$ -	\$ 52,021
Quarries	\$ 289,500	\$ -	\$ -	\$ -	\$ 289,500
Risk Management	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000
S355 Committees	\$ 208,972	\$ -	\$ -	\$ -	\$ 208,972
Software	\$ 182,270	\$ -	\$ -	\$ -	\$ 182,270
Stormwater	\$ 101,145	\$ -	\$ -	\$ -	\$ 101,145
Waste Management Int	\$ -	\$ -	\$ -	\$ 1,880,624	\$ 1,880,624
	<b>\$ 16,191,707</b>	<b>\$ 2,077,309</b>	<b>\$ 4,630,291</b>	<b>\$ 1,880,624</b>	<b>\$ 24,779,931</b>



The next schedule details **Externally Restricted Reserves** categorised by Fund.

External Reserves	General Fund	Water Fund	Sewer Fund	Waste Fund	Total
Unspent Grants	\$ 4,865,420	\$ -	\$ -	\$ -	\$ 4,865,420
Unspent Loan Funds	\$ 639,394	\$ -	\$ -	\$ -	\$ 639,394
Section 64/94	\$ 3,070,936	\$ 2,743,298	\$ 3,462,407	\$ -	\$ 9,276,641
Water Purchase	\$ -	\$ 202,068	\$ -	\$ -	\$ 202,068
Waste Management Ext	\$ -	\$ -	\$ -	\$ 2,145,583	\$ 2,145,583
Other	\$ 64,287	\$ -	\$ -	\$ -	\$ 64,287
	<b>\$ 8,640,037</b>	<b>\$ 2,945,366</b>	<b>\$ 3,462,407</b>	<b>\$ 2,145,583</b>	<b>\$ 17,193,392</b>

### Overdraft Limits

The Council's Bank Overdraft limit is \$650,000.

I hereby certify that the balances of the various funds of Council have been reconciled with the bank statements and investment register as on 30 June 2023.



**Kris Kershaw**

Manager Finance

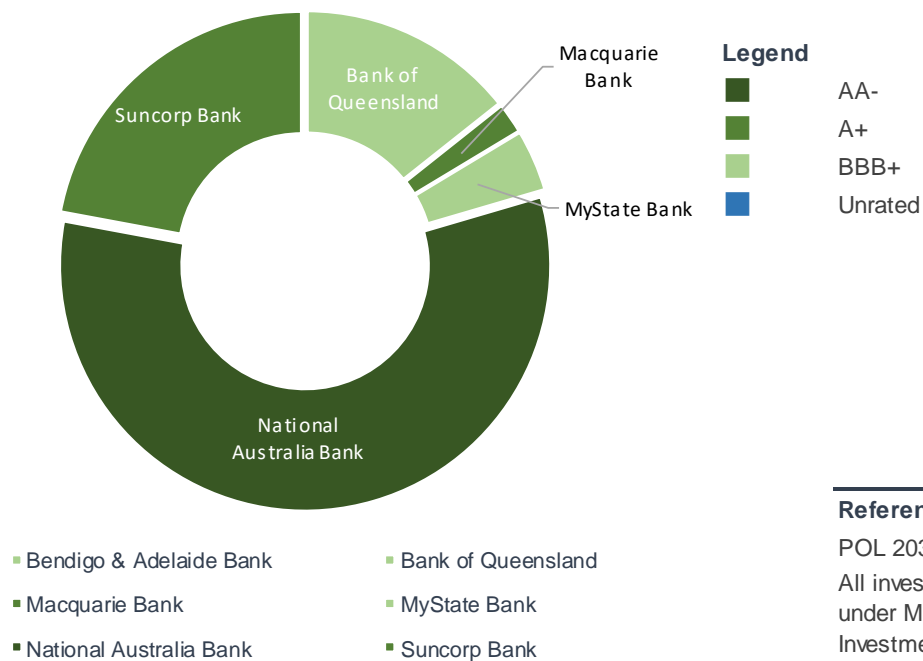
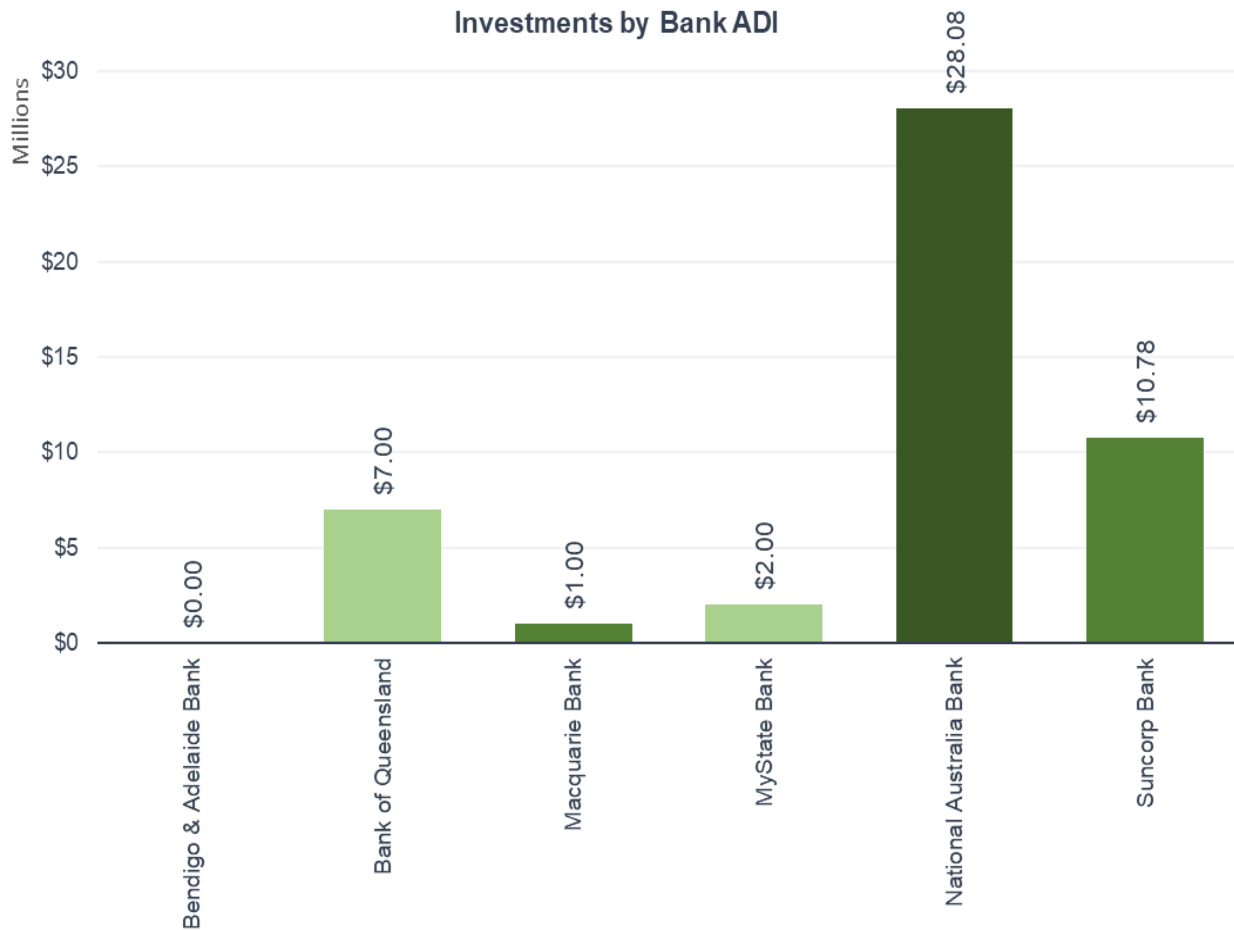
### INVESTMENT REPORT AS ON 30 June 2023

As required by Section 212 of the Local Government (General) Regulations 2005 and Section 625 of the Local Government Act 1993, a summary of Council's surplus funds invested, totalling \$48,865,234, together with an analysis thereof are detailed below, including \$43,863,224 in Term Deposits and \$2,010 in other investments. The detailed list of the investments appears in Annex A.

These analytics are based on various aspects of our investment strategy including financial security, rate of return, controlled institutional exposure, cash flow planning and safeguarding the Council's financial assets.

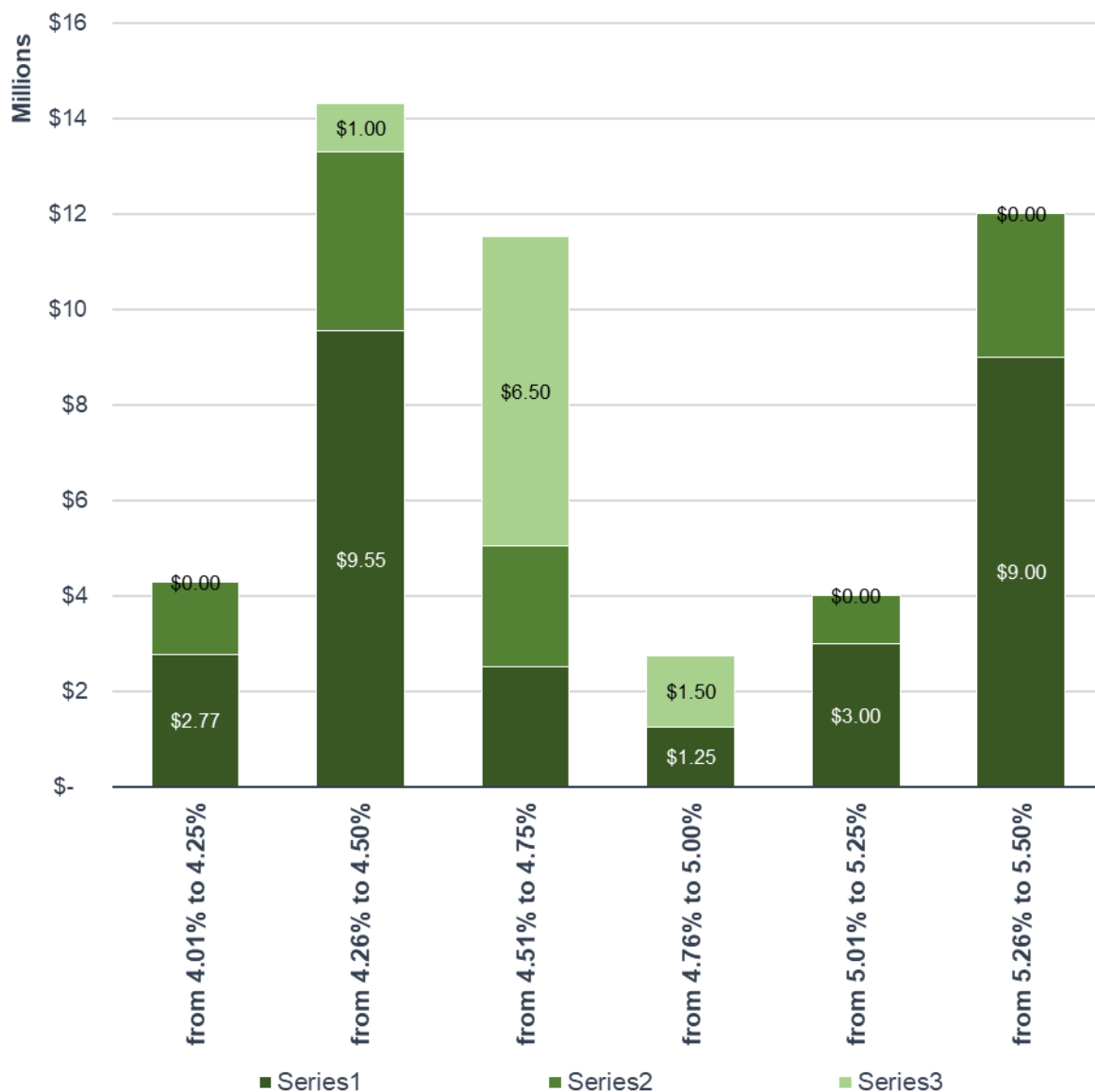
It should be noted that total investments held with National Australia Bank and Suncorp Bank are getting close to maximum limits for individual institutions under Council investment policy. In previous months, these two institutions have been offering very good rates for rated A or above institutions. Focus has been placing term deposits with A rated or higher institutions (S&P Rating long term view). Council finance staff are looking into other A rated or above institutions to place investments with, but interest rates for rated A or above institutions have, in general and with the exception of National Australia Bank and Suncorp Bank, been well below the term deposit rates that can be achieved with a BBB rated institution for example.

Bank / ADI	Amount	%
Bendigo & Adelaide Bank	\$0	0.00%
Bank of Queensland	\$7,000,000	14.33%
Macquarie Bank	\$1,000,000	2.05%
MyState Bank	\$2,000,000	4.09%
National Australia Bank	\$28,078,309	57.46%
Suncorp Bank	\$10,784,915	22.07%
	<b>\$48,863,224</b>	<b>100.00%</b>



## Investments by Interest Rates / Credit Rating

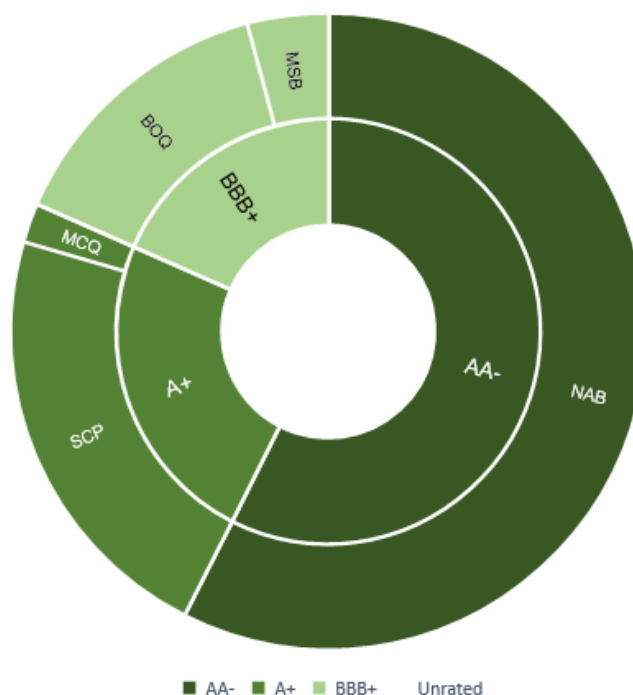
Interest Rates	AA-	A+	BBB+	Total
from 4.01% to 4.25%	\$2,774,440	\$1,500,000	\$0	\$4,274,440
from 4.26% to 4.50%	\$9,553,869	\$3,750,000	\$1,000,000	\$14,303,869
from 4.51% to 4.75%	\$2,500,000	\$2,534,915	\$6,500,000	\$11,534,915
from 4.76% to 5.00%	\$1,250,000	\$0	\$1,500,000	\$2,750,000
from 5.01% to 5.25%	\$3,000,000	\$1,000,000	\$0	\$4,000,000
from 5.26% to 5.50%	\$9,000,000	\$3,000,000	\$0	\$12,000,000
	<b>\$28,078,309</b>	<b>\$11,784,915</b>	<b>\$9,000,000</b>	<b>\$48,863,224</b>



The portfolio is now well invested in reasonable interest rates and the terms of these invested amounts vary according to planned cash flow of the Council. The objective is to optimize the cash flow needs and maximize the return on investments while ensuring compliance with the Local Government rules and Council's Investment Policy. This month, we have further reduced our exposure to unrated investments with portfolio reflecting a well secured diversification.

## Investments by Credit Rating / Banks

S&P Rating	Bank / ADI	Policy Limit by Credit Rating	Current Portfolio Concentration	Current Investment Total	Institutional Policy Limit	Institutional Holding
AA-	National Australia Bank	100%	57%	\$28,078,309	60%	57%
A+	Macquarie Bank	90%	24%	\$1,000,000	23%	2%
	Suncorp Bank			\$10,784,915	23%	22%
BBB+	Bendigo & Adelaide Bank			\$0	18%	0%
	Bank of Queensland	50%	18%	\$7,000,000	18%	14%
	MyState Bank			\$2,000,000	18%	4%
				<b>\$48,863,224</b>		<b>100%</b>



MRC Term Deposit portfolio reflects a very well balanced spread across allowable credit ratings and evenly split across individual banks and ADIs. The portfolio spread is in compliance with MRC Investment Policy which provides guidelines to balance higher returns and optimizing risk to the lowest levels.

## STRATEGIC IMPLICATIONS

## 5. Strategic Theme 5: A place of Prosperity and Resilience

## 5.2 - Encourage and support economic development across the region - Commercial Investment Strategy.

**BUDGETARY IMPLICATIONS**

The cash rate, as of 05 July 2023, is 4.10%. This has resulted in Council being able to achieve at least 4.90% or above when placing term deposits during June. Interest revenue will be reviewed as part of the quarterly budget review process to ensure that original budget set for interest revenue is in line with expected returns. Investments are placed with cash flow requirements as the main priority.

**POLICY IMPLICATIONS**

Murray River Council Investment Policy (POL203).

**LEGISLATIVE IMPLICATIONS**

Section 625 of the Local Government Act 1993

Regulation 212 of the Local Government (General) Regulations 2005

Section 14 of the Trustee Act 1925

**RISK ANALYSIS**

- **What can happen?**  
Imprudent use of Council's Financial Assets
- **How can it happen?**  
Non-Compliance of Investment Rules, Policies, and mandates
- **What are the consequences of the event happening?**  
Potential loss of financial assets
- **What is the likelihood of the event happening?**  
Very Low
- **Adequacy of existing controls?**  
Very Good
- **Treatment options to mitigate the risk?**  
Responsible management of financial resources invested in accordance with the Council's Investment Policy and mandates.

**CONCLUSION**

Murray River Council's liquidity position is satisfactory as on 30 June 2023

**ATTACHMENTS**

1. **Investment Report June 2023** [!\[\]\(5d60fe8e38bc12bfb78103fc624e324c\_img.jpg\)](#) 

## Murray River Council

## Annex 'A'

## Investment Details - June 2023

Start Date	Maturity Date	Bank / ADI	Type	Investment	Interest Rate	Term (Days)	Interest Due upon Maturity	S&P Long Term Rating
10/01/2023	10/07/2023	NAB	TD	\$ 1,010,777	4.400%	181	\$ 22,054	AA-
12/01/2023	11/07/2023	SCORP	TD	\$ 750,000	4.400%	180	\$ 16,274	A+
12/01/2023	11/07/2023	SCORP	TD	\$ 750,000	4.400%	180	\$ 16,274	A+
12/01/2023	11/07/2023	SCORP	TD	\$ 750,000	4.400%	180	\$ 16,274	A+
24/01/2023	11/07/2023	NAB	TD	\$ 1,011,991	4.150%	168	\$ 19,330	AA-
30/01/2023	11/07/2023	SCORP	TD	\$ 750,000	4.230%	162	\$ 14,081	A+
30/01/2023	11/07/2023	SCORP	TD	\$ 750,000	4.230%	162	\$ 14,081	A+
31/01/2023	18/07/2023	NAB	TD	\$ 1,012,449	4.180%	168	\$ 19,479	AA-
3/02/2023	18/07/2023	NAB	TD	\$ 750,000	4.140%	165	\$ 14,036	AA-
23/02/2023	18/07/2023	Bank Qld	TD	\$ 1,000,000	4.450%	145	\$ 17,678	BBB+
27/02/2023	25/07/2023	Bank Qld	TD	\$ 750,000	4.530%	148	\$ 13,776	BBB+
27/02/2023	25/07/2023	Bank Qld	TD	\$ 750,000	4.530%	148	\$ 13,776	BBB+
27/02/2023	25/07/2023	Bank Qld	TD	\$ 750,000	4.530%	148	\$ 13,776	BBB+
27/02/2023	31/07/2023	Bank Qld	TD	\$ 750,000	4.530%	154	\$ 14,335	BBB+
28/02/2023	31/07/2023	Bank Qld	TD	\$ 750,000	4.530%	153	\$ 14,242	BBB+
28/02/2023	31/07/2023	Bank Qld	TD	\$ 750,000	4.530%	153	\$ 14,242	BBB+
1/03/2023	3/08/2023	NAB	TD	\$ 1,000,000	4.470%	155	\$ 18,982	AA-
1/03/2023	3/08/2023	NAB	TD	\$ 750,000	4.470%	155	\$ 14,237	AA-
3/03/2023	9/08/2023	NAB	TD	\$ 750,000	4.470%	159	\$ 14,604	AA-
3/03/2023	9/08/2023	NAB	TD	\$ 1,000,000	4.470%	159	\$ 19,472	AA-
3/03/2023	9/08/2023	NAB	TD	\$ 750,000	4.470%	159	\$ 14,604	AA-
13/03/2023	10/08/2023	NAB	TD	\$ 768,053	4.500%	150	\$ 14,204	AA-
14/03/2023	16/08/2023	NAB	TD	\$ 1,025,039	4.460%	155	\$ 19,414	AA-
30/03/2023	23/08/2023	NAB	TD	\$ 750,000	4.430%	146	\$ 13,290	AA-
30/03/2023	23/08/2023	NAB	TD	\$ 750,000	4.430%	146	\$ 13,290	AA-
30/03/2023	30/08/2023	NAB	TD	\$ 1,000,000	4.450%	153	\$ 18,653	AA-
4/04/2023	4/09/2023	SCORP	TD	\$ 767,458	4.510%	153	\$ 14,509	A+
4/04/2023	4/09/2023	SCORP	TD	\$ 767,458	4.510%	153	\$ 14,509	A+
10/05/2023	12/09/2023	MyState	TD	\$ 750,000	4.550%	125	\$ 11,687	BBB+
10/05/2023	12/09/2023	MyState	TD	\$ 500,000	4.550%	125	\$ 7,791	BBB+
12/04/2023	19/09/2023	SCORP	TD	\$ 500,000	4.420%	160	\$ 9,688	A+
13/04/2023	26/09/2023	SCORP	TD	\$ 1,000,000	4.450%	166	\$ 20,238	A+
17/05/2023	3/10/2023	NAB	TD	\$ 750,000	4.700%	139	\$ 13,424	AA-
3/05/2023	10/10/2023	MyState	TD	\$ 750,000	4.700%	160	\$ 15,452	BBB+
19/04/2023	17/10/2023	NAB	TD	\$ 750,000	4.550%	181	\$ 16,937	AA-
24/05/2023	24/10/2023	Macquarie	TD	\$ 1,000,000	4.600%	153	\$ 19,282	A+
21/06/2023	31/10/2023	NAB	TD	\$ 1,000,000	5.140%	132	\$ 18,588	AA-
9/06/2023	7/11/2023	SCORP	TD	\$ 1,000,000	5.150%	151	\$ 21,305	A+
18/05/2023	14/11/2023	Bank Qld	TD	\$ 750,000	4.900%	180	\$ 18,123	BBB+
24/05/2023	21/11/2023	Bank Qld	TD	\$ 750,000	4.950%	181	\$ 18,410	BBB+
2/06/2023	28/11/2023	NAB	TD	\$ 1,250,000	4.900%	179	\$ 30,038	AA-
9/06/2023	5/12/2023	NAB	TD	\$ 1,000,000	5.150%	179	\$ 25,256	AA-
9/06/2023	12/12/2023	NAB	TD	\$ 1,000,000	5.150%	186	\$ 26,244	AA-
29/06/2023	16/01/2024	NAB	TD	\$ 1,500,000	5.400%	201	\$ 44,605	AA-
29/06/2023	30/01/2024	SCORP	TD	\$ 1,500,000	5.470%	215	\$ 48,331	A+
3/05/2023	2/02/2024	NAB	TD	\$ 1,000,000	4.750%	275	\$ 35,788	AA-
29/06/2023	13/02/2024	NAB	TD	\$ 1,500,000	5.400%	229	\$ 50,819	AA-
29/06/2023	27/02/2024	SCORP	TD	\$ 1,500,000	5.470%	243	\$ 54,625	A+
30/06/2023	12/03/2024	NAB	TD	\$ 1,500,000	5.450%	256	\$ 57,337	AA-
30/06/2023	26/03/2024	NAB	TD	\$ 1,500,000	5.450%	270	\$ 60,473	AA-
30/06/2023	9/04/2024	NAB	TD	\$ 1,500,000	5.470%	284	\$ 63,842	AA-
30/06/2023	23/04/2024	NAB	TD	\$ 1,500,000	5.490%	298	\$ 67,234	AA-
		SP	Shares	\$ 2,000				
		WAWCU	Shares	\$ 10				
Total				\$ 48,865,234				



**9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 CRITICAL COMMUNICATIONS ENHANCEMENT PROGRAM****File Number:** -**Author:** Jan Donald, Executive Administration Officer**Authoriser:** Jack Bond, Director Infrastructure**RECOMMENDATION**

That this report on the Critical Communications Enhancement Program be received and the information noted by the Council.

**DISCUSSION**

The NSW Government is undertaking works on the Critical Communications Enhancement Program (CCEP) in conjunction with the NSW Telco Authority to expand and enhance the Public Safety Network (PSN) for emergency services organisations in order to improve emergency communications within regional NSW.

As previously advised, this network provides critical, secure and reliable radio communications to frontline responders. PSN sites have been pivotal in protecting communities and supporting the emergency response to the 2019 / 2020 Black Summer bushfires and the widespread floods of 2021 and 2022 across NSW.

The NSW Telco Authority has now completed the detailed design at Waugorah, Gayini Nimmie-Caira, Emu Park Homestead, Waugorah Road, Waugorah (lot 23 / DP751241) and has now moved to the construction stage. Work at this site will begin over the coming months.

NSW Telco Authority has awarded the contract for these works to Service Stream. A representative from Service Stream will be in contact with community members in the proximity to the site and advise them of the upcoming works.

Further information can be located at [www.nsw.gov.au/telco-authority](http://www.nsw.gov.au/telco-authority) email [ccepinfo@customerservice.nsw.gov.au](mailto:ccepinfo@customerservice.nsw.gov.au) or telephone 1800 794 862

**ATTACHMENTS****Nil**



**9.3.2 JOINT MURRAY RIVER COUNCIL & EDWARD RIVER COUNCIL LOCAL EMERGENCY MANAGEMENT COMMITTEE****File Number:** -**Author:** Jan Donald, Executive Administration Officer**Authoriser:** Jack Bond, Director Infrastructure**RECOMMENDATION**

That the DRAFT minutes of the Joint Murray River Council & Edward River Council Local Emergency Management Committee held on 8 June 2023 be received and the information noted by the Council.

**DISCUSSION**

The Murray River Council Local Emergency Management Committee (LEMC) is responsible for the prevention of, preparation for, response to and recovery from emergencies and disasters within our Local Government Area (LGA). These responsibilities include activities such as the development of emergency management plans, emergency risk management, multi-agency training and exercises and supporting combat agency public education programs.

The LEMC membership includes local representatives from NSW Police, NSW Rural Fire Service, State Emergency Service, Fire & Rescue NSW, NSW and Victoria Ambulance Services, NSW Health, Local Land Services, Marine Rescue NSW, NSW National Parks, Reconstruction Authority, Services Australia and Disaster Welfare Services as well as members of other neighbouring Councils.

The Chair of the LEMC is a Council appointed staff member who also sits on the Regional Emergency Management Committee (REMC).

During the flood event of 2022 an Emergency Operations Centre (EOC) was set up in Deniliquin at the RFS headquarters for 3 months. The EOC included all emergency services and both Edward River Council (ERC) and Murray River Council (MRC) personnel. This joint operation proved to be a success with having all affected parties in the one location in order to liaise and address matters in real time.

With the success of the EOC, both ERC and MRC supported moving to a Joint Local Emergency Committee.

At the first Joint Murray River Council and Edward River Council Local Emergency Management Committee meeting held on 8 June 2023, a motion was put forward that as per Division 3, Section 27 of the State Emergency and Rescue Management Act (SERM Act) to join committees for the purpose of emergency management within both LGA's. The chair will alternate every 12 months with the first 12 months being chaired by Jack Bond, MRC. Meetings are held three (3) times a year (February, June and October).

Draft minutes are attached for your information.

**ATTACHMENTS**

1. **DRAFT Joint LEMC Minutes 20230608**  



## Minutes

<b>Meeting title</b>	Joint Murray River Council & Edward River Council Local Emergency Management Committee		
<b>Date</b>	Thursday 8 June 2023	<b>Time</b>	2.00pm – 4.00pm
<b>Location</b>	Microsoft Teams / MRC Council Chambers		
<b>Attendees</b>	Jack Bond – Murray River Council – <i>Chair</i> Andrew McCurdy – Forestry Campaspe STM – Ambulance Victoria Dave Buchtmann – Disaster Welfare Services Denise Garner – NSW Health Frank Finlay – Fire & Rescue NSW Juay Brown – NSW Police Karen Buckley – Murray River Council Kimberley Beer – Local Land Services Les Barrow – Essential Energy Libby Braybon – Edward River Council Linda Searle – Local Land Services Lois Opie – NSW Health / Murrumbidgee LHD Laura – Marine Rescue NSW Madison Clear - SES Mark Dalzell – Edward River Council Mark Passalick - Buloke/Gannawarra - Ambulance Victoria Mick Lalor – NSW National Parks & Wildlife Services Paul Billingham – TfNSW Paul Hugget – NSW Police Paul Marshall – Reconstruction Authority Paul Smith – NSW Police Rebecca Stacey – Local Land Services Sarah Scott – Services Australia Scott Fullerton – REMO NSW Police Shannon Maynard – Campaspe Shire Council Tony Whitehorn – RFS Jan Donald – Murray River Council ( <i>Minute taker</i> )		
<b>Apologies</b>	Francis O'Brien – NSW Police Garry Armstrong – Local Land Services		

Joint lemc draft minutes\_230608.docx



Jodi Lees – Murray River Council  
Luke Sharrock – Moama Marine Rescue  
Stewart Alexander – Fire & Rescue NSW  
Terry Dodds – Murray River Council

**This meeting will be recorded**

### **ACKNOWLEDGEMENT OF COUNTRY**

***I acknowledge the Traditional Owners of the land on which we meet today and pay respect to Elders, past, present and future***



Denotes attachment



Denotes document to be tabled

#### **No. Description**

##### **1. Minutes of previous meeting**

This being the first joint MRC / ERC LEMC meeting there are no previous minutes to review.

##### **2. Prevention, Preparation and Planning (Action items):**

Nil

##### **3. Response (Standing Items):**

###### **3.1 Agency Reports – for noting (maximum 5 mins each)**

3.1.1 Ambulance NSW – no report.

3.1.2 Ambulance Victoria – Buloke / Gannawarra – works are underway on the publication of the 2022 Emergency Response Plan. Reviewing the actions relating to rare and exceptional circumstances, i.e. 2022 flood event, including complex locations and triage areas. During the flood evacuation last year, Ambulance Vic were established at the Bendigo Showgrounds and AV are currently working towards developing a more streamlined approach for any future events.

3.1.3 Disaster Welfare Services – report circulated with the meeting papers was noted. More dedicated resources are now available across the district.

3.1.4 Edward River Council – report circulated with the meeting papers was noted. Returning to BAU post flood event, currently working on submissions and accessing claims. Council has undertaken a review of how the evacuation centres operated during the flood event and would like to propose that the Deniliquin Basketball Stadium be nominated as the evacuation centre for all of ERC LGA with the Deni Ute Must site be retained as an alternate evacuation centre. Other locations can be identified as assembly areas which can be manned by any agency.



**Action: Formal recommendation will be submitted to the next Joint LEMC for adoption (ERC)**

- 3.1.5 Essential Energy – No report.
- 3.1.6 Fire & Rescue NSW – report will be circulated with the minutes. BAU at present with recruitment and Winter Safety messages being circulated.
- 3.1.7 Local Land Services – report will be circulated with the minutes. Items for noting are ongoing training, active biosecurity responses at present is Varroa Mite and White Spot. Would request that animal safe places are also identified as part of the evacuation centres.
- 3.1.8 Marine Rescue NSW – Moama Unit – poster will be circulated with the minutes identifying a 1300 RESUCE number for all emergencies.
- 3.1.9 NSW Health – Health and Wellbeing Working Group is continuing, MPHNSW has a number of grants that have been submitted. Red Cross has been conducting Women's workshop days, Reconstruction Authority has held 8 grant support sessions over the last 4 weeks. As One System is the NSW health report on the health system response to COVID19, includes 6 independent recommendations to strengthen health emergency preparedness (included in the meeting papers).
- 3.1.10 NSW National Parks & Wildlife – continued wet weather causing some problems particularly around access to National Parks and campgrounds. Vandalism reported with locked gates which are being closed to prevent further damage to roads and for National Parks programs. The majority of campgrounds are open with some sites having hazardous tree removal currently outstanding due to some areas still affected by ongoing rainfall exacerbating poor road conditions. Majority of road maintenance is complete with some areas of minor gravel topping still occurring. Post flood assessment of campgrounds identified a number of impacts with Cultural Heritage which is being managed for ongoing use of these sites.
- 3.1.11 NSW Police – Insp Paul Hugget OIC, Western Sector Murray Police District - BAU at present, new staff member commencing at Barham in July.  
  
Chief Insp Jy Brown OIC Deniliquin - Berrigan and Federation Councils have now merged their LEMC's into a Joint LEMC similar to this committee.  
  
A/REOCON Supt Paul Smith – SEOCON presented a draft Emergency Management Arrangements for the State. Owen Ploughman is retiring and expect to fill the role in the coming months. Great effort during the floods with both council's working well together.
- 3.1.12 Reconstruction Authority NSW – report will be circulated with the minutes. Email addresses have now changed over to [reconstruction@nsw.gov.au](mailto:reconstruction@nsw.gov.au). The two meetings, Health & Wellbeing Working Group and Tourism Working Group are continuing. Works are continuing on the new structure at RA.
- 3.1.13 Riverina Murray REMO report – report circulated with the meeting papers was noted. El Nino alert with a 70% chance of this occurring. The majority



of the Evacuation centre audits have been received. No EM training program available for next year at this stage, waiting on information from the State. As previously mentioned, Owen Ploughman is retiring. REMC meeting on 26 July at Albury Police Station. Have attended some cross border Council emergency management meetings and participated in a foot and mouth exercise held in Deniliquin. The NSW Auditor General report has been received which outlines the areas and funding associated with emergency events. Climate change will also need to be considered by Councils as an inclusion in future LEMP's.

3.1.14 NSW Rural Fire Service (RFS) – BFRMP works continuing, information from workshops will be analysed by the University of Melbourne before finalising the draft plan ahead for public consultation. Infrastructure upgrades are underway on the Birganbigil fire shed and planning is underway for the new Yanga fire shed. The Womboota Fire Boat has been commissioned and is available for calls. The vessel is currently based at "The Gums" but will relocate to Deep Creek Marina in the future. Reminder to councils to get claims in by the due date. Safe work kits and training to brigades continues. Seasonal bushfire outlook for Winter anticipates the development of El Niño over this period.

3.1.15 State Emergency Service – working on the Local Flood Plan Volume 1, had some weather this week with Victoria seeing a flood watch for upper Murray and Mitta Mitta River. Monitoring inflows from upper Murray and will keep this committee up to date. Received extra funding for more staff effectively doubling the ability with recruitment for 5 positions, recently had open day in Barham where they have 5 volunteers signed up. Deniliquin has training plan developed for Edward River and Murray River continuing throughout the year. Ordered flood signs for each LGA.

**Action: Follow up on committee report and circulation of the Local Flood Plan Volume 1 for committee review (SES)**

3.1.16 Transport for NSW – Circulate report with minutes. Stakeholder consultation based on operations during floods and day to day operations around incident management. Reminder that the 24 hr resource number is available at a local level. Incident response plan review is underway currently reviewing internally before coming to Councils for sign off. One Road platform for uploading to Traffic NSW is now being used by both Councils.

3.1.17 Forestry NSW – working through roadworks from flood damage, looking at doing a managed flood event later in the year, currently in the consultation stage. Working with Murray River Council regarding Little Forest Barham.

cons  
4. **Items for noting and approval:**  
Nil



5. **General / New Business:**

- 5.1 Ambulance Victoria membership for NSW border residents – send email information to Mark Passalick at Ambulance Victoria.
- 5.2 Scheduling next Joint MRC / ERC LEMC Meeting

**MOTION:** As per Division 3, Section 27 of the SERM Act that Murray River Council and Edward River Council will join committees for the purpose of emergency management within both LGA's. The chair will alternate every 12 months with the first 12 months being chaired by MRC.

The motion was carried.

6. **Next Joint MRC / ERC LEMC meeting:**

Thursday 12 October 2023

7. **Meeting closed:**

Meeting closed at 2.51pm

## 9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

### 9.4.1 MODEL CONTAMINATED LAND POLICY

**File Number:** -

**Author:** Christopher O'Brien, Senior Town Planner

**Authoriser:** Rod Croft, Director Planning & Environment

#### RECOMMENDATION

That:

1. Council supports the amendments made to the RAMROC/REROC Model Contaminated Land Policy that as originally adopted by Council in June 2017.
2. Council approves the amended Model Contaminated Land Policy and authorises the policy to be placed on public exhibition for a period of 28-days.

#### BACKGROUND

The Murray River Council Contaminated Land Management Policy (the Policy) was adopted by Council at its Ordinary Meeting held on 27 June 2017.

The Policy was made possible by the NSW Environment Protection Authority's (NSW EPA) Contaminated Land Management Program (under the Regional Capacity Building Program) to help Council develop a Contaminated Land Management Policy for its Local Government Area to be utilised as part of the planning decision making process.

As a result of legislative amendments, the Riverina & Murray Joint Organisation (RAMJO) have developed an amended Model Contaminated Land Policy.

#### DISCUSSION

The updated Model Contaminated Land Policy contains a number of important changes, including the following:

- Incorporating changes in the regulatory landscape related to the management of contaminated land,
- Addressing feedback received from member councils on their experiences and learnings in implementing the current RAMROC-REROC Model Contaminated Land Policy, and
- Council's request for additional 'best practice resources'.

A copy of the Model Contaminated Land Policy is attached. A summary of the changes has also been provided by RAMJO which is attached for Council's information.

#### STRATEGIC IMPLICATIONS

3. Strategic Theme 3: A place of Liveable Communities

3.11 - Strategic planning which produces consistent, strategic, transparent outcomes - Town Planning / Land Use Strategies

#### BUDGETARY IMPLICATIONS

N/A



## POLICY IMPLICATIONS

Murray River Council Contaminated Land Management Policy (POL403).

## LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

Environmental Planning & Assessment Act 1979.

Protection of the Environment Operations Act 1997.

## RISK ANALYSIS

- **What can happen?**

Council makes planning decisions which are contrary to the requirements of the Environmental Planning and Assessment Act 1979.

- **How can it happen?**

Council does not adopt the Model Policy amendments.

- **What are the consequences of the event happening?**

Council potentially may be liable in respect of anything done or omitted to be done in decisions regarding contaminated land or potential contaminated land, if the amended Policy is not adopted.

- **What is the likelihood of the event happening?**

High

- **Adequacy of existing controls?**

The existing Policy requires updating to ensure Council is competing with current legislation regarding contaminated land.

- **Treatment options to mitigate the risk?**






Council support the amendments made to the RAMROC-REROC Model Contaminated Land Policy originally adopted in 2017 to mitigate the risk.

## CONCLUSION

As outlined in the attached summary for Council, the Model Contaminated Land Policy (2023) presents no significant changes to how contaminated land is currently managed by Council. It remains anchored in the SEPP 55 Planning Guidelines – Remediation of Land (1998), as required by Schedule 6 'Liability in respect of contaminated land' of *the Environmental Planning and Assessment Act 1979* (*vis-à-vis* the 'good faith' defence).

The Model Policy has been amended to include Underground Petroleum Storage Systems (UPSS). It presents an 'optional' risk-based approach to guide Council decision-making on the ongoing monitoring of UPSS sites and is recommended to be supported.

## ATTACHMENTS

1. **Model Contaminated Land Policy (under separate cover)** 
2. **Summary for Council**  
3. **EXISTING ADOPTED Contaminated Land Policy (under separate cover)** 
4. **Managing Land Contamination - Planning Guidelines (under separate cover)** 





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ramjo.nsw.gov.au

## **Model Contaminated Land Policy**

### ***Summary for Council***

#### Purpose

- To outline amendments made to the RAMROC-REROC Model Contaminated Land Policy adopted by member councils in 2017.
- To guide member council's decision-making in a process to adopt the Model Contaminated Land Policy (2023) ('Model Policy').

#### General

The Model Policy outlines Council's commitment in regard to managing contaminated land in its local government area. This commitment remains anchored in the 'contaminated land planning guidelines' (i.e. the SEPP55 Planning Guidelines – Remediation of Land (1998)).

The Model Policy is a copy of the current RAMROC-REROC Model Contaminated Policy that member councils adopted in 2017. However, it also includes amendments identified in consultation with member councils and with the project steering committee.

These amendments pertain to:

- Incorporating changes in the regulatory landscape related to the management of contaminated land,
- Addressing feedback received from member councils on their experiences and learnings in implementing the current RAMROC-REROC Model Contaminated Land Policy, and
- Council's request for additional 'best practice resources'.

#### Contaminated Land Framework

The contaminated land framework comprises three elements:

1. Model Contaminated Land Policy (2023),
2. Council guidance on Implementing the Contaminated Land Policy (2023), and
3. Best practice resources.

This framework was developed by RAMJO and REROC in collaboration with Far North-West Joint Organisation and Dubbo Regional Council. This collaboration sought to establish a 'regional' framework for managing contaminated land in Council business processes.



### Model Contaminated Land Policy (2023)

The objectives of the Model Policy are unchanged on the basis that the *Resilience and Hazards SEPP (2021)* incorporated an unchanged *SEPP55 Planning Guidelines – Remediation of Land (1998)*.

However, the NSW Department of Planning and Environment did release a draft 'contaminated land planning guidelines' (2018) that outlined proposed amendments to the SEPP55 Planning Guidelines. In consultation with our project steering committee, a number of these amendments have been incorporated in the Model Policy including:

- Adding 'Council depots' to the table in Appendix 1 on potential activities that may give rise to site contamination, and
- The 'Initial Evaluation' checklist.

The Model Policy has been amended to reflect updates in the regulatory landscape relevant to the management of contaminated land. These include:

- The EP&A Act in relation to the 'planning proposal' process (i.e. *Local Planning Direction 4.4*),
- The *Complying development guidelines* in regards to development on land previously subject to management orders under the Contaminated Land Management Act,
- The *Code SEPP* in relation to procedures for 'unexpected finds', and
- The *UPSS Regulation 2019* in relation to member councils' 'appropriate regulatory authority' responsibilities.

Feedback received from member councils on their experiences and learnings in using the current Model Policy resulted in additional amendments to the Model Policy. This included:

- An update of the risk-based approach for the assessment of site contamination,
- Extending the risk-based approach to include UPSS, and
- To expand the coverage of the 'best practice resources'.

The new 'UPSS' section of the Model Policy was developed in consultation with member councils and the project steering committee. This new section outlines:

- A procedure to consider the design, installation, operation, maintenance and decommissioning of UPSS in a development assessment and consent process, and





- An 'optional' risk-based approach for Council to manage its 'appropriate regulatory authority' (ARA) responsibilities under the *UPSS Regulation 2019* in regard to the operation and maintenance of UPSS.

The 'development assessment and consent' section of the Model Policy has been amended using input of member councils. Clauses in this section were tested at the training workshops delivered in May and June 2023, with member councils providing constructive feedback on how to amend the clauses.

The 'optional' risk-based approach outlined for Council to manage its ARA responsibilities pertains specifically to the monitoring of UPSS sites. Council could monitor these sites to confirm they maintain compliance with Development Consent and/or the *UPSS Regulation 2019*.

The relevant clauses of the draft Model Policy do not commit member councils to a UPSS inspection and monitoring program. Rather these clauses outline a risk-based approach that member councils may elect to implement, and with a view to make informed decisions in regards to a UPSS inspection program. This is consistent with advice received from member councils in our consultations and in the abovementioned training workshops.

This 'optional' risk-based approach has been supplemented with new 'best practice resources' including guidance documents and tools. These resources and tools have already been used by member councils to assess the risk of identified UPSS sites in their local government area.

#### Implications on Member Council

The Model Policy does not present any new implications on member councils in regards to the management of contaminated land in their respective local government areas. Clauses within the Model Policy related to the management of contaminated land remain unchanged with exception to those related to changes in the regulatory landscape. These changes in the regulatory landscape have already been implemented by member councils.

This includes Local Planning Direction 4.4 where a 'preliminary site investigation' report is required to be attached to a planning proposal when and only when specific conditions are triggered.

The Model Policy includes a new section on UPSS. This section outlines requirements of an 'appropriate regulatory authority' under the *UPSS Regulation 2019*. These requirements are not new and have been applied by member councils in 'development assessment and consent' processes for new or significantly modified UPSS.





The new UPSS section also outlines an 'optional' risk-based approach for member councils to manage the risk associated with the ongoing operation and maintenance of UPSS in their local government area. Member councils were provided with onsite training and guidance on this approach, and have also been provided with data on UPSS sites in their local government area.

Member councils are to be provided with 'best practice resources' that relate UPSS requirements to specific council business processes. These resources will guide and inform Council decision-making processes on the extent to which (if at all) UPSS are to be managed by Council in their local government area.

#### Conclusion

The Model Contaminated Land Policy (2023) presents no significant changes to how contaminated land is managed by Council in their local government area. It remains anchored in the SEPP55 Planning Guidelines – Remediation of Land (1998), as required by Schedule 6 of the EP&A Act (*vis-à-vis* the 'good faith' defence).

The Model Policy has been amended to include UPSS. It presents an 'optional' risk-based approach to guide Council decision-making on the ongoing monitoring of UPSS sites.



**9.4.2 DRAFT PESTICIDE USE NOTIFICATION PLAN - FOR APPROVAL AND CONSULTATION****File Number:** -**Author:** Matthew Sherman, Project Manager Meninya Street Precinct Project**Authoriser:** Rod Croft, Director Planning & Environment**RECOMMENDATION**

That Council review and approves the Draft Pesticide Use Notification Report to go out for the required 28-day public notification process.

**BACKGROUND**

Council's existing Pesticide Use Notification Plan is now due for renewal in the 2023/2024 financial year requiring officers to develop and consult with the community on a new Pesticide Use Notification Plan. The NSW Environmental Protection Authority (NSW EPA), requires local government areas to consult with Council and the community prior to the implementation of a new plan.

Public authorities, including state government departments, local councils, county councils and electricity network state owned corporations must give the public notice that they intend to use pesticides in outdoor public places such as parks and ovals and in public places near sensitive places such as childcare centres and hospitals.

**DISCUSSION**

A Draft Pesticide Use Notification Plan has developed by the NSW bio-security department to inform interested parties and Council in order to gain feedback and input prior to the implementation in the 2023/2024 financial year. Council is required to notify the community based on the principle that people have the basic right to know when they may be affected by pesticide user, to make an informed decision about their contact with pesticides and reduce their exposure to pesticides if they wish.

A Draft Pesticide Use Notification Plan is included into the report attachment for review and approval from Council so it can proceed through the public consultation process. At the completion of 28-day public consultation, a final report will be presented to Council for adoption and listing on Murray River Council's website and will remain valid for a period of 3 years.

**STRATEGIC IMPLICATIONS**

3. Strategic Theme 3: A place of Liveable Communities

3.4 - Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles - Community Safer Spaces.

**BUDGETARY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

**RISK ANALYSIS**

- **What can happen?**

Murray River Council is required by the NSW EPA to seek Council approval and to undertake 28-day public consultation of a Draft Pesticide Use Notification Plan prior to its implementation. If Council does not complete this process, council would be in breach of NSW EPA requirements and fail to provide Council and the community to have input into the Pesticide Use Notification Plan so they can make informed decisions about their exposure to pesticides

- **How can it happen?**

Failure to consult with interested parties on the development of a new Pesticide Use Notification Plan.

- **What are the consequences of the event happening?**

Public and council dissatisfaction.

- **What is the likelihood of the event happening?**

Very low.

- **Adequacy of existing controls?**

Satisfactory.

- **Treatment options to mitigate the risk?**

Murray River Council will follow the recommended steps provided by the NSW EPA to ensure interested stakeholders are provided the opportunity to have input into the Pesticide Use Notification Plan.

**CONCLUSION**

It is recommended that Council approve the release of the new Draft Pesticide Use Notification Plan to ensure Council meets NSW EPA requirements and to provide interested parties to have input into the development and implementation of a new plan. The Officer and Bio-security team is confident that the provided draft plan is satisfactory for 28-day public consultation and implementation. Any significant comments raised by the community will be considered and form part of the final version.

**ATTACHMENTS**

1. **Draft - Pesticide Use Notification Plan - For Consultation (under separate cover)** 

**9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND  
SUPPLEMENTARY MATTERS**

Nil

## 9.6 CORRESPONDENCE REPORT

### 9.6.1 CORRESPONDENCE REPORT

**File Number:** -

**Author:** Lindy Leyonhjelm, Executive Assistant

**Authoriser:** Terry Dodds, Chief Executive Officer

#### RECOMMENDATION

That the Correspondence Report be received and the information noted by the Council.

#### DISCUSSION

Due to the volume of correspondence that Council receives from Government Agencies, each Councillor has been forwarded the emails directly. As per resolution 290921 at the September 28, 2021, Council meeting, incoming emails from Government Agencies will not be included in this report unless by exception, only outgoing correspondence to Government agencies and general correspondence is recorded in the report.






#### OUTGOING CORRESPONDENCE:

- Letter to Minister for Emergency Services - Ongoing Flood Recovery Actions – 9 June 2023
- Letter of invitation to Helen Dalton MP Citizenship ceremony 18 July – 10 July 2023
- Letter of invitation to The Hon Sussan Ley Citizenship ceremony 18 July – 10 July 2023
- Submission to IIP Strategic Review - 17 July 2023
- Follow up letter to Minister Jihad Dib on grant funding for businesses outside of current financial support from Oct 2022 flood event – 17 July 2023

#### INCOMING CORRESPONDENCE:

- 

#### ATTACHMENTS

1. Letter to Minister for Emergency Services - Ongoing Flood Recovery Actions [↓](#) 
2. Letter of invitation to Helen Dalton MP Citizenship ceremony 18 July 2023 [↓](#) 
3. Letter of invitation to The Hon Sussan Ley Citizenship ceremony 18 July 2023 [↓](#) 
4. Submission to IIP Strategic Review 17 July 2023 [↓](#) 
5. follow up letter to Minister Jihad Dib on grant funding for businesses outside of current financial support from Oct 2022 flood event [↓](#) 





Murray River Council  
PO Box 906  
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p 1300 087 004  
f 03 5884 3417  
e [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au)  
w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

9 June 2023

The Hon. Jihad Dib, MP  
Minister for Emergency Services  
GPO Box 5341  
SYDNEY NSW 2001

Dear Sir,

We write to seek your urgent support on behalf of businesses located in the Murray River Council local government area who find themselves in a perilous situation following the October 2022 flood event.

The damage bill for Murray River Council was the second highest in NSW, second only to Moree. As such, we have advocated strongly for border businesses, mainly in the agriculture, accommodation and hospitality sectors for financial support to aid recovery.

We thank the NSW Government for providing initial funding support for small business.

We have had numerous ministerial visitors, as well as department personnel, who we have spoken to about businesses that have fallen into the funding gaps. Houseboat operators, paddlesteamer operators and businesses reliant upon the river who were cut off and isolated for many months, unable to trade.

The Medium Size Business Grant, based on the number of full time employees (FTEs) doesn't align to the most heavily impacted businesses in our region such as commercial caravan parks. Up to 85% of businesses in Murray River Council have less than 20 FTEs. The minimum number for access to some grants is 21 FTEs. Whilst we did advocate strongly for the medium size business grant to be released by NSW (in line with our Victorian neighbours) we did push for the eligibility criteria not to be reliant upon FTE numbers.

Due to the diminishing health of businesses within our communities over a period of eight months, we continue to seek immediate support from the NSW and Commonwealth Governments to aid recovery and reconstruction.

Please find attached to this letter Council's ongoing flood recovery actions. We have met with and subsequently written to the NSW Reconstruction Authority to seek immediate support for flood recovery. The October 2022 flood event was 8 months ago!

Council will continue to advocate for outstanding recovery actions.

Should you require further information, please contact CEO Terry Dodds on 0417 425 948 or myself on 0439 163 272

Yours sincerely,

**Chris Bilkey**  
Mayor

sr





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PO Box 906  
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e [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au)  
w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

11 July 2023

Helen Dalton MP  
Member for Murray  
228 Cressy Street  
DENILIKUIN NSW 2710

Email: [murray@parliament.nsw.gov.au](mailto:murray@parliament.nsw.gov.au)

Dear Helen

RE: Citizenship Ceremony being held 2pm 18 July @ Rich River Golf Club

We are welcoming 12 new Australian Citizens at our planned Citizenship Ceremony on Tuesday 18 July, commencing at 2pm. The ceremony is being held at the Rich River Golf Club, Tatalia Room 3, Twenty Four Lane, Moama.

We would be delighted if you were able to attend the ceremony and welcome the new Australians to our Local Government Area.

Please do not hesitate to contact my EA, Lindy Leyonhjelm, directly on my mobile 0428 990 592, or by email [lleyonhjelm@murrayriver.nsw.gov.au](mailto:lleyonhjelm@murrayriver.nsw.gov.au) if you require any further information.

Yours sincerely

Chris Bilkey  
Mayor  
Murray River Council

Document ID:



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w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

11 July 2023

The Hon Sussan Ley MP  
Member for Farrer  
PO Box 672  
ALBURY NSW 2640

Email: [sussan.ley.mp@aph.gov.au](mailto:sussan.ley.mp@aph.gov.au)

Dear Sussan

RE: Citizenship Ceremony being held 2pm 18 July @ Rich River Golf Club

We are welcoming 12 new Australian Citizens at our planned Citizenship Ceremony on Tuesday 18 July, commencing at 2pm. The ceremony is being held at the Rich River Golf Club, Tatalia Room 3, Twenty Four Lane, Moama.

We would be delighted if you were able to attend the ceremony and welcome the new Australians to our Local Government Area.

Please do not hesitate to contact my EA, Lindy Leyonhjelm, directly on my mobile 0428 990 592, or by email [lleyonhjelm@murrayriver.nsw.gov.au](mailto:lleyonhjelm@murrayriver.nsw.gov.au) if you require any further information.

Yours sincerely

Chris Bilkey  
Mayor  
Murray River Council

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w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

17 July 2023

Infrastructure Investment Program Strategic Review  
IIP Review – Land Transport Infrastructure Division  
Department of Infrastructure, Transport, Regional Development,  
Communications and the Arts  
GPO Box 594  
CANBERRA ACT 2601

Email: [IIP.Review.Submissions@infrastructure.gov.au](mailto:IIP.Review.Submissions@infrastructure.gov.au)

Dear Ms Gardiner-Barnes, Mr Mrdak and Mr Waldock,

**Re: Submission to the IIP Strategic Review**

I write with regard to the 90-day independent Strategic Review of the Infrastructure Investment Program (IIP) announced by the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government on 1 May 2023.

The \$120 billion 10-year infrastructure investment pipeline adopted by the former Coalition Government included many worthy land transport projects that had been identified in partnership with state and territory governments, local councils, freight industry stakeholders and communities.

One such project will provide significant benefit to communities in the Murray River Council area:

- Swan Hill Bridge - Echuca to Robinvale Corridor (NSW)

To date, the investigation to replace the bridge between NSW and Victoria across the Murray River (Swan Hill / Murray Downs) has cost government circa 6 million dollars (of the 60 million currently allocated). It would be considered a travesty to all the stakeholders who have advocated for many years, if not decades, if those funds currently committed were withdrawn at this late stage.

While I understand Minister King has determined the Government's 2022 land transport election commitments are to be exempt from examination under the Strategic Review's terms of reference, it is important to the integrity of this process that any independent qualitative assessment of the existing IIP projects should include an evaluation of the merits of those projects when compared to Labor's election commitments.

The Strategic Review's terms of reference also require the reviewers to make 'reform' recommendations in relation to on-going, long-standing road safety and transport efficiency programs, including the Black spots program, Roads to Recovery, Bridges to Renewal and the Heavy Vehicle Safety and Productivity program.

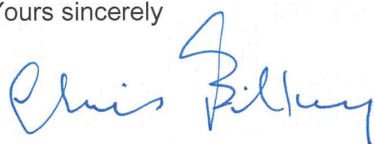


Local government's previous experiences, when informed about 'reforms' from both sides of politics, brings a sense of foreboding. These important programs are relied on by local government road managers, including the Murray River Council to deliver worthwhile improvements to address identified road safety risk locations and sites that may be unsafe for heavy vehicles to access. Often the projects are relatively small in size and cost, but beyond the capacity of local road managers to fund.

Lastly, again history has proven to local government that undue complexity is often added to the processes. Any recommendations of the review should not add to the complexity of local government to apply for or administer projects under these important programs.

Thank you for your consideration of the points above and I would be willing to make myself available to discuss these matters further if that would be of assistance to the review.

Yours sincerely



Cr Chris Bilkey  
**Mayor**



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w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

17 July 2023

The Hon. Jihad Dib MP  
Minister for Emergency Services  
GPO Box 5341  
SYDNEY NSW 2001

By email: [bankstown@parliament.nsw.gov.au](mailto:bankstown@parliament.nsw.gov.au)

Dear Minister Dib,

RE: Lack of response to letter sent 9 June 2023

Please find attached the letter that was sent to you on 9 June 2023, we are still awaiting your response to the urgent letter sent in regard to businesses that have been unable to obtain financial support/funding that have been greatly impacted by the October 2022 flood event. We were expecting some form of acknowledgement within two (2) weeks of the letter being sent and have not received any form of response from your offices in the last 5 weeks.

The current high-water levels for the Murray River have again impacted business such as houseboat operators, paddle-steamer operators, commercial caravan parks, who are reliant on tourism to allow their businesses to stay open. These businesses are continually being impacted by major events and are still left to fend for themselves as they have fallen through the gap of funding for small businesses and the medium size business grant.

The damage bill for Murray River Council was the second highest in NSW, however there is a major gap in supporting many of the businesses that do not meet the current eligibility criteria and there are many businesses currently in diminishing health due to lack of financial support. We continue to seek immediate support from the NSW and Commonwealth Governments to aid recovery and reconstruction.

I have again attached Council's ongoing flood recovery actions; the flood event was over 9 months ago, and we have not received any further indication that these businesses affected during the flooding event will obtain any support. This is despite the Council being classified as Category D in the October/November flood event.

I implore you to review the grants and funding available to include these operators who have been left on their own without financial support from this major event.

Document ID:

Should you require any further information, please contact CEO Terry Dodds on 0417 425 948 or myself on 0439 163 272.

Yours sincerely,



**Chris Bilkey**  
Mayor

## 9.7 SUNDRY DELEGATES REPORT

### 9.7.1 SUNDRY DELEGATES REPORT

**File Number:** -

**Author:** Lindy Leyonhjelm, Executive Assistant

**Authoriser:** Terry Dodds, Chief Executive Officer

#### RECOMMENDATION

That the Sundry Delegates Report of the Mayor and Councillors for the period 27 June 2023 through to 24 July 2023 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

#### DISCUSSION

The **Mayor, Councillor Chris Bilkey** reported on his attendance at the following meetings and functions:

- 27 June: Council Pre-briefing & Council meeting
- 28 June: RAMJO Extra ordinary Board meeting (online)
- 30 June: Moama Lights Launch event
- 3 July: NAIDOC Flag raising & morning tea
- 4 July: Planning meeting with MRC Executive Team
- 6 July: MDB Review - Plibersek Submission Brainstorm
- 11 July: Monthly Councillor workshop & MDBA meeting onsite
- 12 July: Campaspe Murray Mental Health & Wellbeing Network meeting
- 13 July: One Basin CRC July Partner Briefing
- 17 July: EMT Board meeting
- 18 July: Citizenship Ceremony & EMT member meeting
- 19 July: VNI West Regional Reference Group - Meeting

The **Deputy Mayor, Councillor Frank Crawley** reported on his attendance at the following meetings and functions:

- 27 June: Council Pre-briefing & Council meeting
- 30 June: Moama Lights Launch event
- 3 July: Moama Lions Community Village meeting
- 11 July: Monthly Councillor workshop - Moama

**Councillor Nikki Cohen** reported on her attendance at the following meetings and functions:

- 27 June: Council Pre-briefing & Council meeting
- 30 June: Moama Lights Launch event
- 2 July: Volunteering at Moama Lights session
- 11 July: Monthly Councillor workshop - Moama



- 11 July: Moama Recreation Reserve Meeting

**Councillor Ann Crowe** did not supply a report on her attendance to meetings and functions for this time period.

**Councillor Neil Gorey** reported on his attendance at the following meetings and functions:

- 27 June: Council Pre-briefing & Council meeting
- 10 July: Barham Rec Reserve Section 355 & Barham School of Arts Section 355 committee meetings
- 14 July: Interview with The Guardian RE: Swan Hill Bridge
- 19 July: Murray Downs Section 355 committee meeting

**Councillor Kron Nicholas** did not supply a report on his attendance to meetings and functions for this time period.

**Councillor Thomas Weyrich** did not supply a report on his attendance to meetings and functions for this time period.

**Councillor Geoff Wise** did not supply a report on his attendance to meetings and functions for this time period.

**Councillor Dennis Gleeson** did not supply a report on his attendance to meetings and functions for this time period.

## **ATTACHMENTS**

**Nil**

**10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE**

Nil

**11 CONFIDENTIAL MATTERS****RECOMMENDATION**

That Council moves out of Open Council into Closed Council at [Enter time](#).

**RECOMMENDATION**

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

**11.1 Sale of Land to Recover Unpaid Rates and Charges**

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

**11.2 Sale of Lot 3 DP 813704 - Mathoura Line Road, Moama**

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

**11.3 DA10.2013.90.1 ELEVATED DWELLING HOUSE**

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

**RECOMMENDATION**

That Council moves out of Closed Council into Open Council at [Enter time](#).

**RECOMMENDATION**

That Council brings forward the resolutions from Closed Council into Open Council and these be read aloud.

**12 CONCLUSION OF MEETING**