



# AGENDA

# Ordinary Council Meeting Tuesday, 26 March 2024

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

- Date: Tuesday, 26 March 2024
- Time: 1:00 PM
- Location: Council Chambers Moama Administration Office 52 Perricoota Road, Moama

Terry Dodds Chief Executive Officer

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# 1 OPENING MEETING

# 2 ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and respect the Traditional Custodians of the Lands where we stand today, I acknowledge Elders past and present, the pioneers whose toil inspires us still; And those who gave their lives, that we many now, On this proud past, a vibrant future build.

# 3 APOLOGIES & APPLICATIONS FOR A LEAVE OF ABSENCE

Questions without notice arising from minutes of previous meeting:

# 4 CONFIRMATION OF MINUTES

# 4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING HELD ON 27 FEBRUARY 2024 OF MURRAY RIVER COUNCIL

# File Number:

Author:Lindy Leyonhjelm, Executive AssistantAuthoriser:Terry Dodds, Chief Executive Officer

# RECOMMENDATION

That the minutes of the Ordinary Meeting of Murray River Council held on 27 February 2024 be confirmed as a true and correct record.

# DISCUSSION

Murray River Council held its Ordinary Meeting of the Council on Tuesday 27 February 2024, commencing at 1:00pm at the Barham Riverside Reception Centre, Noorong Street, Barham.

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

# ATTACHMENTS

# 1. Draft Minutes of Ordinary Council Meeting - Tuesday 27 February 2024 😃 🛣

27 February 2024

#### MINUTES OF MURRAY RIVER COUNCIL ORDINARY COUNCIL MEETING HELD AT THE RIVERSIDE RECEPTION CENTRE, NOORONG STREET, BARHAM NSW 2732 ON TUESDAY, 27 FEBRUARY 2024 AT 1:00 PM

- PRESENT: Cr Frank Crawley (Mayor), Cr Neil Gorey (Deputy Mayor), Cr Dennis Gleeson (Councillor), Cr Kron Nicholas (Councillor), Cr Geoff Wise (Councillor), Cr Thomas Weyrich (Councillor) – arrived late
- IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Jessica McFarlane (Acting Director Planning & Environment), Jan Donald (Executive Admin Officer), Alex Green (Manager Technology & Digital Services), Christian Austin (Coordinator Technology & Digital Services), 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

#### **3 LEAVE OF ABSENCE/APOLOGIES**

#### **RESOLUTION 010224**

Moved: Cr Dennis Gleeson Seconded: Cr Geoff Wise

That the apology tendered on behalf of Councillors Nikki Cohen, Thomas Weyrich & Ann Crowe be received and accepted; and that leave of absence from the meeting be granted.

CARRIED

# 4 CONFIRMATION OF MINUTES

#### 4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING HELD ON 23 JANUARY 2024 OF MURRAY RIVER COUNCIL

#### **RESOLUTION 020224**

Moved: Cr Kron Nicholas Seconded: Cr Geoff Wise

That the minutes of the Ordinary Meeting of Murray River Council held on 23 January 2024 be confirmed as a true and correct record.

CARRIED

27 February 2024

Questions without notice arising from minutes of previous meeting/s

### 5 DISCLOSURES OF INTERESTS

There were no conflict of interests declarations received from Councillors or staff on any matter within the meeting.

#### 6 **DEPUTATIONS**

At 1:18 pm, Cr Thomas Weyrich arrived at the meeting.

- At this stage of the meeting, being 1:18pm, Mr Tim Harley made a presentation on Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing).
- At this stage of the meeting, being 1:30pm, Mr James Hatfield made a presentation on Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing).

#### 7 MAYORAL MINUTE(S)

#### 7.1 MAYORAL MINUTE - COST SHIFTING ONTO LOCAL GOVERNMENT

#### **RESOLUTION 030224**

Moved: Cr Frank Crawley

That:

- 1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
- 2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
- 3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

CARRIED

#### 7.2 MAYORAL MINUTE - FOR COUNCIL MEETING 27 FEBRUARY 2024

#### **RESOLUTION 040224**

Moved: Cr Frank Crawley

That it be noted that Councillors have little confidence in Cr Thomas Weyrich's ability to adhere to the Councillor Code of Conduct and request him to either:

(a) At an open Council meeting, apologise unreservedly to his fellow councillors and staff for his behaviour, commit to training on the Councillor Code of Conduct and guarantee that he will adhere to the Councillor Code of Conduct.

OR

(b) resign from Council immediately.

<u>In Favour:</u>	Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas and Geoff Wise
<u>Against:</u>	Nil

27 February 2024

CARRIED 5/0

CARRIED

#### **RESOLUTION 050224**

Moved: Cr Neil Gorey Seconded: Cr Geoff Wise

That Council bring forward Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing) at this time, being 1:17pm to change the order of business.

CARRIED

#### 8 **REPORTS OF COMMITTEES**

Nil

#### 9 REPORTS TO COUNCIL

#### 9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS

#### 9.1.1 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS

#### **RESOLUTION 060224**

Moved: Cr Geoff Wise Seconded: Cr Neil Gorey

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

#### 9.1.2 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - RESTORATION OF THE FEDERAL ASSISTANCE GRANTS

# **RESOLUTION 070224**

Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson

That Council calls on Australian Local Government Association at the National General Assembly to seek that the Federal Government to restore the Federal Assistance Grants to 1% of Commonwealth taxation revenue.

CARRIED

27 February 2024

9.1.3 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - REVIEW THE LAND REZONING PROCESSES WITH A VIEW TO REDUCE DUPLICATION WITH STATE GOVERNMENT AGENCIES AND GIVE DECISION MAKING POWER BACK TO LOCAL GOVERNMENT TO REDUCE RED TAPE AND HOUSING DELAYS.

#### **RESOLUTION 080224**

Moved: Cr Thomas Weyrich Seconded: Cr Geoff Wise

That Council calls on Australian Local Government Association at the National General Assembly to seek that the Federal Government review the land rezoning processes with a view to reduce duplication with state government agencies and give decision making power back to Local Government to reduce red tape and housing delays.

CARRIED

#### 9.1.4 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - COUNCILLOR RENUMERATION

#### **RESOLUTION 090224**

Moved: Cr Kron Nicholas Seconded: Cr Neil Gorey

That Council calls on Australian Local Government Association to resolve at the National General Assembly that the Federal Government implement renumeration requirements of Councillors:

- A. to be even across all states and across all council categories of councils (metropolitan, regional rural etc.); and
- B. they be set at a level that enables elected councillors devote a substantial amount of time (at least ½ FTE) to undertake council matters.

CARRIED

# 9.1.5 MONTHLY OPERATIONAL REPORT

# **RESOLUTION 100224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

That the Monthly Operational Report as of January 2024 be received and the information noted by the Council.

CARRIED

#### 9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

#### 9.2.1 QUARTERLY BUDGET REVIEW - PERIOD ENDED 31 DECEMBER 2023

**RESOLUTION 110224** 

27 February 2024

Moved: Cr Neil Gorey Seconded: Cr Kron Nicholas					
That Council resolve to:					
<ol> <li>Adopt the budget variations as detailed within the report and any subsequent changes made to those votes, in Council's estimates of income and expenditure for 2023/2024 financial year, which includes changes to the 2023/2024 Capital Listing as updated per Attachment 3 and the following Reserve movements:</li> </ol>					
a. to fund Capital activities:					
i. \$6,336,418 from General reserve					
ii. \$1,455,581 from Sewer reserve					
iii. \$792,127 from Water reserve					
iv. \$2,378,334 from Waste reserve; and					
b. from Operational activities:					
i. \$4,259,698 to the General reserve					
ii. \$2,660,837 to the Sewer reserve					
iii. \$2,872,708 to the Water reserve					
iv. \$1,268,901 to the Waste reserve.					
CARRIED					

# 9.2.2 INVESTMENTS AND RESERVES REPORT AS AT 31 JANUARY 2024

#### **RESOLUTION 120224**

Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson

That Council resolve to receive the Investments & Reserves Report, as of 31 January 2024.

CARRIED

#### 9.3 DIRECTOR IINFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS

Nil

#### 9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

9.4.1 MURRAY LOCAL ENVIRONMENTAL PLAN 2011- PLANNING PROPOSAL PP-2023-2003 - BEER ROAD & PERRICOOTA ROAD MOAMA TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R1 GENERAL RESIDENTIAL ZONE FOR LOTS 2 & 3 DP1213161 AND LOT 15 DP1273625 AND VARY THE MINIMUM LOT FROM 120 HECTARES TO 500M2 MINIMUM LOT SIZE

#### **RESOLUTION 130224**

Moved: Cr Geoff Wise Seconded: Cr Kron Nicholas

#### 27 February 2024

#### That:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m<sup>2</sup>. 2. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for 'Gateway Determination' in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979. З. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP) Council notes if valid objections are received via the public exhibition process, a further 4. report will come back to council for consideration. Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas, Thomas Weyrich In Favour: and Geoff Wise Nil Against: CARRIED 6/0 CARRIED

#### 9.4.2 MENINYA STREET PRECINCT PROJECT - FEBRUARY 2024 UPDATE

#### **RESOLUTION 140224**

Moved: Cr Dennis Gleeson Seconded: Cr Kron Nicholas

That Council notes the "Project Status Report" prepared by the Officer.

CARRIED

#### 9.4.3 RESPONSE TO NOTICE OF MOTION ITEM - MASTERPLAN MURRAY DOWNS, MATHOURA AND MOULAMEIN

#### **RESOLUTION 150224**

Moved: Cr Thomas Weyrich Seconded: Cr Neil Gorey

That the Officer's report on RESPONSE TO NOTICE OF MOTION ITEM - MASTERPLAN MURRAY DOWNS, MATHOURA AND MOULAMEIN as at February 2024 be received by the Council.

CARRIED

27 February 2024

#### 9.4.4 DA 10.2023.356.1 HOME INDUSTRY (FOOD MANUFACTURING)

#### **RESOLUTION 160224**

Moved: Cr Neil Gorey Seconded: Cr Geoff Wise

- 1. The officer's report be received and noted by Council.
- 2. Development Application 10.2023.356.1 for a Home Industry (Food Manufacturing) be refused development consent due to the following reasons:
  - (a) Pursuant to section 4.15 (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is inconsistent with the objectives of the R1 General Residential zone under the Murray Local Environmental Plan 2011. The application as submitted does not demonstrate compliance with this section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
  - (b) Pursuant to section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with definition of "home industry" under the Murray Local Environmental Plan 2011. The application as submitted does not demonstrate compliance with this section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
  - (c) Pursuant to section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Chapter 2, Clause 2.6 of Murray Development Control Plan 2012, particularly in relation to car parking. The application as submitted does not demonstrate compliance with the section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
  - (d) Pursuant to section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the development. It is considered that the application is substantially void of sufficient information to accurately and confidently determine the actual use and impacts at the site as further outlined in part 3.4(c) of the town planning assessment component of this report.
  - (e) Pursuant to section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 the development is not in the public interest as further discussed in part 3.5(d). The application as submitted is substantially deficient in relevant information to make a meaningful assessment of the development in relation to the impacts on adjoining property owners and those who forwarded objections to the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
- In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas and Thomas Weyrich
- Against: Cr Geoff Wise

# CARRIED 5/1

#### CARRIED

3. Council notes that if the development application 10.2023.356.1 is deemed refusal (supporting the officer's recommendation) then Council officers will act on relevant steps under the *Environmental Planning and Assessment Act 1979* to issue an order to cease the use of the property as a business (Home Industry – Food Manufacturing).

#### 27 February 2024

#### **RESOLUTION 170224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

#### **AMENDED MOTION**

- 3. On the event that Council resolves to refuse development application number 10.2023.356.1 (DA), in keeping with the recommendation of the report, then Council also resolve:
  - a. to afford the applicant of the DA a period of 12 months to cease operations at the identified located, and such ceasing to occur irrespective of whether or not an additional development application has been submitted and is pending a decision, and
  - b. to authorise the Chief Executive Officer (CEO) to take any and all actions available to Council, to enforce the cessation of business at the premises as envisaged through the refused DA, and
  - c. that a condition of the concession afforded through resolution 3a above be that, should there be any complaints about the activities being undertaken at the subject premises of the DA, that the applicant cooperate with Council officers investigating such complaints, including affording access to such offices to the said premises, and
  - d. that in the event that the applicant refuses to cooperate with any such investigations, then that the concession granted to the applicant through resolution 3a above cease forthwith, such determination to be made by the CEO, and the CEO be authorised to undertake the actions as envisaged in resolution 3b above.

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

Against:

CARRIED 6/0

CARRIED

# 9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS

#### 9.5.1 TOOLEYBUC, PIANGIL ACTION GROUP

#### **RESOLUTION 180224**

Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey

Nil

That Council

- 1. Revoke existing members of the Tooleybuc, Piangil Action Group (Tooleybuc Bridge Keepers Cottage) Committee of Management and
  - (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the November 2023 AGM.

CARRIED

27 February 2024

#### 9.5.2 ADOPTION OF FINAL ECONOMIC DEVELOPMENT & TOURISM STRATEGY 2024-2034

#### **RESOLUTION 190224**

Moved: Cr Thomas Weyrich Seconded: Cr Neil Gorey

That Council:

- 1. Council notes the information outlined in the council report in relation to the Final Murray River Council Economic Development and Tourism Strategy 2024-2034.
- 2. Council adopts the Final version of the Murray River Council Economic Development and Tourism Strategy 2024-2034.
- 3. Council note that Council resources will be required to implement the Strategy.

CARRIED

#### 9.5.3 SECTION 355 COMMITTEE MEETING MINUTES AS AT JANUARY 2024

#### **RESOLUTION 200224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

That Council receive and note the January 2024 Section 355 Committee Report.

CARRIED

#### 9.5.4 COMMUNITY SERVICES - CLIENT SATISFACTION SURVEY RESULTS

#### **RESOLUTION 210224**

Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson

That Council receive and note the Community Services client satisfaction results.

CARRIED

#### 9.5.5 BARHAM MICRO ABATTOIR - VARIATION TO LEASE

#### **RESOLUTION 220224**

Moved: Cr Dennis Gleeson Seconded: Cr Geoff Wise

That Council approve a variation to the Agreement to Lease to delay the commencement of lease payments until 1 June 2024.

CARRIED

27 February 2024

#### 9.5.6 ECONOMIC DEVELOPMENT ASSISTANCE POLICY V#2

#### **RESOLUTION 230224**

Moved: Cr Geoff Wise Seconded: Cr Neil Gorey

That the Economic Development Assistance Policy V#2 be adopted and placed in the Policy Register.

CARRIED

# 9.5.7 EXTENSION OF OPTION TO LEASE DEED - LOT 140 DP 1103606, TCHELERY ROAD MOULAMEIN

#### **RESOLUTION 240224**

Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey

That Council receive and note the Extension of Option to Lease request from MPower.

CARRIED

#### 9.6 CORRESPONDENCE REPORT

#### 9.6.1 CORRESPONDENCE REPORT

#### **RESOLUTION 250224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

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

CARRIED

#### 9.7 SUNDRY DELEGATES REPORT

# 9.7.1 SUNDRY DELEGATES REPORT

#### **RESOLUTION 260224**

Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey

That the Sundry Delegates Report of the Mayor and Councillors for the period 1 January 2024 through to 31 January 2024 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

CARRIED

27 February 2024

# 10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

Nil

# 11 CONFIDENTIAL MATTERS

#### **RESOLUTION 270224**

Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson

That Council moves out of Open Council into Closed Council at 2:39pm.

CARRIED

#### 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 Recommendation for the sale of 3 MRC-owned lots - Council Street, Moama

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

#### 11.2 Recommendation for the sale of 44 Nyang Street, Moulamein

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

#### 11.3 Meninya Street Precinct Project - Horseshoe Lagoon Project Costs

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

#### **RESOLUTION 320224**

Moved: Cr Dennis Gleeson Seconded: Cr Geoff Wise

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

CARRIED

27 February 2024

# 11.1 RECOMMENDATION FOR THE SALE OF 3 MRC-OWNED LOTS - COUNCIL STREET, MOAMA

#### **RESOLUTION 280224**

Moved: Cr Thomas Weyrich Seconded: Cr Geoff Wise

That this report be withdrawn until further information is obtained surrounding the future use of this land.

CARRIED

#### 11.2 RECOMMENDATION FOR THE SALE OF 44 NYANG STREET, MOULAMEIN

#### **RESOLUTION 290224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

That Murray River Council (Council) resolve to authorise the Chief Executive Officer (CEO) to undertake the necessary activities, including the entering into and signing of the required contractual arrangements to sell the land identified as Lot 1 DP 810764 and attached residential building (the property), through an open market approach of Competitive Direct Sale, as suggested in the attached Valuation Report.

CARRIED

#### 11.3 MENINYA STREET PRECINCT PROJECT - HORSESHOE LAGOON PROJECT COSTS

#### **RESOLUTION 300224**

Moved: Cr Thomas Weyrich Seconded: Cr Frank Crawley

1. That Council note the information provided by the Officer related to the Horseshoe Lagoon Capital Works Enhancement Project funded under the Stronger Country Community Fund.

Cr Weyrich moved **OPTION A** & Cr Crawley seconded **OPTION A** for purposes of debate.

2. That Council, notes and resolves to adopt **one** (1) of the following two options:

**Option A)** Council provide an additional \$180,000 of budget from unspent internal project funds from the Meninya Street South Car Park to cover the total construction scope of works for Horseshoe Lagoon Capital Enhancement Works.

**Option B)** Council provide an additional \$100,000 of budget from unspent internal project funds from the Meninya Street South Car Park to cover total construction costs **excluding** car parking and stormwater management works.

**OPTION A was resolved by Council** 

CARRIED

27 February 2024

#### **RESOLUTION 310224**

Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson

That Council moves out of Closed Council into Open Council at 2:57pm.

CARRIED

#### 12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3:00pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 26 March 2024, commencing at 1:00 PM, in Council Chambers, Moama Administration Office, 52 Perricoota Road, Moama.

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 FEBRUARY 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 26 MARCH 2024.

MAYOR

CEO

# 5 DISCLOSURES OF INTERESTS

- 6 **DEPUTATIONS**
- 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	REGIONAL	FORUM	AND	NATIONAL	GENERAL	ASSEMBLY	OF	LOCAL
	GOVERNME	NT 2024						

File Number:

Author: Lindy Leyonhjelm, Executive Assistant

Authoriser: Terry Dodds, Chief Executive Officer

# RECOMMENDATION

1. That the Council approve the attendance of the Mayor, and other Councillors at the Regional Forum and the National General Assembly 2024 to be held in Canberra (held 2-4 July).

# BACKGROUND

The Regional Forum (Tuesday 2 July) and the National General Assembly (NGA) of Local Government is held in Canberra midyear each year. The NGA is an opportunity for councils to discuss matters and make resolutions that are aimed at strengthening the capacity of local government to provide services and infrastructure in Australia.

The theme for the 2024 Regional Forum and National General Assembly is "Building Community Trust".

At the February 2024 Ordinary Council meeting, there were three motions that were agreed upon to be submitted on behalf of Murray River Council, in conjunction with the LGNSW Conference motions (being held later in 2024). It is expected that these motions will be accepted as part of the papers for the NGA and attendance by the Mayor and willing Council delegates would assist in having Murray River Council's motions be moved and resolved successfully.

Registration cost is \$945 per attending Councillor, if registration is finalised prior to 31 May 2024. There will be the added costs of travel (flights, parking, etc) and accommodation for each member that attends the NGA.

# DISCUSSION

Australian Local Government Association (ALGA) and the NGA provides a platform for Local Government to address national issues and lobby the federal government on critical issues facing the sector.

To assist councils to identify motions that address the theme of the 2024 NGA – Building Community Trust, the Australian Local Government Association (ALGA) Secretariat called for motions to be submitted earlier this year. Murray River Council will be submitting three submissions that are due by 30 April 2024.

To be eligible for inclusion in the NGA Business papers, and subsequent debate on the floor of the NGA, motions must have met the following criteria:

- 1. be relevant to the work of local government nationally
- 2. not be focussed on a specific location or region unless the project has national implications
- 3. be consistent with the themes of the NGA
- 4. complement or build on the policy objectives of your state and territory local government association
- 5. be submitted by a council which is a financial member of their state or territory local government association

- 6. propose a clear action and outcome, ie. Call on the Australian Government to do something
- 7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government

The opportunity for attendance at the NGA not only allows for Council's delegates to collectively address national issues and lobby the federal government on critical issues facing the local government sector, but for networking with other councils and coordinating meetings with Australian Government Ministers and politicians on any urgent relevant matters being considered by Council.

# STRATEGIC IMPLICATIONS

5 - Strategic Theme 5: Leadership and Governance

- 5.4 Develop and pursue advocacy on behalf of the community
- 5.4.1 Pursue advocacy on key issues of importance to the community and Council

# BUDGETARY IMPLICATIONS

The budget necessary to be approved for attendance at the National General Assembly of Local Government is dependent on the number of delegates attending, however it would be approximately \$2,500 per delegate, which includes the cost of the forum and conference, travel, accommodation, meals, and out of pocket expenses.

# POLICY IMPLICATIONS

Nil.

# LEGISLATIVE IMPLICATIONS

Nil.

# **RISK ANALYSIS**

• What can happen?

Council attends assembly to support the submitted motions to be considered at the NGA.

• How can it happen?

Via the Council approving of representation at the NGA.

- What are the consequences of the event happening? Nil.
- What is the likelihood of the event happening? High.
- Adequacy of existing controls?

This matter is always reported to the Council and always seeks a resolution of the Council regarding the motions to be considered at the NGA and representation by Council officers at the NGA.

• Treatment options to mitigate the risk?

N/A.

# CONCLUSION

The National General Assembly (NGA) of Local Government is held in Canberra midyear annually. The NGA is an opportunity for councils to discuss matters and make resolutions that are aimed at strengthening the capacity of local government to provide services and infrastructure in Australia. The opportunity to attend and support the submitted motions to the NGA 2024 in accordance with

the theme of 'Building Community Trust' is a chance to focus on how local government can work in partnership with the Australian Government to address the challenges communities face, or the opportunities that are arising as we approach the crossroads before us. Attendance by the Mayor, Chief Executive officer and a small contingency of Councillors at the State of the Regions Forum and NGA 2024 (2-4 July 2024) in Canberra is recommended.

ATTACHMENTS

Nil

### 9.1.2 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

# 9.1.3 2024 ANZAC DAY SERVICES

#### File Number:

Author:Lindy Leyonhjelm, Executive AssistantAuthoriser:Terry Dodds, Chief Executive Officer

# RECOMMENDATION

That the Mayor, or his representative, attends the ANZAC Day Services in the towns of Barham/Koondrook, Mathoura, Moama, Moulamein, Piangil/Tooleybuc, Wakool and Echuca on Thursday 25 April 2024, and a lay a wreath on behalf of the Murray River Council community.

# BACKGROUND

Anzac Day, 25 April, is one of Australia's most important national occasions. It marks the anniversary of the first major military action fought by Australian and New Zealand forces during the First World War. Australians recognise 25 April as a day of national remembrance, which takes two forms. Commemorative services are held across the nation at dawn – the time of the original landing, while later in the day, former servicemen and servicewomen meet to take part in marches through the country's major cities and in many smaller centres. Commemorative ceremonies are more formal and are held at war memorials around the country. In these ways, Anzac Day is a time at which Australians reflect on the many different meanings of war.

It has been common practice for a Council representative, namely the Mayor and Councillors, to attend each of the local ANZAC Day Services within the Council area and lay a wreath on behalf of the Murray River Council community in memory of returned and fallen servicemen and servicewomen.

# DISCUSSION

ANZAC Day falls on Thursday 25 April this year. Council has been advised of the following services within the Murray River Council area and surrounds:

#### MOAMA (organised by Moama RSL Sub Branch):

- Dawn Service (5:55AM) at Moama Cenotaph, Kerrabee Soundshell, followed by a Gunfire Breakfast at Moama RSL
- 8:40am Inaugural ANZAC Day March march commences at Echuca Street Carpark Moama (back of Moama Post Office). Assemble at 8:30am.
- 9AM Commemorative Service at Moama Cenotaph, Kerrabee Soundshell where a delegate has been requested to lay a wreath on behalf of Murray River Council

#### MATHOURA (organised by Mathoura RSL Sub Branch):

- Dawn Service (6am) at the Mathoura Cenotaph, Soldier's Memorial Gardens, followed by followed by the Gunfire Breakfast.
- 11am Commemorative Service at the Shire Hall in Mathoura afterwards a march to the Soldiers Memorial Gardens for a further short wreath laying ceremony.

### BARHAM (organised by Koondrook RSL Sub Branch):

- Dawn Service (6am) at Barham Cenotaph (Cnr Murray & Noorong Sts), followed by a Breakfast at cluBarham
- Commemorative Service & march TBA

#### MOULAMEIN:

• 9:45am march (drop wreath off at The Triangle first & assemble at Business Centre)

• 10am Commemorative Service at The Triangle Park (Brougham St)

# WAKOOL:

• 3:00pm Commemorative Service at Wakool Memorial Hall, followed by a march to the Wakool Cenotaph for a short wreath laying ceremony

# ECHUCA (organised by Echuca RSL Sub-Branch):

- 6am Dawn Service at Echuca War Memorial Cenotaph, Civic Centre Gardens
- 11am Commemorative Service at Echuca War Memorial, Civic Centre Gardens, Hare St Councillor requested to lay a wreath on behalf of Murray River Council

Although contacted by Council prior to this report being presented, advice has not been received by the organisers in relation to the ANZAC Day service Piangil & Tooleybuc. These details will need to be provided to Councillors at a later date, but generally are as follows:

# PIANGIL & TOOLEYBUC (organised by Piangil RSL Sub Branch):

• 9:30am Commemorative Service at Piangil Community Hall

In addition to Council representation at the above services, Council will also be donating books relating to the war/ANZAC Day to all school libraries in the Council area.

# STRATEGIC IMPLICATIONS

4. Strategic Theme 4: A place of inclusion, culture & wellbeing

4.10 - Support existing and new art projects and diverse community events - Regional Events.

# **BUDGETARY IMPLICATIONS**

- Cost of wreaths x 7 @ approx. \$85 per wreath.
- Purchase of books x 11 (8 x Primary; 3 x Secondary) for donation to schools = up to \$200.

# POLICY IMPLICATIONS

Nil.

# LEGISLATIVE IMPLICATIONS

# **RISK ANALYSIS**

# What can happen?

No Council representation at ANZAC Day services in the Council area.

• How can it happen?

No invitations are received by Council from the organisers of an ANZAC Day service OR Councillors are unable to attend the ANZAC Day services in the Council area.

# • What are the consequences of the event happening?

No Council representation at an ANZAC Day service due to Council not formally being advised by the organisers of an ANZAC Day service or Councillors unavailable to attend services.

# • What is the likelihood of the event happening?

Low

Adequacy of existing controls?

High

# • Treatment options to mitigate the risk?

 Advise organisers of ANZA Day services in the Council area that Council requires formal advice (through letter or email) of an ANZAC Day service to enable appropriate representation at same.

# CONCLUSION

ANZAC Day falls on Thursday 25 April this year. There are a number of Dawn and Commemorative Services being held throughout the Murray River Council area. The Mayor, or a representative, have been invited to attend Commemorative Services and lay a wreath on behalf of the citizens of Murray River Council.

# ATTACHMENTS

- 1. Request from Mathoura RSL Sub Branch\_Redacted 🗓 🛣
- 2. Moama RSL sub branch Anzac Day service 🗓 🛣

# Mathoura RSL Sub-Branch



RETURNED SERVICES LEAGUE OF AUSTRALIA VICTORIAN BRANCH INC.

MATHOURA SUB-BRANCH.

Lindy Leyonhjelm Executive Assistant Murray River Council [lleyonhjelm@murrayriver.nsw.gov.au]

3rd March 2024

Good morning Lindy,

With ANZAC Day fast approaching the Sub-Branch has a number of requests of Council pertaining to the day. I would be pleased if you would consider the following and respond at your earliest convenience.

We would like the use of the Shire Hall for the Commemorative Service on Thursday 25<sup>th</sup> April 2024 and also on Monday 22nd April to allow for set-up and rehearsal.

The Dawn Service will take place at 6am on the 25<sup>th</sup> April followed by the Gunfire Breakfast. For this we would require the use of the Soldiers' Memorial Gardens & the Soldiers' Memorial Hall. Once the Commemorative Service is completed at the Shire Hall a march will take place along Livingstone St finishing at the Soldiers' Memorial Gardens.

We would be pleased if the Mayor or his representative is in attendance at the Commemorative Service and also to lay a wreath at the Cenotaph on ANZAC Day. ANZAC Day is very well attended in Mathoura and we feel it's important that a representative of Council be in attendance.

On a more basic level I would need the keys to the Shire Hall, the Supper room, the Garden's meter box and the flag poles. WE would also need to use the PA System in the Shire Hall. Once approval for the above has been granted I would be grateful if you could let me know. I can be contacted on M:

I look forward to hearing from you in the near future,

Regards, Bronwyn Eddy Acting Secretary.





# **RETURNED AND SERVICES LEAGUE OF AUSTRALIA**

(NEW SOUTH WALES BRANCH) Moama RSL sub-Branch, PO Box 862, Moama, NSW 2731. Phone: 0408 384 670 Email: moamasb@rslnsw.org.au ABN 63 928 048 455

19<sup>th</sup> March 2024

By Email: <a>lleyonhjelm@murrayriver.nsw.gov.au</a>

Mayor Frank Crawley Murray River Council MOAMA. NSW. 2731.

Dear Cr. Crawley,

#### Re: ANZAC DAY 2024 : THURSDAY 25<sup>TH</sup> APRIL 2024

I refer to the above matter and write to you on behalf of the President, Committee and Members of the Moama RSL sub-Branch.

Please accept our invitation to attend our upcoming ANZAC Day Services, details are as follows:-

DAWN SERVICE

Assemble at 0545 hrs at the Moama Cenotaph, Meninya Street, Moama. The Dawn Service will commence at 0555 hrs, immediately followed by a Gunfire Breakfast held at Moama RSL.

#### ANZAC DAY MARCH IN MOAMA

Assemble at 0815 hrs at Echuca Street, Moama (back of the Moama Post Office). March will depart at 0840 hrs to the Moama Cenotaph.

#### COMMEMORATIVE SERVICE

Assemble at 0855 hrs at the Moama Cenotaph. The Commemorative Service will commence at 0900 hrs. At this service we invite your organisation to lay a wreath.

If you wish to lay a floral tribute would you please advise Paula Murphy, by email on paula@moamarsl.com.au or by phone on 5482 6677 by no later than Monday 22<sup>nd</sup> April 2024.

We look forward to your attendance.

Yours faithfully,

Moama-RSLEub Branch.

Ken Jones, PRESIDENT

# 9.1.4 COLLABORATIVE TENDER FOR THE SUPPLY OF POWER TO LARGE SITES

#### File Number:

Author:Samantha Rodriquez, Chief Legal CounselAuthoriser:Terry Dodds, Chief Executive Officer

# RECOMMENDATION

That Council approves:

- 1. The Chief Executive Officer considering the recommendations of the relevant lead agency responsible for managing the public tender process following the conclusion of that process; and
- 2. The delegation of authority to the Chief Executive Officer for the following functions insofar as they relate to this tender and/or any resulting contract:
  - a. The acceptance or rejection of the recommendation to award a contract to the successful tenderer for a term not exceeding 6 years from the commencement of the contract and for any anticipated sum.
  - b. The signing of signing of any documents and/or correspondence which may be required to give effect to the decision to award the contract or to effectively manage the contract for the duration.
  - c. The approval of any variations and approval of any purchase orders for the term of the contract.

# BACKGROUND

Council intends to commit in good faith commitment to join a collaborative public tender for the supply of power to large sites, to be managed by a third-party lead agency on its behalf.

With the commitment of a number of interested councils (to be confirmed), it is envisaged that economies of scale will be leveraged to drive optimal value for money and some certainty as to rates by reference to usage volumes over a term of up to six years, without the risk of impact from wholesale price volatility affecting Council's medium-term budgets.

# DISCUSSION

At the conclusion of the tender process, the lead agency will make a recommendation as to the preferred supplier on the basis of value for money. Council will then decide whether to accept or decline the offer made by the preferred supplier and will have very limited time to do so (given that any tendered rates are held for a short time only).

In light of the short pricing validity period, should Council wish to accept the lead agency's recommendation, the Chief Executive Officer will be required to sign contract documents within 48 hours of acceptance of the tender panel's recommendation. As such, it is recommended that Council delegate authority to the Chief Executive Officer to ensure the opportunity to take advantage of the tendered offer is not missed.

# STRATEGIC IMPLICATIONS

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

5.4 - Encourage and support economic development across the region - Alternative and renewable energy investment opportunities.

# BUDGETARY IMPLICATIONS

While the rates will be determined via the procurement process and as such, it is difficult at this stage to anticipate the operational budget to be committed over the six year contract term.

### POLICY IMPLICATIONS

Procurement Policy POL- 205

# LEGISLATIVE IMPLICATIONS

Council is acting in accordance with the integrated planning and reporting principles and procurement requirements set out in the *Local Government Act 1993* in its participation in this collaborative tender.

Under the *Local Government Act 1993*, Council may by resolution delegate to the Chief Executive Officer the authority to accept (in his discretion) a tender by the preferred supplier as recommended by the lead agency and sign documents giving effect to the award of contract and thereafter, to carry out any functions relating to the ongoing management of the contract.

#### **RISK ANALYSIS**

#### • What can happen?

The tender process might be conducted and produce no viable result.

#### • How can it happen?

The lead agency may not succeed in attracting tender submissions or alternatively, tendered pricing may not be within the expected range.

#### • What are the consequences of the event happening?

The ability for Council to join a contract will be delayed. A separate tender may need to be carried out by Council and is unlikely to produce an effective outcome.

#### • What is the likelihood of the event happening?

Very unlikely. The bulk volumes committed by the participating Councils signing up to the contract are expected to drive value for money. Energy providers often submit tenders for these collaborative arrangements and therefore the risk that no tenders will be received is negligible.

#### • Adequacy of existing controls?

The procurement process is robust and transparent. Council has the option to decline the recommended tenderer's submission and as such, it is not required to proceed where value for money is not established.

#### • Treatment options to mitigate the risk?

The collaborative tender reduces the risk, both in terms of allocation of risk and the likelihood that a bulk purchasing arrangement can be most effectively managed and will produce value for money. The way in which the tender process is to be conducted will be confirmed prior to commencement and the evaluation criteria made clear, as well as the roles and responsibilities of all involved parties.

#### CONCLUSION

It is recommended that Council participate with the intention to proceed with an award of contract where a recommendation is made by the lead agency and unless there are compelling reasons not to do so, as the collaborative procurement process is geared towards producing better value than any Council would achieve in isolation.

A report to award a resulting contract would ordinarily be put to Council for a resolution following the tender. In this specific instance; however, the short validity period on the offer by the preferred

tenderer will be the key driver of value and as such, it is essential that the Chief Executive Officer is granted the necessary authority to accept a recommendation and award a contract quickly, should he deem it appropriate to do so.

# ATTACHMENTS

Nil

# 9.1.5 RECOMMENDATION TO AWARD CONTRACT 2401 - MURRAY IRRIGATION NETWORK STRUCTURAL ASSESSMENTS

### File Number:

Author: Samantha Rodriquez, Chief Legal Counsel

Authoriser: Terry Dodds, Chief Executive Officer

# RECOMMENDATION

- 1. Approves the tender evaluation panel recommendation to award Contract 2401, Murray Irrigation Network Structural Assessments to B G & E Pty Ltd for the lump sum of \$1,128,380.00 (including GST).
- 2. Authorises the Chief Executive Officer to do the following:
  - a. Sign any documents which may be necessary to give effect to this resolution;
  - b. Approve a requisition for the amount of \$1,128,380 (including GST).
  - c. Approve spend relating to any financial variation within budget, all variations being viewed on a cumulative basis.
- 3. Authorises the Director Infrastructure to act as Contract Superintendent.

# BACKGROUND

Through consultation with Murray Irrigation Limited (MIL), Murray River Council has committed to complete structural assessments of structures on the MIL network.

Murray River Council has been successful in its application for a grant funding under the Restart NSW Program to undertake condition assessments and evaluate the load capacity of structures on the Murray Irrigation Network on transport network for Murray River Council; Edward River Council; Berrigan Shire Council; Federation Council and Murrumbidgee Council. The assessments are expected to be delivered between 1 May 2024 and 30 November 2024. It is expected that the acquittal of the project will be completed by 6 December 2024.

# DISCUSSION

Murray River Council sought tenders from suitably qualified and experienced consultants.

For each of the 384 structures identified on the Murray Irrigation Network, the successful Consultant will undertake site inspections, detailed investigation, assessments based on the Transport for NSW framework to identify required maintenance activities with cost estimates.

A public Request for Tenders was issued via Council's e-tendering portal and all prospective tenderers were provided with the same information and the same timeframe in which to respond. The evaluation panel assessed the tenders by reference to the tender evaluation criteria specified in the Request for Tender documents.

The detailed rationale for the evaluation panel's recommendation is set out in the attached Confidential Tender Evaluation Report. At the conclusion of the evaluation, each tender submission received an overall weighted score and ranking on the basis of price, resources and experience and methodology. BG&E Pty Ltd was identified at the conclusion of the process as the preferred supplier for this project, providing a high level of capability and experience (as confirmed in reference checks) and best value for money overall.

# 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

The tendered price is well within Council's allocated budget for this project. At the time of approaching the market Council had an approved grant package \$3,722,015.68 from Restart NSW Program and \$78,500.00 industry co-contribution from Murray Irrigation Ltd.

To mitigate the delivery constraints, Council will be able to use budget difference between funding and cost to accelerate the project to ensure funding timelines are met.

### **POLICY IMPLICATIONS**

Procurement Policy POL-205

# LEGISLATIVE IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulations 2005.

# **RISK ANALYSIS**

- What can happen?
  - Council decides not to go ahead with the project
  - The preferred contractor fails to deliver the project on time, on budget or to the required quality standard;
  - The contract is not appropriately managed by Council.

### • How can it happen?

- Project is abandoned;
- Work health and safety incidents;
- Environmental issues/Quality issues;
- Not delivering the project in time
- Project Management inadequacies resulting in scope creep and potential overspend.
- What are the consequences of the event happening?
  - Loss in the Restart NSW Program grant funding opportunity and goodwill;
  - Exposure to further prices escalations due to the current economic environment and instability in materials supply chain;
  - Council's reputation being damaged;
  - Council being issued with fines;
  - Council needing to contribute its funds in the event of significant financial variation.
- What is the likelihood of the event happening?
  - The above risks are Low to Medium
- Adequacy of existing controls?

The existing controls include:

- Maintaining ongoing relationship and goodwill with Restart NSW;

- Requiring the Consultant to provide a Work Health and Safety Plan, Safe Work Method Statements, Certificates of Competency and Insurance,
- Requiring the Consultant to provide an Environmental Management Plan, Contractor's Quality Management Plan, Work Method Statements and Procedures
- Hold points and witness points are specified in the contract.
- Contract Management Framework is not yet formalised, meaning the individual Project Manager will need to adopt good project management practices to reduce risk.

### • Treatment options to mitigate the risk?

Measures noted above have been included in the conditions of contract, Specifications and other project documents.

# CONCLUSION

In conclusion it is recommended that Council awards Contract 2401 for Murray Irrigation Network Structural Assessments to B G & E Pty Ltd.

# ATTACHMENTS

- 1. Tender Evaluation Panel Report Confidential
- 2. Tender Evaluation Scoring Matrix Confidential

### 9.1.6 MONTHLY OPERATIONAL REPORT

### File Number:

Author:Courtney Dean, Coordinator CommunicationsAuthoriser:Terry Dodds, Chief Executive Officer

# RECOMMENDATION

That the Monthly Operational Report as of February 2024 be received and the information noted by the Council.

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

### **Business Intelligence**

- **TechnologyOne:** Project Status moved to 'Red' due to TechnologyOne consultant availability, with the go live date for delivery now pushed back to mid November. Re-planning is currently underway to facilitate this change, however it does offer an opportbutiy to revisit the process maps (workflows) and further consider how TechOne can assist with reducing current manual steps involved. To date, our TechOne project has helped Murray River Council move away from paper-based timesheets and purchasing, reduced manual tasks across many areas and streamlined information for improved visibility and reporting. And believe it or not, we are actually leading the way in some of these areas, with more and more councils now jumping on board TechOne. So, as more of our community expects efficient and easy online services, we need to ensure we have the business systems behind us to support this. We need to ensure we are looking at Tech One as an opportunity to improve our information and services.
- Software In Use Across Council: Murray River Council currently utilises over a 100 software products to keep us operational. These range from engineering design tools, tourism communication platforms, community home support client database, managing our water treatment plants, phones, email and various other areas. As we continue our digital transformation we need to be mindful it's not about buying the latest and greatest shiny new tools, it's about streamlining where possible and ensuring products are fit for purpose. Information sprawl has always been a challenge, and it's critical MRC focus on getting the 'best bang for their buck'.

### **Procurement**

 Investigation into an appropriate software platform to appropriately manage contracts and leases – There may be potential to expand the usage of some existing systems to incorporate this functionality.

### **Strategic Assets**

- The TechOne build of asset details and asst books continues to progress in conjunction with Business as Usual. Land assets fully completed with 2022/2023 valuation now fully loaded.
- Asset Management Strategy Update: Draft Asset Management Strategy underway awaiting final input from Managers & Directors re plans and forward works. Review with Finance staff underway, and planning sessions with Business Unit managers scheduled for Q2/Q3 for budget input for 24/25.
- Aerial Imagery Capture: 2024 Aerial Imagery Capture over Moama scheduled for February 2024. Image capture complete. Image load to Intramaps scheduled for Feb/March 2024.
- Water, Sewer and Stormwater asset revaluation: Comprehensive asset revaluation of Water, Sewer and Stormwater assets (as at 30 June 2024). Internal and external data collection complete. Onsite inspection of all complex assets complete. Draft valuation currently being finalised.

### **Development Services**

• At present the Development Services Team is operating with 4 Senior Staff in place, 4 administration staff, one paraplanner, 3 cadets, a Building Surveyor and two mid-level staff on deck. We also currently have engaged four Consultants. Three of these Consultants work consistently on development applications and planning proposals whilst the third is working predominantly on the

development control plan and also working closely with our junior staff engaging in active mentoring. The ratio of senior to junior staff at the moment means that a huge portion of our time is spent mentoring and training staff, along with BAU commitments. This is an investment in the future of the team and our long-term progress and achievement however for the time being, and as predicted and expected our timeframes for applications has slowed down to allow for this quality mentoring to occur. It is predicted that these time frames will steadily decrease as we move back into our previous timeframes that we were achieving.

• Council has also advertised for a second ParaPlanner to replace Kellie Richmond and also a Regional Placemaking Project Officer, also known as a Senior Strategic Planner.

# Parks, Gardens and Biosecurity

### Highlights

- Koraleigh lighting upgrade completed
- Contract awarded to Quarrel Civil Construction for Horseshoe Lagoon Landscaping
- Design Commenced for Moama Wharf Balustrade Upgrade
- First meeting held for the NSW & VIC on-ground weeds working group. This was a meeting between Government organisations and private sector business on each side of the Murray River to discuss current weed issues and share information between each other.
- Attended the Murray Regional Weeds Committee meeting in Tocumwal and Tim Moodie was nominated and elected as the new Chairperson of the Murray RWC.
- Biosecurity Officers invited to NSW/VIC state weeds meeting to give an update on what has been happening within MRC.
- Moulamein Lake Upgrades closer to completion
- Multiple new large subdivision landscapes and parks handed over to Council in Moama. Areas include Estate entries, Street trees, drainage reserves and irrigated park lands.
- New staff member started in Barham. West team now back to full strength

### Threats

- Increased poor social behaviours and vandalism at Moama Wharf-Ongoing
- High vegetation growth rates following higher summer rainfall.
- Current hot weather turning priority weeds to seed early potentially impacting next season germination and spread.
- High customer expectations for service delivery in parks.
- Increase in general requests and complaints for service due to reduction of service levels in some areas to reduce ongoing operational costs.
- Staff shortages due to multiple resignations in Moama impacting operational service delivery. Recruitment in progress.
- Continued growth of Moama impacting on service delivery capacity with existing FTE numbers.

### Waste and Compliance

- The Automated Depot project has progressed with the slab being poured along with foundations and rough in of services into the slab. During February the site was handed over to BLT Fabrication, they have prepared the site and mobilised equipment and materials. March will see shed erection completed.
- The Leachate Pond project has now come to an end with a Practical Completion Inspection conducted between the contractor (Northern Construction Group) and Council with only minor defects to be finalised prior to the complete handover of the site.
- A landfill gas pumping trial was awarded to Run Energy after receiving 2 out of 3 proposals within the RFQ deadline. This project will now coincide with the connection of the leachate pumps and vertical leachate risers to save on mobilisation and overall costs to Council by working the two projects simultaneously.
- Bunnaloo and Womboota bin stations are set for closure at the end of April. Waste has worked with the Communications team to generate a letter which will be provided to all residents surrounding the bin stations.
- A yabby trap collection project was established to target illegal yabby traps in conjunction with Ozfish for the month of February and has been successful with a 1 cubic metre IBC filled with the targeted illegal yabby traps.
- Fire prevention inspections are complete.
- The mosquito trapping program continues, numbers of mosquitos have reduced.
- A food handler hygiene and food safety information session was held in Moulamein at the request of staff across four food businesses in Moulamein. The next one will be held in Barham following multiple requests from food handlers in the Barham area.

• New staff member Dan O'Neill commenced at the Moama Waste Facility and has hit the ground running and is fitting into the team very nicely. Recruitment will commence shortly to staff the Moulamein Waste Facility following Bob Brewer announcing his retirement.

### **Buildings and Facilities**

- **Moama Preschool Development:** The construction of the new Moama Preschool has been completed except for some minor works including connection to the electricity grid. Moama Preschool have moved into the building and commenced operation on the 5<sup>th</sup> February 2024. An official opening for the new building will be held in in April / May with further details to be announced in due course.
- **Yanga RFS Shed:** Tender has been awarded to Tony Campbell Steel Fabrication. Works to commence in Feb 2024. Construction certificate has been issued. Concrete slab and under slab plumbing has been completed. Framework to commence shortly.

### Water Services

- Barham's water pressure has been significantly increased with the commissioning of the new pump station at the water tower after the issue was identified through the CSP. The filtered water mains were also flushed as part of the project after notifying the community.
- Draft Augmentation plans for the Moama water treatment plant for any future black water events are being reviewed by DPIE for approval.
- Council is seeking funding through the Safe Secure Water Program for essential upgrades to the Moama Sewer Treatment Plant following recommendations from the Integrated Water Cycle Management Plan.
- Council is in the final stages of implementing Waste ID for the regulation of Liquid Trade Waste transport and disposal. Council will me installing QR codes at various locations further information will be available by scanning the QR codes.
- Congratulations to Blake Keech and Kirk Ardley completing DPIE Wastewater Treatment Operations and completing their practical component at Edward River Councils site in Deniliquin.
- Congratulations to Hayden Metcalfe, Trevor Wright and Chris Flett for completing fluoride dosing training and completing practical components.

### Strategic Property Specialist

- The ex-CEO house in Moulamein was sold and settlement occurred on 24 February 2024.
- The RFS block and shed on Moulamein Road, Barham was sold and settlement occurred on 28 February 2024.
- Moulamein Aerodrome site remains advertised for sale through agent.
- 44 Nyang Street, Moulamein has been approved for disposal through competitive direct sale at the February Council Meeting. Real estate agent and conveyancer for the sale will be selected in March with aim to have property on the market by mid-March.
- Continuous investigation to identify potential disposal opportunities of surplus land and building assets. Group of 40 Community assets submitted to 3<sup>rd</sup> party for creation of proposal to convert from Community to Operational land. 22 Community assets proposed to be converted due to incorrect classification – drainage sites. 18 Community assets proposed to be converted due to being wholly or partially surplus to current and future requirements.

### <u>Works</u>

- We are making great advancements with the flood restoration works, with 112 out of 160 damages completed.
- Barham depot have provided great assistance to the Water team during recent works.
- Great progress has been made in the recent commencement of Deni Barham Road rehabilitation and widening.
- Perricoota Road resheeting, Bunnaloo Road and Speewa Road reconstruction projects are progressing well, all to be completed by the end of April.
- Upcoming works include continuation of flood restoration works, regional roads and urban street reseals, Deniliquin-Barham Road, Vallance Court, Thyra Road railway removal and various Kerb and Gutter, stormwater and footpaths maintenance and renewals.

### Local Committees- Section 355

• Draft instruments of delegation for 355 committees have been developed and are ready for use. The instruments of delegation will provide clarity around responsibilities for committees and council and provide knowledge to committees about the functions they are legally able to undertake pursuant to

the Local Government Act. A suite of meeting templates with instructions have also been developed. An administration timeline has been drawn up – this document will outline committees and council's obligations and ensure all administration tasks are completed consistently.

### Economic Development

- We are currently reviewing Council's Events Policy and procedures, looking to implement many improvements, including the information provided to event organisers, streamlining application forms and internal process for approval.
- We are developing a new signage style guide, covering all types of tourism signage, to ensure efficiency and uniformity across Council.
- The River Country Silo Art Trail project is underway with site visits and steering committee meetings.

# ATTACHMENTS

1. Monthly Operational Report - February 2024 (under separate cover)

# 9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

### 9.2.1 INVESTMENTS AND RESERVES REPORT AS AT 29 FEBRUARY 2024

File Number:

Author: Peter Arthur, Interim Financial Controller

-

Authoriser: Stephen Fernando, Director Corporate Services

# RECOMMENDATION

That Murray River Council resolve to receive the Investments & Reserves Report, as of 29 February 2024

# BACKGROUND

Monthly report on cash and investments balances as of 29 February 2024, incorporating allocation by Fund and by Reserve classification.

As per the *Local Government Act 1993 (s625(1))* (<u>the Act</u>), Council may invest money that is not, for the time being, required by the council for any other purpose.

# DISCUSSION

Shown below are the Liquid Asset Balances and Investments for the period ending 29 February 2024.

DETAILS	DECEMBER 2023	JANUARY 2024	FEBRUARY 2024
Cash Book Balance B/Fwd	\$11,379,425	\$6,760,138	\$6,490,906
Add income for month	\$9,442,570	\$2,923,264	\$9,009,582
Deduct expenditure for month	\$10,061,856	\$4,692,496	\$8,758,725
CASH AVAILABLE	\$10,760,138	\$4,990,906	\$6,741,763
Redeem/(Purchase) Investments	(\$4,000,000)	\$1,500,000	(\$1,000,000)
CASH BOOK BALANCE	\$6,760,138	\$6,490,906	\$5,741,763
Add on-call account	\$3,803,219	\$3,818,177	\$3,831,373
Add investments - Deposits	\$47,262,449	\$45,762,449	\$46,762,449
Add investments - Shares	\$2,010	\$2,010	\$2,010
CASH POSITION	\$57,827,817	\$56,073,543	\$56,337,596
As per Bank Statements	\$4,223,771	\$4,004,645	\$4,043,053

# Total of Cash & Restricted Assets (Reserves) by Fund

Fund	General	Water		Sewer		Waste		Total	
December 2023	\$ 31,526,975	\$	7,542,006	\$	15,208,781	\$	3,550,055	\$	57,827,817
January 2024	\$ 26,497,302	\$	11,993,646	\$	15,164,620	\$	2,417,975	\$	56,073,543
February 2024	\$ 25,119,320	\$	9,563,685	\$	16,994,188	\$	4,660,404	\$	56,337,596

		•			
Funds	General	Water	Sewer	Waste	Total
Unrestricted	(\$1,870,484)	\$2,876,163	\$5,152,904	(\$233,537)	\$5,925,046
Internally Restricted	\$6,655,483	\$3,052,153	\$8,223,133	\$2,487,735	\$20,418,504
Externally Restriced	\$20,334,321	\$3,635,368	\$3,618,150	\$2,406,206	\$29,994,046
Total	\$25,119,320	\$9,563,685	\$16,994,188	\$4,660,404	\$56,337,596

### Breakdown of Cash & Restricted Assets (Reserves) by Fund

**Note:** Shows that the total of General & Waste Fund's restricted assets are unfunded at end February 2024 which will be correct as part of the March 2024 Quarterly Budget Review.

# **Details of Restricted Assets (Reserves)**

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

Internal Restricted Assets	General Fund	Water Fund	Sewer Fund	Waste Fund	Total
Buildings	\$309,576	-	-	-	\$309,576
Bushfire Services	\$45,278	-	-	-	\$45,278
Caravan Parks	\$263,373	-	-	-	\$263,373
Community Services	\$290,218	-	-	-	\$290,218
<b>Council Contribution - Co Funding Grants</b>	\$207,527	-	-	-	\$207,527
Economic Development	\$42,780	-	-	-	\$42,780
Employee Leave Entitlements	\$1,109,562	-	-	-	\$1,109,562
Heritage Buildings	\$18,495	-	-	-	\$18,495
Infrastructure Works	\$1,247,972	\$3,052,153	\$8,223,133	-	\$12,523,259
Land Management	\$134,638	-	-	-	\$134,638
Levee Bank	\$339,764	-	-	-	\$339,764
Office Equipment/ IT	\$185,000	-	-	-	\$185,000
Parks & Recreation	\$115,768	-	-	-	\$115,768
Plant Fund	\$1,234,819	-	-	-	\$1,234,819
Public Halls	\$35,018	-	-	-	\$35,018
Quarries	\$289,500	-	-	-	\$289,500
Risk Management	\$12,500	-	-	-	\$12,500
S355 Committees	\$350,064	-	-	-	\$350,064
Software	\$322,485	-	-	-	\$322,485
Stormwater	\$101,145	-	-	-	\$101,145
Waste Management Int	-	-	-	\$2,487,735	\$2,487,735
	\$6,655,482	\$3,052,153	\$8,223,133	\$2,487,735	\$20,418,504

# The next schedule details **Externally Restricted Assets (Reserves)** categorised by Fund.

External Reserves	General Fund	Water Fund	Sewer Fund	Waste Fund	Total
Unspent Grants	\$16,335,445	-	-	-	\$16,335,445
Unspent Loan Funds	-	-	-	-	-
Section 64/94	\$3,860,864	\$3,421,687	\$3,618,150	-	\$10,900,701
Community Services Ext	\$73,726	-	-	-	\$73,726
Water Purchase	-	\$213,681	-	-	\$213,681
Waste Management Ext	-	-	-	\$2,406,206	\$2,406,206
Other	\$64,287	-	-	-	\$64,287
	\$20,334,322	\$3,635,368	\$3,618,150	\$2,406,206	\$29,994,046

# **Overdraft Limits**

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

# Certification

I hereby certify that the balances of the various funds of Council have been reconciled with the bank statements and investment register as on 29 February 2024. As per the *Local Government (General)* Regulation 2021 - Reg212(1)(b), all investments have been made in accordance with the Act, applicable Regulations, and council's investment policy.

Peter Smith Interim Financial Controller

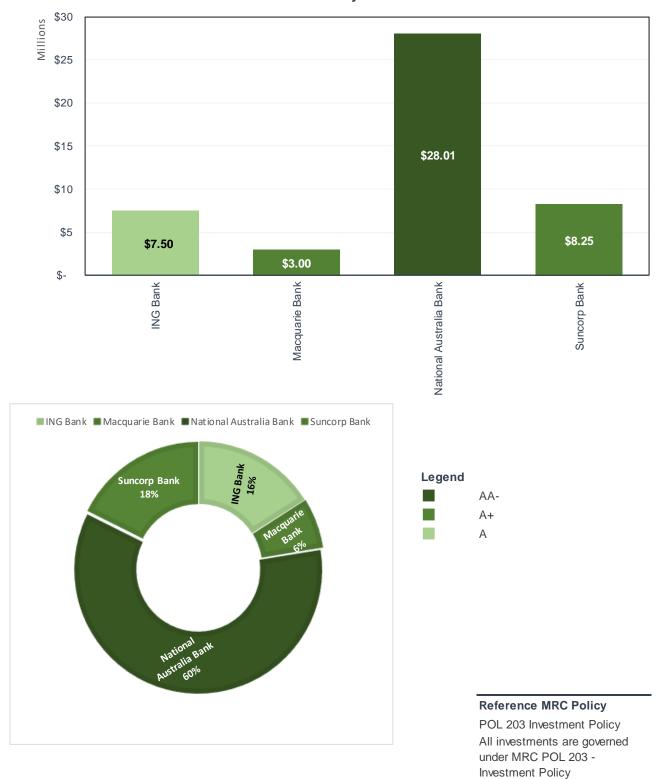
# **INVESTMENT REPORT AS ON 31 FEBRUARY 2024**

As required by Section 212 of the Local Government (General) Regulations 2021 (<u>the Regulation</u>) and Section 625 of <u>the Act</u>, a summary of Council's surplus funds invested, totalling \$45,762,449, together with an analysis thereof are detailed below, including \$\$45,762,449 in Term Deposits and \$2,010 in other Investments (shares). The detailed list of the investments appears in Annex A.

As shown below all term deposits are invested within the percentage ranges as set out in Council's POL 203 Investment Policy.

# Investments by Bank / ADI

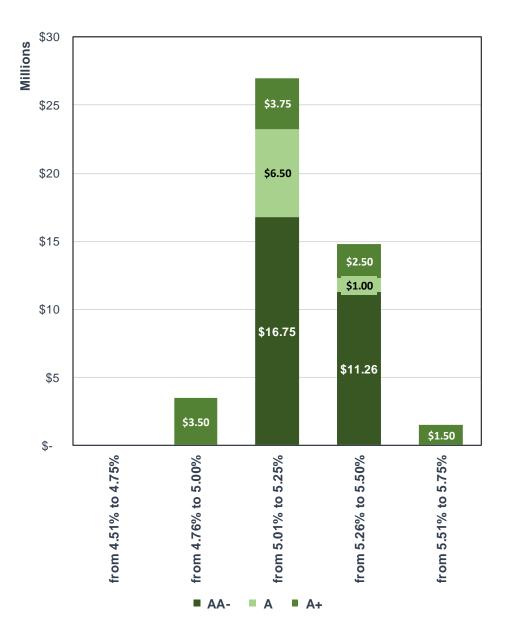
Bank / ADI	Amount	%
ING Bank	\$ 7,500,000	16.04%
Macquarie Bank	\$ 3,000,000	6.42%
National Australia Bank	\$ 28,012,449	59.90%
Suncorp Bank	\$ 8,250,000	17.64%
	\$46,762,449	100.00%



Investments by Bank ADI

# Investments by Interest Rates / Credit Rating

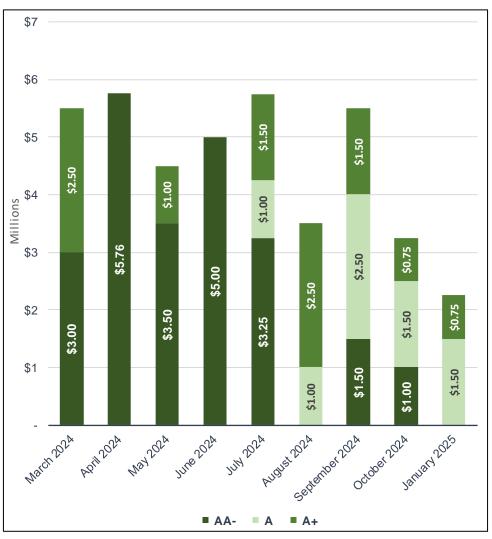
Interest Rates	AA-	A+	Α	Total
from 4.51% to 4.75%	-	-	-	-
from 4.76% to 5.00%	-	\$3,500,000	-	\$3,500,000
from 5.01% to 5.25%	\$16,750,000	\$3,750,000	\$6,500,000	\$27,000,000
from 5.26% to 5.50%	\$11,262,449	\$2,500,000	\$1,000,000	\$14,762,449
from 5.51% to 5.75%	-	\$1,500,000	-	\$1,500,000
	\$28,012,449	\$11,250,000	\$7,500,000	\$46,762,449



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. The current investment strategy is to only invest in those Bank & ADI's that are rated above BBB+ in accordance with S&P's long term credit ratings.

# Investments by Maturity / Credit Rating

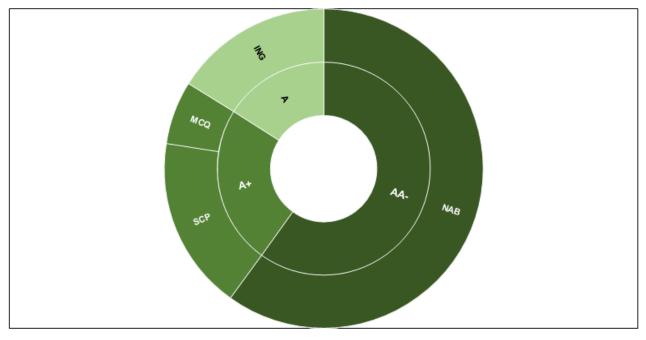
Maturity Dates	AA-	A+	Α	Total
March 2024	\$3,000,000	\$2,500,000	-	\$5,500,000
April 2024	\$5,762,449	-	-	\$5,762,449
May 2024	\$3,500,000	\$1,000,000	-	\$4,500,000
June 2024	\$5,000,000	-	-	\$5,000,000
July 2024	\$3,250,000	\$1,500,000	\$1,000,000	\$5,750,000
August 2024	-	\$2,500,000	\$1,000,000	\$3,500,000
September 2024	\$1,500,000	\$1,500,000	\$2,500,000	\$5,500,000
October 2024	\$1,000,000	\$750,000	\$1,500,000	\$3,250,000
January 2025	-	\$750,000	\$1,500,000	\$2,250,000
	\$28,012,449	\$11,250,000	\$7,500,000	\$46,762,449



Investments in Term Deposits are primarily based on projected interest rate movements as well as our planned cash flow requirements. In recents months the interest rate trends are that higher rates when terms are below 365 days with the highest returns between 240 - 300 days. These interest rates are inaccordance with the current investment strategy is to only invest in those Bank & ADI's that are rated above BBB+ in accordance with S&P's long term credit ratings.

# Investments by Credit Rating / Banks

S&P Rating	Bank / ADI	Policy Limit by Credit Rating	Current Portfolio Concentration	Current Investment Total	Institutional Policy Limit	Instituional Holding
AA-	National Australia Bank	100%	60%	\$28,012,449	60%	60%
A+	Macquarie Bank Suncorp Bank	90%	24%	\$3,000,000 \$8,250,000	25% 25%	6% 18%
А	ING Bank	90%	16%	\$7,500,000	25%	16%
			100%	\$46,762,449		100%



🛾 AA- 🔳 A+ 📕 A

MRC Term Deposit portfolio reflects an investment strategy of containing investments above BBB+ S&P long term credit ratings 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 within the current investment strategy.

# 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 8 March 2024, is 4.35%. This has resulted in Council being able to achieve at least 5.00% or above interest rate when placing term deposits during February. Interest revenue has been 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

Local Government Act 1993. Local Government (General) Regulations 2021. 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 currently only investing with Banks/ADIs whose Standard & Poor's Long Term Rating is above BBB+.

• 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 29 February 2024.

# ATTACHMENTS

# 1. Investment Report - 29 February 2024 🗓 🛣

### Murray River Council

Investment Details - February 2024

Start Date	Maturity Date	Bank / ADI	Type		Investment	Interest	Term	lı	nterest Due	S&P Long Term
Start Date		Dalik / ADI	Гуре		Invesiment	Rate	(Days)	up	oon Maturity	Rating
11/07/2023	5/03/2024	SCORP	TD	\$	750,000	5.56%	238	\$	27,191	A+
31/07/2023	5/03/2024	Macquarie	TD	\$	1,000,000	5.00%	218	\$	29,863	A+
30/06/2023	12/03/2024	NAB	TD	\$	1,500,000	5.45%	256	\$	57,337	AA-
11/07/2023	19/03/2024	SCORP	TD	\$	750,000	5.56%	252	\$	28,790	A+
30/06/2023	26/03/2024	NAB	TD	\$	1,500,000	5.45%	270	\$	60,473	AA-
11/07/2023	2/04/2024	NAB	TD	\$	1,000,000	5.41%	266	\$	39,426	AA-
30/06/2023	9/04/2024	NAB	TD	\$	1,500,000	5.47%	284	\$	63,842	AA-
17/07/2023	16/04/2024	NAB	TD	\$	1,012,449	5.35%	274	\$	40,662	AA-
30/06/2023	23/04/2024	NAB	TD	\$	1,500,000	5.49%	298	\$	67,234	AA-
18/07/2023	30/04/2024	NAB	TD	\$	750,000	5.35%	287	\$	31,550	AA-
31/07/2023	7/05/2024	NAB	TD	\$	1,250,000	5.30%	281	\$	51,003	AA-
24/10/2023	14/05/2024	Macquarie	TD	\$	1,000,000	4.78%	203	\$	26,585	A+
31/07/2023	21/05/2024	NAB	TD	\$	1,250,000	5.31%	295	\$	53,646	AA-
3/08/2023	28/05/2024	NAB	TD	\$	1,000,000	5.20%	299	\$	42,597	AA-
3/08/2023	4/06/2024	NAB	TD	\$	750,000	5.20%	306	\$	32,696	AA-
9/08/2023	11/06/2024	NAB	TD	\$	1,000,000	5.20%	307	\$	43,740	AA-
9/08/2023	18/06/2024	NAB	TD	\$	1,500,000	5.20%	314	\$	67,101	AA-
10/08/2023	25/06/2024	NAB	TD	\$	750,000	5.20%	320	\$	34,192	AA-
16/08/2023	25/06/2024	NAB	TD	\$	1,000,000	5.15%	314	\$	44,304	AA-
23/08/2023	2/07/2024	NAB	TD	\$	750,000	5.15%	314	\$	33,232	AA-
23/08/2023	2/07/2024	NAB	TD	\$	750,000	5.15%	314	\$	33,232	AA-
30/08/2023	9/07/2024	NAB	TD	\$	1,000,000	5.15%	314	\$	44,304	AA-
4/09/2023	16/07/2024	SCORP	TD	\$	750,000	4.85%	316	\$	31,492	A+
4/09/2023	16/07/2024	SCORP	TD	\$	750,000	4.85%	316	\$	31,492	A+
3/10/2023	23/07/2024	NAB	TD	\$	750,000	5.20%	294	\$	31,419	AA-
5/09/2023	30/07/2024	ING	TD	\$	1,000,000	5.10%	329	\$	45,970	A
5/09/2023	6/08/2024	ING	TD	\$	1,000,000	5.10%	336	\$	46,948	A
19/09/2023	13/08/2024	SCORP	TD	\$	500,000	5.10%	329	\$	22,985	A+
7/11/2023	20/08/2024	SCORP	TD	\$	1,000,000	5.47%	287	\$	43,011	A+
29/11/2023	27/08/2024	Macquarie	TD	\$	1,000,000	5.21%	272	\$	38,825	A+
5/12/2023	3/09/2024	SCORP	TD	\$	1,500,000	5.35%	273	\$	60,023	A+
6/12/2023	10/09/2024	NAB	TD	\$	1,500,000	5.15%	279	\$	59,054	AA-
7/12/2023	17/09/2024	ING	TD	\$	1,500,000	5.15%	285	\$	60,318	A
28/09/2023	24/09/2024	ING	TD	\$	1,000,000	5.35%	362	\$	53,060	A
7/12/2023	1/10/2024	ING	TD	\$	1,500,000	5.23%	299	Ψ \$	64,265	A
2/02/2024	9/10/2024	NAB	TD	\$	1,000,000	5.05%	250	\$	34,608	AA-
6/02/2024	25/10/2024	SCORP	TD	φ \$	750,000	5.07%	250	φ \$	27,295	A4- A+
13/02/2024	6/11/2024	NAB	TD	э \$	1,500,000	5.15%	262	э \$	56,509	A+ AA-
20/02/2024	20/11/2024	SCORP	TD	э \$	750,000	5.15%	207	э \$	28,939	AA- A+
28/02/2024	20/11/2024	NAB	TD	φ \$	500,000	5.14%	266	φ \$	18,584	AA-
20/02/2024	4/12/2024	NAB	TD	э \$	1,000,000	5.10%	288	э \$	40,241	AA- AA-
28/02/2024	18/12/2024	NAB	TD	ъ \$	1,500,000	5.10%	200	э \$	61,619	AA- AA-
28/02/2024	18/12/2024	NAB	TD	φ \$	500,000	5.10%	294	φ \$	20,540	AA- AA-
16/01/2024	15/01/2025	ING	TD	э \$	1,500,000	5.26%	294 365	э \$	20,540 78,900	AA- A
23/01/2024	23/01/2025	SCORP	TD	ֆ \$	750,000	5.20% 5.22%	365	ъ \$	78,900 39,257	A A+
23/01/2024	23/01/2023	SCORP	Shares	ф \$	2,000	J.ZZ /0	500	φ	59,257	A.t
		WAWCU	Shares	э \$	2,000					
		********	Unales	φ	10					
		T-4-1		<b>.</b>	40 704 450	E 040/	004 74444	÷	4 0 4 0 0 5 0	
		Total		\$	46,764,459	5.21%	291.71111	\$	1,948,352	

Annex 'A'

# 9.2.2 INTERNAL AUDIT FRAMEWORK, TERMS OF REFERENCE AND CHARTER

### File Number:

Author:Sandra Gordon, Manager Governance & RiskAuthoriser:Stephen Fernando, Director Corporate Services

# RECOMMENDATION

That the DRAFT Internal Audit Framework V#1, the DRAFT Internal Audit Charter V#3 and the DRAFT Terms of Reference V#5 be adopted and placed on public display.

### BACKGROUND

Under Section 428A of Local Government Act 1993, each Council must have an Audit, Risk and Improvement Committee (ARIC or the Committee) to independently review and provide advice to Council regarding the following aspects of Council's operations:

- Compliance
- Risk management
- Fraud control
- Financial management
- Governance
- Implementation of the strategic plan, delivery program and strategies
- Service reviews
- Collection of performance measurement data by Council, and
- Any other matters prescribed by the regulation (i.e. internal audit).

The Local Government Act 1993 (the 'Act'), the Local Government (General) Regulation 2021 (the 'Regulation') and the Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines) require each Council in NSW to have:

- An ARIC that continuously reviews and provides independent advice to Council on how it is functioning and managing risk;
- A robust Risk Management Framework that accurately identifies and mitigates the risks facing Council and its operations; and
- An effective internal audit function that provides independent advice as to whether Council is functioning effectively and Council's internal controls to manage risk are working.

These three (3) mandatory governance mechanisms are key to ensuring that Council is doing things the best they can for their communities and are on track to delivering their community's goals and objectives.

If implemented effectively, ARIC, risk management and internal audit will lead to Council:

- Achieving their strategic objectives in the most efficient, effective and economical manner;
- Having better and more efficient levels of service delivery;
- Having increased accountability and transparency;
- Achieving better decision-making and having the confidence to make difficult decisions;
- Having increased financial stability;

- Achieving and maintaining compliance with all laws, regulations, internal policies and procedures; and
- Better safeguarding their public assets.

Murray River Council has had an Audit, Risk and Improvement Committee (ARIC) since the 6 September 2018.

At inception, the ARIC was set up as an independent committee (not shared with other Councils) and with an outsourced internal audit function (rather than an in-house dedicated audit function). Going forward it is proposed that this model continue, as it is seen as the most efficient and cost-effective method of operating Council's internal audit function.

### DISCUSSION

Council has developed three (3) separate documents to assist Murray River Council (MRC) to comply with statutory requirements under the Act and the Regulation.

Including:

- Internal Audit Framework
- Internal Audit Charter; and
- Terms of Reference.

These documents are based on the Office of Local Government's Risk Management & Internal Audit for Local Government in NSW Guidelines – November 2023 and have been modified to suit Council's purposes.

The November 2023 guidelines have incorporated many changes on how a Council's ARIC must operate after July 1 2024.

Some of these changes include:

- Councillor members on the ARIC are optional and only one member is recommended this Councillor has an advisory role only.
- Strengthened eligibility criteria for ARIC members
- Maximum of two (2) terms before required to have a break from serving on the Committee
- Additional reporting and accountabilities including Annual Workplans, Strategic Plans, Annual Attestation statements and assurance meetings.
- A higher degree of responsibility for the Chair in setting the tone and direction of the Committee.

Council has included in the Framework additional information (highlighted in green) to clarify a number of conditions for the independent members whilst serving in their roles.

These additional include:

- remuneration per meeting (not previously documented)
- payment of superannuation; and
- reimbursements for out- of-pocket expenses incurred travelling, accommodation etc.

The Guidelines and the three Council documents are attached.

### 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**

Additional costs have been included in the 2024/2025 DRAFT budget estimates.

# POLICY IMPLICATIONS

Nil.

# LEGISLATIVE IMPLICATIONS

Changes to Section 216 of the Local Government (General) Regulations 2021 had dictated the changes required.

# **RISK ANALYSIS**

• What can happen?

The changes to eligibility criteria and the broadening of the roles of ARIC independent members may restrict the number and/or quality of applicants

• How can it happen?

Independent member roles viewed as too arduous for the remuneration offered.

# • What are the consequences of the event happening?

Failure to fill vacancies

• What is the likelihood of the event happening?

High

• Adequacy of existing controls?

Council has minimal input or flexible in the structure.

• Treatment options to mitigate the risk?

Communicating the importance of the independent member roles to Council.

# CONCLUSION

The Local Government Act and Local Government Regulation provide the statutory foundations and prescribe the desired outcomes for councils' audit, risk and improvement committees, risk management frameworks and internal audit functions.

# ATTACHMENTS

- OLG Guidelines for Risk Management and Internal Audit for Local Government in NSW
   Nov 2023 (under separate cover)
- 2. Internal Audit Framework V#1 (under separate cover)
- 3. Terms of Reference V#5 😃 🛣
- 4. Internal Audit Charter V#3 🗓 🛣

# Audit, Risk & Improvement Committee

# Terms of Reference

Version #5

Guidelines for Risk Management and Internal Audit for Local Government in NSW - November 2023



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### INTRODUCTION

Murray River Council has established an Audit, Risk and Improvement Committee (ARIC or the Committee) in compliance with Section 428A of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 (the Regulation) and the Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines).

These Terms of Reference set out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

#### OBJECTIVE 2.

The objective of Council's ARIC is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

### 3. INDEPENDENCE

The ARIC:

- Is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and provide Council with robust, objective and unbiased advice and assurance.
- Is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of Council.
- Will provide independent advice to Council that is informed by the Council's internal audit and risk management activities and information and advice provided by Council employees, relevant external bodies and subject matter experts.
- Must always ensure it maintains a direct reporting line to and from Council internal audit function and act as a mechanism for internal audit to report to Council and CEO on matters affecting the performance of the internal audit function.

#### **AUTHORITY** 4.

Council authorises the ARIC, for the purposes of exercising its responsibilities, to:

- Access any information it needs from Council;
- Use any Council resources it needs;
- Have direct and unrestricted access to the CEO and senior management of Council;
- Seek the CEO's permission to meet with any other Council employee or contractor;
- Discuss any matters with the external auditor or other external parties;
- Request the attendance of any employee at committee meetings, and
- To obtain external legal or other professional advice in line with Council's procurement policies. The CEO's permission is required to expend funds in excess of the budgetary allocation.

Information and documents pertaining to the ARIC are confidential and are not to be made publicly available. ARIC may only release Council information to external parties that are assisting the ARIC to fulfil its responsibilities with the approval of the CEO, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

#### **COMPOSITION AND TENURE** 5.

- The Committee will consist of an Independent Chair and two (2) Independent Members who have voting rights and one (1) non-voting Councillor, which is an optional appointment, as required under the Framework.
- The elected Council, by resolution, is to appoint the Chair and Independent Members of the Committee.

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- All Committee members must meet the independence and eligibility criteria prescribed in <u>the</u> <u>Framework</u>.
- Members will be appointed for up to a four (4) year term. Which will ideally run in parallel with the term of the Council.
- Members can be reappointed for one (1) further term, but the total period of continuous membership cannot exceed eight (8) years. This includes any term as Chair of the Committee.
- Members who have served an eight (8) year term (either as a Member or as Chair) must have a two (2) year break from serving on the Committee before being appointed again.
- To preserve the Committee's knowledge of Council, ideally, no more than one member should retire from the Committee because of rotation in any one (1) year.
- The terms and conditions of each member's appointment to the Committee are to be set out in a letter of appointment.
- New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.
- Prior to approving the reappointment or extension of the Chair's or an Independent Member's term, the Council is to undertake an assessment of the Chair's or Committee Member's performance. Reappointment of the Chair or a Committee Member is also to be subject to that person still meeting the independence and eligibility requirements.
- Members of the Committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of Council, the environment in which Council operates and the contribution that the Committee makes to Council.
- At least one (1) member of the Committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment.
- All members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the Committee's consideration of Council's <u>Annual Financial Statements</u>.

### 6. ROLE

As required under Section 428A of <u>the Act</u>, the role of the Committee is to review and provide independent advice to Council regarding the following aspects of the Council's operations:

- Compliance;
- Risk management;
- Fraud control;
- Financial management;
- Governance;
- Implementation of the strategic plan, delivery program and strategies;
- Service reviews;
- Collection of performance measurement data by Council; and
- Internal audit.

The Committee must also provide information to Council for the purpose of improving Council's performance of its functions.

The ARIC will act as a forum for consideration of Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively and independently.

The Committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The Committee is directly responsible and accountable to Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Murray River Council rests with the elected Council and the CEO.

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The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, Council from time to time.

### 7. RESPONSIBILITIES OF MEMBERS

### 7.1 INDEPENDENT MEMBERS

The Chair and Independent Members of the Committee are expected to understand and observe the requirements of the <u>Framework.</u>

Members are also expected to:

- Make themselves available as required to attend and participate in meetings;
- Contribute the time needed to review and understand information provided to it;
- Apply good analytical skills, objectivity and judgement;
- Act in the best interests of Council;
- Have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry;
- Maintain effective working relationships with Council;
- Have strong leadership qualities (Chair);
- ► Lead effective committee meetings (Chair); and
- Oversee Council's internal audit function (Chair).

### 7.2 COUNCILLOR MEMBER

To preserve the independence of the Committee, the Councillor Member of the committee is a non-voting member. Their role is to:

- Relay to the Committee any concerns Council may have regarding Council and issues being considered by the Committee;
- Provide insights into local issues and the strategic priorities of Council that would add value to the Committee's consideration of agenda items;
- Advise Council (as necessary) of the work of the Committee and any issues arising from it; and
- Assist Council to review the performance of the Committee.

Issues or information the Councillor Member raises with or provides to the Committee must relate to the matters (listed in Clause 6 – Roles of this document) and issues being considered by the Committee.

The Councillor Member must conduct themselves in a non-partisan and professional manner. The Councillor Member must not engage in any conduct that seeks to politicise the activities of the Committee or the internal audit function or that could be seen to do so.

If the Councillor Member engages in such conduct or in any other conduct that may bring the Committee and its work into disrepute, the Chair of the Committee may recommend to Council, that Councillor Member be removed from membership of the Committee. Where Council does not agree to the Committee Chair's recommendation, Council must give reasons for its decision in writing to the Chair.

### 7.3 CONDUCT

Independent Committee Members are required to comply with Council's <u>Code of Conduct (Committees)</u> <u>Policy</u> (Code of Conduct).

Complaints alleging breaches of Council's <u>Code of Conduct</u> by an Independent Member are to be dealt with in accordance with Council's <u>Code of Conduct Procedures</u>. The CEO must consult with Council before taking any disciplinary action against an Independent Member in response to a breach of Council's <u>Code of Conduct</u>.

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### 7.4 CONFLICTS OF INTEREST

Once a year, Committee Members must provide written declarations to Council stating that they do not have any conflicts of interest that would preclude them from being members of the Committee.

The Chair and the Independent Members are 'designated persons' for the purposes of Council's <u>Code of</u> <u>Conduct</u> and must also complete and submit returns of their interests.

Committee Members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Committee Member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from Committee deliberations on the issue.

Details of conflicts of interest declared at meetings must be appropriately minuted.

### 7.5 STANDARDS

Committee members are to conduct their work in accordance with the <u>International Standards for the</u> <u>Professional Practice of Internal Auditing</u> (the Standards) issued by the Institute of Internal Auditors and <u>Australian Standard 4360: Risk Management</u>, where applicable.

### 8. WORK PLANS

The work of the Committee is to be thoroughly planned and executed. The Committee must develop a <u>Strategic Workplan</u> every four (4) years to ensure that the matters listed in Section 6 - Roles are reviewed by the Committee and considered by the Internal Auditor/s when developing their risk-based program of internal audits. The <u>Strategic Workplan</u> must be reviewed at least annually to ensure it remains appropriate.

The Committee may, in consultation with Council, vary the <u>Strategic Workplan</u> at any time to address new or emerging risks. Council may also, by resolution, request the Committee to approve a variation to the <u>Strategic Workplan</u>. Any decision to vary the <u>Strategic Workplan</u> must be made by the Committee.

The Committee must also develop an <u>Annual Workplan</u> to guide its work, and the work of the Internal Auditor/s over the forward year.

The Committee may, in consultation with Council, vary the <u>Annual Workplan</u> to address new or emerging risks. The elected Council may also, by resolution, request the Committee to approve a variation to the <u>Annual Workplan</u>. Any decision to vary the <u>Annual Workplan</u> must be made by the Committee.

When considering whether to vary the <u>Strategic or Annual Workplans</u>, the Committee must consider the impact of the variation on the Internal Auditor's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

### 9. ASSURANCE REPORTING

The Committee must regularly report to the elected Council to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.

The Committee will provide an update to the elected Council and the CEO of its activities and opinions after every Committee meeting.

The Committee will provide an annual assessment to Council and the CEO on the Committee's work and its opinion on how Council is performing.

The Committee will provide a comprehensive assessment every Council term of the matters listed in Section 6 - Roles to the elected Council and the CEO.

The Committee may at any time report to the elected Council or the CEO on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the Chair of the Committee may also meet at any time to discuss issues relating to the work of the Committee.

Should the elected Council require additional information, a request for the information may be made to the Chair by resolution. The Chair is only required to provide the information requested by the elected Council

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where the Chair is satisfied that it is reasonably necessary for Council to receive the information for the purposes of performing its functions under <u>the Act</u>.

Individual Councillors are not entitled to request or receive information from the Committee.

### **10. ADMINISTRATIVE ARRANGEMENTS**

### 10.1 MEETINGS

- The Committee will meet a minimum of four (4) times per year, including a special meeting to review Council's Financial Statements.
- The Committee can hold additional meetings when significant unexpected issues arise, or if the Chair is asked to hold an additional meeting by a Committee Member, the CEO or the elected Council.
- The Committee may meet up to a total of six (6) times per financial year without the need to seek permission from the Mayor to hold additional meetings.
- Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a Committee Member cannot attend.
- A quorum will consist of a majority of independent voting members.
- Where the vote is tied, the Chair has the casting vote.
- ▶ The Chair of the Committee will decide the Agenda for each Committee meeting.
- Minutes are to be maintained of each Committee meeting to preserve a record of the issues considered and the actions and decisions taken by the Committee.
- The CEO or his delegate and the Internal Audit Coordinator (IA Coordinator) should attend Committee meetings as non-voting observers.
- The External Auditor (or their representative) is to be invited to each Committee meeting as an independent observer.
- The Chair can request the Council's Responsible Accounting Officer/ Manager Finance, Manager Governance & Risk, Directors, Councillors and any employee/contractor of Council and any subject matter expert to attend Committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested.
- Council employees, that are not Managers or Directors, requested to attend the meeting must have the approval of the Director to attend.
- Observers have no voting rights and can be excluded from a meeting by the Chair at any time.
- The Committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the Committee present.
- The Committee may, on the decision of the Chair, meet separately with the IA Coordinator and Council's External Auditor.

### 10.2 DISPUTE RESOLUTION

Members of the Committee and Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the Committee and the CEO or other senior managers, the dispute is to be resolved by the elected Council.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

### 10.3 SECRETARIAT

The CEO will nominate a Council employee to provide secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chair

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at least one (1) week before the meeting and ensure that minutes of meetings are prepared and maintained.

Minutes must be approved by the Chair and circulated within two (2) weeks of the meeting to each member.

### 10.4 RESIGNATION AND DISMISSAL OF MEMBERS

Where the Chair or a Committee Member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give two (2) months notice to the Chair and Council (wherever possible) prior to their resignation to allow Council to ensure a smooth transition to a new Chair or Committee Member.

Council can, by resolution, terminate the appointment of the Chair or an Independent Committee Member before the expiry of their term where that person has:

- Breached Council's <u>Code of Conduct (Committees) Policy;</u>
- Performed unsatisfactorily or not to expectations;
- Declared, or is found to be in, a position of a conflict of interest which is unresolvable;
- Been declared bankrupt or found to be insolvent;
- Experienced an adverse change in business status;
- Been charged with a serious criminal offence;
- Been proven to be in serious breach of their obligations under any legislation; or
- Experienced an adverse change in capacity or capability.

The position of a Councillor member on the Committee can be terminated at any time by Council resolution.

### 10.5 LEAVE OF ABSENCE

Committee members that are aware, in advance, that they cannot attend a scheduled meeting, either in person or by video link, they should apply for a leave of absence.

If a Committee member fails to attend two (2) consecutive meetings without a leave of absence or submitting an apology for a meeting, the elected Council can, by resolution, dismiss the Committee member.

A meeting between the Chair and the Committee member should be held to discuss the non-compliance with the Framework, prior to any action taken.

### **10.6 REVIEW ARRANGEMENTS**

At least once every Council term, Council must review or arrange for an external review of the effectiveness of the Committee.

These Terms of Reference must be reviewed annually by the Committee and once each Council term by the elected Council. Any substantive changes are to be approved by resolution of a Council meeting.

### 11. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

External:

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Guidelines for risk management and internal audit for local government in NSW.
- > International Standards for the Professional Practice of Internal Auditing
- Australian Standard 4360: Risk Management

### Internal:

- MRC Policy Code of Conduct (Committees) Policy
- MRC Procedure Code of Conduct Procedures.

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 MRC Framework – Audit, Risk and Improvement Framework Including

Internal Auditor/s Charter

ARIC Roles and Responsibilities

### Definitions and Acronyms:

Term	Definition
ARIC or the Committee	Audit, Risk and Improvement Committee
CEO	Chief Executive Officer
Chair	The Chair of the Audit, Risk and Improvement Committee
IA Coordinator	Internal Audit Coordinator – An employer of Council that is suitably experienced in the working of Council and an ARIC.
Senior Management	CEO and Directors

### 12. DOCUMENT CONTROL

V#	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	17 Oct 2017 to 21 Aug 2018		
2	Amendment to Section 3.3 to include representatives of the internal auditor as "invitees for specific Agenda items (non-voting)"	21 Aug 2018 to 26 Mar 2019		
3	Amendments to Section 4.3 added point 5 – include review of financial reports required to be produced under legislation and 4.5 2nd sentence and point 4 – clarify oversight of internal audit activities & communication with int & external auditors	26 Mar 2019 to 8 Feb 2021		
4	Clause 2 add "the Committee", 4.1 add point 2, 4.5 added point 5 & 7, Clause 5 added 2 points, 6.3 added sentence re agendas	8 Feb 2021 to DRAFT		
5	Based on the OLG - Model Terms of Reference for Local Government ARICs Nov 2023	DRAFT		

Council reserves the right to review, vary or revoke this policy at any time This document is scheduled for review in before 2025.

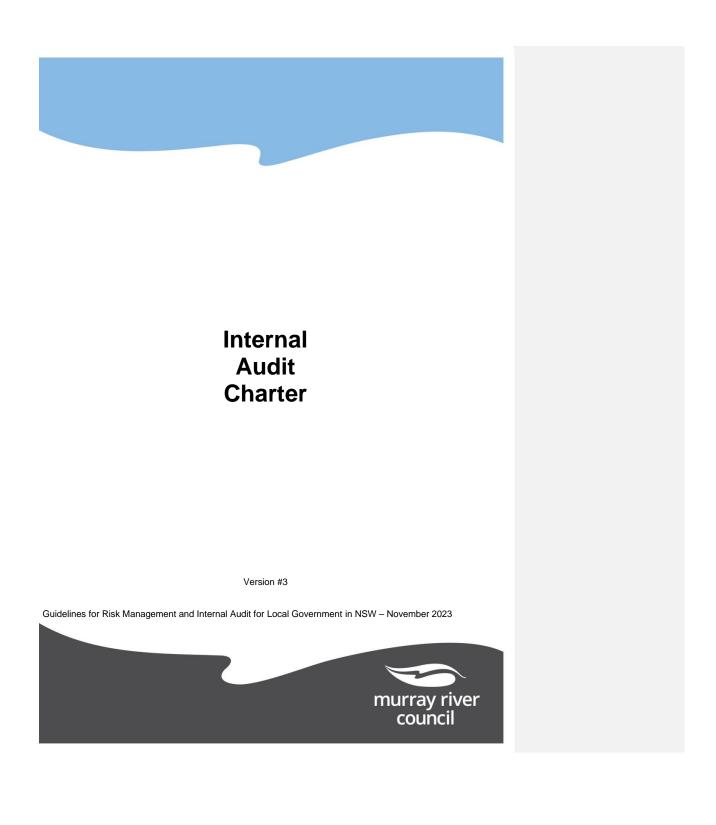
### NOTE:

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### DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

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### 1. INTRODUCTION:

Murray River Council has established the Audit, Risk & Improvement Committee (ARIC or Committee) as a key component of Council's Governance Framework and in compliance with the <u>Guidelines for Risk</u> <u>Management and Internal Audit in Local Councils in NSW</u> (Guidelines).

This Charter provides the guidelines for the conduct of the internal audit function at Council and has been approved by the elected Council, taking into account the advice of the ARIC.

### 2. PURPOSE:

The internal audit function is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. As defined by the International Professional Practises Framework (IPPF) 2024.

The internal audit function provides an independent and objective review and advisory service to provide advice to the elected Council, the Chief Executive Officer (CEO) and the ARIC about Council's governance processes, risk management and control frameworks and its external accountability obligations.

It also assists Council to improve its business performance.

### 3. INDEPENDENCE & OBJECTIVITY:

Council's internal audit function is to be independent of Council so it can provide an unbiased assessment of the Council's operations, risk and control activities.

The internal audit function reports functionally to Council's ARIC on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the CEO, and/or his delegate, to facilitate day-to-day operations.

Internal audit activities are not subject to direction by the elected Council and Council's management has no role in the exercise of Council's internal audit activities.

The Internal Auditor/s must retain ultimate accountability and control for the conduct of the audits.

The ARIC is responsible for communicating any internal audit issues or information to Council. Should Council require additional information, a request for the information may be made to the Chair by resolution. The Chair may only provide the information requested by Council where the Chair is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Local Government Act 1993 (the Act).

Individual Councillors are not entitled to request or receive information from the Committee.

### 4. DELEGATIONS

The CEO has made the following delegations in relation to the internal audit function of Council:

Be responsible for the coordination of the business, meetings and outcomes of meetings of Council's Audit, Risk and Improvement Committee.	Director Corporate Services (DCS) Manager Governance & Risk (MGR)
That the Internal Auditors conduct audits on behalf of the ARIC on Council's business units, processes and work practices.	Internal Auditor/s

### 5. INTERNAL AUDITOR/S

The CEO must consult with the ARIC Chair before appointing or changing the conditions of the Internal Auditor/s, as set out in their contractual agreement with Council. Where dismissal occurs, the CEO must report to the Council advising the reasons why the contract was terminated.

Where the ARIC Chair has any concerns about the treatment of any of the Internal Auditor/s or any action taken that may compromise the Internal Auditor's ability to undertake their functions independently, they can report their concerns to the Council.

The Internal Auditor/s are to confirm at least annually to the ARIC the independence of internal audit activities.

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### 5.1 INTERNAL AUDITOR/S RESPONSIBILITIES: (SCHEDULE 1)

### AUDIT Internal Audit

- Conduct internal audits as directed by Council's Audit, Risk and Improvement Committee;
- Implement Council's annual and strategic internal audit work plans;
- Monitor the implementation by Council of corrective actions;
- · Assist Council to develop and maintain a culture of accountability and integrity;
- Facilitate the integration of risk management into day-to-day business activities and processes; and
- Promote a culture of high ethical standards.

### External Audit

- Provide input and feedback on the financial statements and performance audit coverage proposed by external audit and provide feedback on the audit services provided;
- Review and monitor all external plans and reports in respect of planned or completed audits;
- Council's implementation of audit recommendations; and
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

### RISK

### **Risk Management**

Review and advise:

- If Council's has in place a current and appropriate <u>Risk Management Framework</u> that is consistent with the Australian risk management standard;
- Whether Council's <u>Risk Management Framework</u> is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities;
- If risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting;
- Of the adequacy of risk reports and documentation, for example, Council's <u>Risk Register</u> and risk profile;
- Whether a sound approach has been followed in developing risk management plans for major projects or undertakings;
- Whether appropriate policies and procedures are in place for the management and exercise of delegations;
- > If Council has taken steps to embed a culture which is committed to ethical and lawful behaviour;
- If there is a positive risk culture within Council and strong leadership that supports effective risk management;
- · Of the adequacy of staff training and induction in risk management;
- How Council's risk management approach impacts on Council's insurance arrangements;
- · Of the effectiveness of Council's management of its assets; and
- Of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

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# Internal Controls

- Review and advise:
- Whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective;
- Whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated;
- Whether appropriate policies and procedures are in place for the management and exercise of delegations;
- Whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with;
- If Council's monitoring and review of controls is sufficient; and
- If internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

### Compliance

Review and advise of the adequacy and effectiveness of Council's compliance framework, including:

- If Council has appropriately considered legal and compliance risks as part of Council's <u>Risk</u> <u>Management Framework</u>;
- How Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements; and
- Whether appropriate processes are in place to assess compliance.

### Fraud and Corruption

Review and advise:

 Of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

### **Financial Management**

Review and advise:

- ▶ If Council is complying with accounting standards and external accountability requirements;
- Of the appropriateness of Council's accounting policies and disclosures;
- Of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations;
- Whether Council's financial statement preparation procedures and timelines are sound;
- The accuracy of the Council's annual financial statements prior to external audit, including:
  - Management compliance/representations;
  - Significant accounting and reporting issues;
  - The methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements;

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- Appropriate management signoff on the statements.
- If effective processes are in place to ensure financial information included in Council's report is consistent with signed financial statements;
- If Council's financial management processes are adequate;
- The adequacy of cash management policies and procedures;

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If there are adequate controls over financial processes, for example:

- Appropriate authorisation and approval of payments and transactions;
- Adequate segregation of duties;
- Timely reconciliation of accounts and balances;
- Review of unusual and high value purchases.
- If policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- If Council's grants and tied funding policies and procedures are sound.

### Governance

Review and advise of the adequacy of Council's Governance Framework, including Council's:

- Decision-making processes;
- Implementation of governance policies and procedures;
- Reporting lines and accountability;
- Assignment of key roles and responsibilities;
- Committee structure;
- Management oversight responsibilities;
- Human resources and performance management activities;
- Reporting and communication activities;
- Information and communications technology (ICT) governance; and
- Management and governance of the use of data, information and knowledge.

### IMPROVEMENT

### Strategic Planning

Review and advise:

- Of the adequacy and effectiveness of Council's IP&R processes;
- If appropriate reporting and monitoring mechanisms are in place to measure progress against objectives; and
- Whether Council is successfully implementing and achieving its IP&R objectives and strategies.
- Service reviews and business improvement

Review and advise:

- If Council has robust systems to set objectives and goals to determine and deliver appropriate levels
  of service to the community and business performance;
- If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance; and
- how Council can improve its service delivery and Council's performance of its business and functions generally

### Performance data and measurement

### Review and advise:

 if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives;

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if the performance indicators Council uses are effective; and

of the adequacy of performance data collection and reporting

### 6. AUTHORITY

Council authorises the internal audit function to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the internal audit function considers necessary to enable it to fulfil its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of these activities. The internal audit function and any individual Council employees involved in an audit are responsible and accountable for maintaining the confidentiality of the information they have access to during an audit.

All internal audit documentation is to remain the property of Council.

Information and documents pertaining to an internal audit are not to be made publicly available. The internal audit function may only release Council information to external parties that are assisting the internal audit function to fulfil its responsibilities with the approval of the CEO, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

### 7. ROLES

The internal audit function is to support Council's ARIC to review and provide independent advice to Council in accordance with Section 428A of the Local Government Act 1993 (the Act). This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

The internal audit function is to also play an active role in:

- Developing and maintaining a culture of accountability and integrity;
- Facilitating the integration or risk management into day-to-day business activities and processes; and
- Promoting a culture of high ethical standards.

The internal audit function has no direct authority or responsibility for the activities it reviews nor any responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

### 7.1 INTERAL AUDIT COORDINATOR

Council's internal audit function is to be coordinated by a Council employee with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to Council and the ARIC and will be known as the Internal Audit Coordinator (IA Coordinator). The IA Coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the IA Coordinator and/or their delegate, include:

- Managing the day-to-day activities of the ARIC;
- Managing Council's internal audit budget;
- Supporting the operation of Council's ARIC;
- Approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the ARIC;
- Monitoring Council's implementation of corrective actions that arise from the findings of audits;
- Fulfilling the Committee's <u>Annual Workplan</u> and four-yearly <u>Strategic Workplan</u>;
- Final Section 2017 Ensuring Council's internal audit activities comply with the Framework (the Guidelines); and
- Contract management and oversight of supplementary external providers (where appropriate).

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### 7.2 INTERNAL AUDITORS

Council is to contract an external third-party provider to undertake its internal audit activities.

To ensure the independence of the external provider, the IA Coordinator is to ensure the external provider:

- Does not conduct any audits on specific Council operations or areas that they have worked on within the last two years;
- Is not the same provider conducting Council's external audit;
- Is not the auditor of any contractors of Council that may be possibly subject to the internal audit; and
- Is able to meet the Council's obligations under the Framework (the Guidelines).

The IA Coordinator must consult with the ARIC and Chief Executive Officer (CEO) regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by Council.

### 7.3 OTHER PARTIES

Council employees are ultimately responsible for the accountability of their position, any audits undertaken by the Internal Auditor/s does not, in any way, absolve these or any risk management / internal controls accountabilities.

Council must review, assess and implement the actions that may arise from an internal audit.

### 8. PERFORMING INTERNAL AUDIT ACTIVITIES

The work of the internal audit function is to be thoroughly planned and executed.

Council's ARIC must develop a strategic plan every four years to ensure that all matters listed in <u>Internal</u> <u>Audit Functions Responsibilities (Schedule 1)</u> are reviewed by the Committee and the internal audit function over each Council term. The <u>Strategic Workplan</u> must be reviewed at least annually to ensure it remains appropriate.

The Committee is to also develop an <u>Annual Workplan</u> to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the <u>Standards</u> and <u>Australian Standard 4360: Risk Management.</u>

The Internal Auditor/s are to provide the findings and recommendations of internal audits to the ARIC at the end of each audit. Each report is to include a response from the relevant Director.

The IA Coordinator is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The Internal Auditor/s will sign off on actions when they are fully implemented.

The CEO or his delegate, in consultation with the ARIC, is to develop and maintain policies and procedures to guide the operation of Council's internal audit function.

The internal audit function is to ensure that the ARIC is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the Annual Workplan and progress made implementing corrective actions.

### 9. CONDUCT

Internal audit personnel are required to comply with Council's <u>Code of Conduct (Committees) Policy</u> (Code of Conduct).

Complaints about breaches of Council's <u>Code of Conduct</u> by internal audit personnel are to be dealt with in accordance with the Murray River Council <u>Code of Conduct Procedures</u>.

The CEO must consult with Council's ARIC before any disciplinary action taken against the Internal Auditor/s in response to a breach of Council's <u>Code of Conduct.</u>

Internal Auditor/s are also required to comply with the <u>Code of Ethics for the Professional Practice of</u> <u>Internal Auditing</u> issued by the Institute of Internal Auditors.

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# Internal Audit Charter

Associated with the ARIC Framework

### 10. ADMINISTRATIVE ARRANGEMENTS

### 10.1 ARIC MEETINGS

The internal audit function and other relevant Council employees will attend ARIC meetings as an independent non-voting observer.

The internal audit function and other relevant employees can be excluded from meetings by the Committee Commented [SL1]: Protections - when that would occur at any time.

The internal audit function must meet separately with the ARIC at least once per year.

The Internal Auditor/s can meet with the ARIC Chair at any time, as necessary, in between committee meetings.

### 10.2 EXTERNAL AUDIT

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit may be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

### 10.3 DISPUTE RESOLUTION

The internal audit function should maintain an effective working relationship with Council and the ARIC and seek to resolve any differences they may have in an amicable and professional way via discussion and negotiation.

In the event of a disagreement between the internal audit function and Council, the dispute is to be resolved by the CEO and/or the ARIC.

Disputes between the internal audit function and ARIC are to be resolved by the Council.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the <u>Departmental Chief Executive</u> in writing.

### 11. EVALUATION AND REVIEW

Council's ARIC must review the performance of the Internal Auditor/s each year and report its findings to the Council.

A strategic review of the ARIC must be conducted each Council term that considers the views of an external party with a strong knowledge of internal audit on the performance of the Internal Auditor/s and reported to the Council.

This charter is to be reviewed annually by the Committee and once each Council term by the Council. Any substantive changes are to be approved by the Council.

This Charter was reviewed by:

Person/Position	Signature/ Resolution:	Date:
Internal Auditor/s		
ARIC		
CEO/ Executive Leadership Team		
Council		

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# Internal Audit Charter

Associated with the ARIC Framework

### 12. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

External:

- OLG Local Government Act 1993
- Guidelines for Risk Management and Internal Audit in Local Councils in NSW November 2023
- International Professional Practises Framework (IPPF) 2024
- Australian Standard 4360: Risk Management.

### Internal:

- MRC Policy Code of Conduct (Committees) Policy
- MRC Procedure Code of Conduct Procedure
- MRC Document Internal Audit Framework
- MRC Document ARIC Terms of Reference

### Definitions:

Term	Definition
ARIC or the Committee	The Audit, Risk and Improvement Committee
CEO	Chief Executive Officer
The Framework (the Guidelines)	The Internal Audit Framework
Internal Auditor/s	Suitably qualified contractors engaged by Council to undertake Internal Audits on Council's processes, practises, documentation and other matters undertaken by Council within the individual business units
Internal Audit Coordinator	An employer of Council that is suitably experienced in the working of Council and an ARIC.

### 13. DOCUMENT CONTROL

Version					
No.	Details	Dates	CM9 Reference	Resolution No.	
1	Initial Issue	6 Sept 2018 to 25 Nov 2019		TBA	
2	Changes to Item 7 3rd Paragraph – added to end – "The Council may by resolution request copies of specific internal audit reports" Last sentence to read – "the internal audit activity will validate those assertions before recommending closure of the issue to the Audit & Risk Committee"	25 Nov 2019 to DRAFT		N/A	
3	Based on the OLG - Model Internal Charter Local Government ARICs Nov 2023	DRAFT			

Council reserves the right to review, vary or revoke this policy at any time This Charter is scheduled for review in before 2028

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Internal Audit Charter Associated with the ARIC Framework

#### NOTE:

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#### DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

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#### 9.2.3 MONTHLY FINANCIAL REPORT

#### File Number:

Author:Stephen Fernando, Director Corporate ServicesAuthoriser:Terry Dodds, Chief Executive Officer

### RECOMMENDATION

That Murray River Council (Council) resolve to receive the Monthly Financial Report for February 2024 (FY 2023/24) and note its contents.

#### BACKGROUND

This report provides the unaudited estimated financial performance and position of Murray River Council for the relevant period in the current financial year against the budget for the corresponding period.

This report is not a requirement under the Local Government Act 1993 (the <u>Act</u>) nor the Local Government (General) Regulation 2021 (the <u>Regulation</u>), however, it is provided to as an additional report to complement the existing financial reporting such as the quarterly budget reviews and the investments report.

#### DISCUSSION

Please see Monthly Financial Report appearing as Attachment 1 and the Financial Statements appearing as Attachment 2.

#### 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.

#### BUDGETARY IMPLICATIONS

As summerised in the Monthly Financial Report

#### POLICY IMPLICATIONS

Nil.

#### LEGISLATIVE IMPLICATIONS

Local Government Act 1993 (Act).

Local Government (General) Regulations 2021 (Regulation).

#### **RISK ANALYSIS**

• What can happen?

Budget financial thresholds are not met.

#### • How can it happen?

Revenue shortfalls and/or cost overruns.

#### • What are the consequences of the event happening?

Negative financial impact on Council

- What is the likelihood of the event happening?
  - Possible
- Adequacy of existing controls?
  - Adequate
- Treatment options to mitigate the risk?

Deficit reduction measures are in place.

### CONCLUSION

That Council receive the Monthly Financial Report as detailed in Attachment 1 for the current financial year and note its contents.

#### ATTACHMENTS

- 1. Monthly Financial Report 🗓 🛣
- 2. Monthly Financial Statements (Income Statement & Balance Sheet) 🗓 🖾

# **Monthly Financial Report**

Financial Year: 2023-24 Period Ending: 29 February 2024



#### BACKGROUND

This report provides the unaudited financial performance and position of Murray Rive Council for the relevant period in the current financial year against the corresponding Budget.

#### **INCOME & EXPENDITURE**

Details what was charged to our ratepayers and customers compared to what was spent in delivering our services.

For the period under review, Council's operating deficit stood at (\$9.5 Mn) after charging depreciation (What We Set-aside for Asset Renewals) of \$13.5 Mn.

Table 1: Income & Expenditure Statement:

	2022/23	2023/24	2023/24	% Variance
	Audited	Budget	YTD Actual	Bud v Act
What We Levied Our Ratepayers	19,094	21,450	14,647	68%
What We Invoiced our Customers	9,099	8,447	8,876	105%
What We Rcvd. as Grants & Subsidies	21,272	22,947	3,805	17%
What We Rcvd. as Interest from Investment	1,600	2,247	2,051	91%
Our Other Revenue	1,851	2,234	1,223	55%
Our Total Recurrent Earnings	52,916	57,324	30,601	53%
What We Spent on Our Staff	19,436	19,755	13,386	68%
What We Spent on Our Suppliers	23,727	25,393	13,141	52%
Our Total Direct Spend	43,163	45,147	26,527	59%
What We Paid Our Bankers	383	111	29	26%
What We Set-aside for Asset Renewals	23,246	20,344	13,563	67%
Our Operating Surplus/(Deficit)	(13,876)	(8,279)	(9,517)	115%
Our Capital Revenue	33,697	16,686	17,889	107%
Our Capital Expenses /(Gains)	4,800	(1,227)	(792)	65%
Our Capital Surplus/ <mark>(Deficit)</mark>	28,896	17,913	18,682	104%
Our Net Earnings	15,021	9,635	9,165	95% <u>.</u>



# Monthly Financial Report

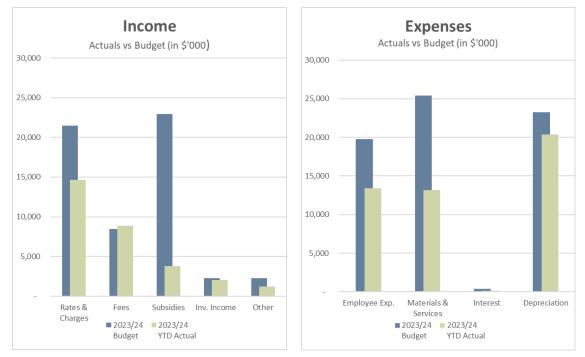
FY 2023-24, to February 24



#### Income & expenditure

- Grants & Subsidy revenue is well below budget due to timing differences. The primary source of grants, Financial Assistance Grants are usually received towards the end of the year.
- The rest of the revenue items are tracking as expected.
- Expenses are tracking as expected.
- The unfavourable position of the Operating Deficit in comparison to the budget is due to the lower operating grants as at date.

Details of Revenue and Expenses, compared to the budget are graphically depicted in the two charts below.



#### **COMMUNITY WEALTH**

Details the value of resources Council has, to service our community. Net Community wealth at the end of the period stood at \$1.05 Bn.

# Monthly Financial Report

FY 2023-24, to February 24



Table 2 : Statement of Financial Position						
	2022/23	2023/24	2023/24			
	Audited	Budget	YTD Actual			
What We Own	992,065	955,641	999,945			
Inventory We Hold	520	666	658			
What We are Owed	12,539	10,429	12,146			
What We Have in Bank	57,472	44,166	52,299			
Our Total Assests	1,062,595	1,010,903	1,065,048			
What We Owe Our Suppliers	7,137	6,463	3,501			
What We Owe Our Lenders	8,456	2,393	5,751			
What We Have Provided for Future Liabilities	10,912	6,678	10,540			
Our Total Liabilities	26,505	15,534	19,792			
Our Community Wealth	1,036,091	995,369	1,045,256			

• What We are Owed has remained around the same level as at the start of the year.

• Cash balances (what we have in bank) remain at satisfactory levels, noting that a sizeable portion of the investments are restricted for specific purposes. (see investments report)

#### CAPITAL DELIVERY

Council revised its budget capital allocation to \$39.2 Mn for the 2023/24 through the 2<sup>nd</sup> quarter budget revision. As of February 2024, Council has delivered around 55 % of the annual capital budget excluding commitments for 2022/23, totalling \$21.4 million. Several plant items currently on order as well as the flood damage repairs to the roads network is expected to boost the delivery rate in the final quarter.

# **Murray River Council**

## **Income Statement**

for the year ended 30 June 2024

from period 01 July to 28 February

		CY Actual	PY Actua
CY Budget	\$'000	YTD	Audited
	Income from continuing operations		
21,450	Rates and annual charges	14,647	19,094
8,447	User charges and fees	8,876	9,099
1,812	Other revenue	844	1,56
22,947	Grants and contributions provided for operating purposes	3,805	21,27
16,686	Grants and contributions provided for capital purposes	17,889	33,69
2,247	Interest and investment income	2,051	1,60
422	Other income	378	28
74,010	Total income from continuing operations	48,491	86,61
	Expenses from continuing operations		
19,755	Employee benefits and on-costs	13,386	19,43
24,065	Materials and services	12,614	22,66
111	Borrowing costs	29	38
	Depreciation, amortisation and impairment for non-		
20,344	financial assets	13,563	23,24
1,328	Other expenses	527	1,06
(1,227)	Net losses from the disposal of assets	(792)	4,80
64,375	Total expenses from continuing operations	39,326	71,59
9,635	Operating result from continuing operations	9,165	15,02
9,635	Net operating result for the year attributable to Council	9,165	15,02
5,000		3,200	10,0
	Net operating result for the year before grants and		
(7,052)	contributions provided for capital pruposes	(8,725)	(18,676

# **Murray River Council**

# **Statement of Financial Position**

for the year ended 30 June 2024

from period 01 July to 28 February

CY Budget	\$'000	CY Actual YTD	PY Actual Audited
	ASSETS		
	Current assets		
4,174	Cash and cash equivalents	5,286	8,600
39,677	Investments	46,570	48,612
10,429	Receivables	12,146	12,539
666	Inventories	658	520
316	Other	443	260
55,262	Total current assets	65,103	70,530
	Non-current assets		
2	Investments	2	2
880	Receivables	483	48
626	Inventories	315	31
947,037	Infrastructure, property, plant and equipment	988,656	980,86
7,097	Intangible Assets	10,489	10,40
	Investments accounted for using the equity method		
955,641	Total non-current assets	999,945	992,06
1,010,903	Total assets	1,065,048	1,062,595
	LIABILITIES		
	Current liabilities		
6,463	Payables	3,501	7,13
,	Contract liabilities	3,517	5,26
192	Lease liabilities	59	18
395	Borrowings	131	47
3,839	Employee benefit provisions	3,321	3,68
	Provisions	95	10
10,888	Total current liabilities	10,625	16,85
	Non-current liabilities		
384	Lease liabilities	354	354
1,422	Borrowings	1,689	2,17
402	Employee benefit provisions	512	, 51
2,438	Provisions	6,612	6,61
4,646	Total non-current liabilities	9,167	9,65

# **Murray River Council**

# **Statement of Financial Position**

for the year ended 30 June 2024

from period 01 July to 28 February

CY Budget	\$'000	CY Actual YTD	PY Actual Audited
15,534	Total liabilities	19,792	26,505
995,369	Net assets	1,045,256	1,036,091
	EQUITY		
1,427	Current years surplus	9,165	15,021
743,152	Accumulated surplus	745,604	730,583
250,790	IPPE revalaution reserve	290,487	290,487
995,369	Council equity interest	1,045,256	1,036,091
995,369	Total equity	1,045,256	1,036,091

## 9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS

#### 9.3.1 ROADS & TRANSPORT DIRECTORATE 2024 LOCAL ROADS CONGRESS

#### File Number:

Author: Jan Donald, Executive Administration Officer

Authoriser: Jack Bond, Director Infrastructure

#### RECOMMENDATION

That Council:

- 1. Notes that the Roads & Transport Directorate 2024 Local Roads Congress is being held in Sydney on Monday 3 June 2024 at NSW Parliament House.
- 2. Seeks interest from MRC Councillors to attend the 2024 Local Roads Congress.
- 3. Approves attendance of Councillors who wish to attend.

#### BACKGROUND

The Roads & Transport Directorate in collaboration with Local Government NSW is holding the 2024 Local Roads Congress in Sydney on Monday 3 June 2024 at NSW Parliament House.

#### DISCUSSION

The 2024 Local Roads Congress is an annual event for local government to join together to discuss policy changes, challenges and constraints within the NSW Local Roads Network. The Local Roads Congress is run by the Roads & Transport Directorate, a joint initiative between IPWEA NSW & ACT and Local Government NSW (LGNSW) The Congress provides a forum for NSW Council Executive Staff and Elected Officials to discuss policy issues with NSW State Ministers in order to optimise road and transport outcomes across the state.

#### STRATEGIC IMPLICATIONS

6. Strategic Theme 6: Connected Communities

6.10 - Enable commercial transport and connection opportunities - Major Road Upgrades.

#### BUDGETARY IMPLICATIONS

Early bird registration cost for the Local Roads Congress is \$480 (ex GST) for the day. Travel and accommodation costs would also be incurred with accommodation available from \$240 per night.

#### POLICY IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

#### **RISK ANALYSIS**

- What can happen?
  - Nil

# • How can it happen?

Nil

## • What are the consequences of the event happening?

Continue with business as usual and consider attending the Congress next year.

• What is the likelihood of the event happening?

Nil

Adequacy of existing controls?

No impact

• Treatment options to mitigate the risk?

No risk to consider.

#### CONCLUSION

Councillors are invited to attend the 2024 Local Roads Congress – Planning for the Future Monday 3 June 2024 which will be held at NSW Parliament House. This will provide Council an opportunity to engage with NSW State Ministers and other key decision makers in relation to optimising road and transport outcomes across the state.

## ATTACHMENTS

#### 1. Local Roads Congress 2024 invitation 🗓 🛣



6 March 2024

Subject: Save the Date - Local Roads Congress June 2024

Dear Mayor and Councillors,

The Roads and Transport Directorate of the Institute of Public Works Engineering Australasia – NSW and ACT Division (IPWEA NSW & ACT), in collaboration with Local Government NSW (LGNSW), is honoured to host the NSW Local Roads Congress 2024. The congress provides a forum for NSW council executive staff and elected officials to discuss policy issues with NSW State Ministers in order to optimise road and transport outcomes across the state.

This event is scheduled for **Monday, 3 June 2024**, at the distinguished NSW Parliament House, Sydney. The Congress will commence at 9:00 am and conclude at 5:00 pm.

The Congress primarily targets Mayors, Councillors, General Managers and Directors of Engineering within local governments with a focus on policy-oriented discussions under the theme 'Planning for the Future'. This theme underscores our commitment to addressing the evolving challenges and opportunities in local road and transport infrastructure, and to ensure the local road network is prepared for the challenges ahead.

An outcome of the congress discussion is to produce a Communiqué outlining key actions for change, as well as helping shape the advocacy framework of the Roads and Transport Directorate. The 2023 Congress Communiqué is provided for your reference.

Some of the topics this year are:

- Future Freight
- Streets as Shared Spaces
- Disaster Recovery Funding
- Electric Vehicles
- Integrated Network Planning
- AI and Asset Management

By attending the congress, you can engage directly with NSW State Ministers, who will provide insights on current issues impacting local roads. Additionally, you will benefit from presentations by a range of technical experts, each offering specialised knowledge and perspectives on various aspects of road and infrastructure management. These sessions are designed to give you an understanding of the political and practical dimensions of local road challenges and advancements in New South Wales.

Please save the date Monday, 3 June 2024. Early bird registrations are now open and can be accessed from the following link: <u>https://www.ipweansw.org/events/2024-local-roads-congress---planning-for-the-future-03-06-2024</u>. We look forward to seeing you at the Congress.

Yours sincerely,

Vent

Joshua Devitt Chief Engineer IPWEA Roads and Transport Directorate

SELLA

David Elliott Chief Executive Officer IPWEA NSW & ACT

IPWEA Level 12, 447 Kent Street, Sydney NSW 2000 •ABN 35 093 562 602 •RTO 90174 Tel 02 8267 3001 • Email: nsw@ipweansw.org •Website: www.ipweansw.org

#### 9.3.2 KORALEIGH RAW WATER NETWORK - CUSTOMER CREDIT APPROVAL REQUEST

#### File Number:

Author:John Owen, Project CoordinatorAuthoriser:Jack Bond, Director Infrastructure

#### RECOMMENDATION

That Council approve the recommendation to provide customers with a \$500 Credit on their Koraleigh Water Accounts due to the installation of the raw water network and changes that customers need to make internally past the meter.

#### BACKGROUND

The Koraleigh township is located in the western portion of the Murray River Council area and is currently supplied with water from the River Murray via a private irrigation scheme (Bungunyah Koraleigh Irrigation Trust) directed to the Water Treatment Plant before being distributed into the pipe network. Currently all water is treated and is distributed to households and for garden use.

The new Raw Water Pipeline has been connected from the current irrigation pipeline and into its own system that will run throughout the current urban network. It will provide a direct supply to gardens etc, and hence allowing less water to be treated saving on Water Treatment costs. Due to the irrigation schemes network arrangement, it was a cheap network to create as no pumps or reservoirs were required.

In the initial discussion of the project, community raised concerns with needing changes to their internal plumbing to make the change. Most notable the filtered water meter is in the rear lane and the raw water meter is in the front yard. The raw water network was put in the front yard to allow better access for fire trucks to protect the town as the old hydrants were on the filtered network in the back of lanes that were hard to access with large fire trucks.

In the initial discussions surrounding the project, a \$500 Credit to each household was considered to be a significant encouragement to customers to embrace the new scheme. As the pipeline would provide significant savings to Council, the credit to suitably connect promptly was considered reasonable.

#### DISCUSSION

The Koraleigh Water Trust domestic use volumes was limited during the hotter months under the plant's current operation capabilities as the plant provided for treated water to be used for gardens, car washing and all other duties, therefore increasing costs where they weren't really required.

The new raw water pipeline caters for garden use and allows the plant to remain functional for all domestic use, therefore reducing the volume of water having to be treated and improving the reliability for domestic use throughout the hotter summer months. Due to the significant costs of increasing the size of the plant, the option of bypassing it with a raw water pipeline is considered more viable and is proving beneficial for all parties.

The benefits of the scheme have been noticed with a significant reduction in volumes of water having to be treated, therefore resulting in MRC not having to provide an upgrade to the multi million dollar plant. Any upgrades to the plant are a significant cost relative to the number of customers it supplies in the remote rural area. MRC staff have also saved time by not having to provide water via trucks during the hotter summer months. The capacity of the plant has been running at approximately 40% of where it has prior to the works being done.

The community were advised of the new system through public consultation, media releases and social media. The new raw water pipeline provides an increase in pressure to 450KPa for use on gardens and surrounds and each customer has a new meter at their property boundary where separate charges will be applied accordingly. It will see a reduction in supply costs as raw water is at a lower rate to that of treated water.

#### STRATEGIC IMPLICATIONS

1. Strategic Theme 1: A Place of Environmental Sensitivity

1.1 - Facilitate circular economy - Designing and promoting products that last and that can be reused, reparied and remanufactured.

#### **BUDGETARY IMPLICATIONS**

The Koraleigh project initially had funds provided during the 2022 financial year, but works weren't completed until late in 2023. The works were initially delayed in late 2022 following the floods, and again until later in 2023 to avoid the wetter winter months.

The total project costs to date are \$220,000, consisting of the design, \$22,990, purchase of materials \$31,867.52 and installation of the pipeline being \$167,468.24.

The request for provision of \$500 Credit for each of the 27 properties totalling \$13,500 is considered a positive impact for the project and as there was initial negativity towards the pipeline, providing a credit to customers enhancing to is a very low risk for Council.

As there have been such significant savings (financial & time), the benefits outweigh the negativity observed during the initial stages of the project.

#### POLICY IMPLICATIONS

Nil.

#### LEGISLATIVE IMPLICATIONS

#### **RISK ANALYSIS**

- What can happen?
- Council can reject the approval request to provide \$500 Credit to householders Water Accounts.
- How can it happen?
- The Credit could be considered not necessary, and this process may not have been carried out before.
- What are the consequences of the event happening?
- Council have advised householders of the provision of the "Credit" to their Water Accounts, therefore it would create a negativity towards the project and Council staff if the request was rejected.
- What is the likelihood of the event happening?
- The reason for the Credit is considered satisfactory, therefore consider a rejection of the request to be a low risk.
- Adequacy of existing controls?

- A number of discussions had taken place surrounding the decision to inform customers of the possibility they will receive a \$500 Credit to their Water Accounts.
- Treatment options to mitigate the risk?
- Continue discussions confirming the positivity of the project regarding the savings already being realised by Council.

#### CONCLUSION

The project was completed satisfactorily and the benefits are already being realised by Council, by way of reduced treatment costs, energy, saving on future plant upgrades, and reduced staff commitments by eliminating having to provide water to the township via trucks etc during the hotter months.

It is therefore considered a reasonable request to provide the Credit to the customer's accounts as it was a significant part of the initial discussions surrounding the project.

#### ATTACHMENTS

Nil

#### 9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

#### 9.4.1 DA 10.2023.210.1 - INFORMATON & EDUCATION FACILITY & CAFE - REQUEST TO WAIVE SECTIN 7.11 AND SECTION 64 DEVELOPMENT CONTRIBUTIONS

File Number:

Author: Jessica McFarlane, Manager Building Services

Authoriser: Rod Croft, Director Planning & Environment

#### RECOMMENDATION

- That Council notes and approves **one** of the following 4 (four) options in relation to applying a discounted rate (or not) to DA 10.2023.210.1 (Section 7.11 and section 64 Development contributions):
- 1. To apply the total Development Contributions amount of \$114,243.97 as calculated under the Development Contributions Plan 2011.
- 2. To apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98.
- 3. To apply a 50% discount to the total Development Contribution fees, bringing the total fees payable to \$57,121.98.
- 4. To waive the total Development Contribution fees being \$114,243.97 as calculated under the Development Contributions Plan 2011, resulting in no fees payable to Council.

<b>DEVELOPMENT APPLICATION:</b>	10.2023.210.1
FOR:	Information & Education Facility & Cafe
Address:	74 Meninya Street, MOAMA Lot 4 DP 1168208
OWNER:	Bridge Arts Project Incorporated
APPLICANT:	Ged Brandrick

#### BACKGROUND

In November 2022 the Development Application for the Bridge Arts Facility was approved by the Regional Planning Panel. The Bridge Arts Project is a not for profit, NSW government funded project. The buildings consists of a first storey carparking area and a first floor area predominantly consisting of a gallery and gallery foyers, a deck, offices, community room and a café area. The gallery will house a permanent collection and will exhibit visiting shows from across a broad spectrum of the arts, providing either a free or a paid experience. The gallery building will include a large community art space, as well as a café and gallery shop.

This consent included a condition for the payment of contributions as outlined below. On 31<sup>st</sup> January 2024, Council received in writing a letter from Lynne Gillard, Secretary of the Bridge Art Project Inc (Attachment 1), respectfully requesting that Council consider waiving the total fees as outlined in the condition. Lynne also refers to a Long Service Levy Charge payable at the Construction Certificate stage, however this is a state charged Levy and is not able to be waived.

#### DISCUSSION

#### 1. Section 7.11 and Section 64 charges

The payment of Section 7.11 Development Contributions and Section 64 sewerage and water headworks charges are applicable and must be paid to Council prior to the release of the Construction Certificate. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges at the time the Development Application is determined. See below: **Categorising development into separate uses as per the Murray Shire Council Development Contributions Plan 2011 and 'The Guide'** 

- The below table separates the floor plan into different uses and applies trip generation accordingly.
- The highlighted columns include a number between "Factories Covered by Light Industry and Office/Commercial. 10.5VPD is halfway between the two categories.

No	Space Name	GFA(m2)	Contributions	VPD/unit	VPD
2	AirLock	8.8	Office	16	1.408
3	Foyer/Display	44.9	Office	16	7.184
4	Community	62	Hybrid	10.5	6.51
5	Store	5.1	Hybrid	10.5	0.5355
6	Airlock	2.2	Hybrid	10.5	0.231
7	S/B	1.4	Hybrid	10.5	0.147
8	W/C	1.9	Hybrid	10.5	0.1995
9	W/C	1.9	Café	60	1.14
10	Airlock	2.8	Café	60	1.68
11	Store	6.9	Café	60	4.14
12	Kitchen/Store	25	Café	60	15
13	Cafe	10.1	Café	60	6.06
14	Cafe - Sitting Area	23.6	Café	60	14.16
15	Store	2.2	Market (see 15)		
16	Gift	11.4	Market (1 stall)		18
17	Reception and Display	91.6	Hybrid	10.5	9.618
18	Passage	51.5	Hybrid	10.5	5.4075
19	Gallery Foyer	68.1	Hybrid	10.5	7.1505
20	Gallery 1	178.1	Hybrid	10.5	18.7005

21	Gallery 2	63.3	Hybrid	10.5	6.6465
22	Workshop	46.9	Light Industry	5	2.345
23	Air Lock	2.3	Light Industry	5	0.115
24	Unload	35.8	Light Industry	5	1.79
25	Unload Mezzanine	28.6	Light Industry	5	1.43
26	Staff	14.5	Office	16	2.32
27	Volunteer	13.4	Office	16	2.144
28	Dir. Office	10.3	Office	16	1.648
29	Acc'Toilet	5.6	Hybrid	10.5	0.588
30	Air Lock	4.3	Hybrid	10.5	0.4515
31	Mens	12.1	Hybrid	10.5	1.2705
32	Womens	21.4	Hybrid	10.5	2.247
33	CI	3.3	Hybrid	10.5	0.3465
34	Deck	126.5	Hybrid	10.5	13.2825
	Fire Retreat/				
35	Community	68.3	Hybrid	10.5	7.1715
	Total	1056 sq m		Total	161.0675
				ET	24.779615

Contribution \$53,523.97

## **Section 64 Contributions**

Use area for offices and restaurant/café from Section 64 Contributions Plan \_ (Table 2: Standard ET Figures - Commercial User Categories) \_

0.01ET/m2\*1056m2 = 10.56ET for Sewer and Water

**Section 64 Servicing Charges** 

	CONTRIBUTION RATE (% OF ET)	CONTRIBUTION AMOUNT (23/24 rates)		
DEVELOPMENT	1 additional lot = 1 ET	SEWER	RAW WATER	FILTERED WATER
	Fee/ET for Moama	\$1,700.00	\$400.00	\$3,650.00
Office/Commerical and Restaurant/Café (1056/m2	Water ET = 0.01*1056 = 10.56ET Sewer ET = 0.01*1056 = 10.56ET	\$17,952.00	\$4,224.00	\$38,544.00
Total =	\$60,720.00		•	

## **Total Contributions:**

#### \$53,523.97 + \$60,720 = <mark>\$114,243.97</mark>

Please see Fee Invoice 1561 for more information, and please contact Council's Administration for payment.

It is noted Council staff do not have delegation to vary Council's adopted Contributions Policy and any variations are required to be approved by Council. The Applicant may request a review of determination under Section 8.3 of the Environmental Planning and Assessment Act 1979 within 6 months of the date of this notice. A fee is payable to Council.

The subject Section 7.11 Development Contributions are imposed under the former Murray Shire Council Section 94 Development Contributions Plan 2011, of which is available for inspection at Murray River Council's Moama office, 52 Perricoota Road, Moama NSW 2731, or on Council's website at <u>www.murrayriver.nsw.gov.au</u>.

#### Reason: To comply with Council's Development Contribution policies.

#### Murray Section 94 Development Contributions Plan 2011

Council previously created a Section 94 (Section 7.11) Development Contributions Plan 2011 under the former Section 94 (now known as Section 7.11) of the *Environmental Planning and Environment Act* 1979.

The applicant has proposed to remove in its entirety the requirement to pay Section 7.11 Road Upgrade Development Contributions and Section 64 Contributions. The reasons for this request is outlined in the Applicants submitted letter (Attached).

It is noted Section 2.11 of Council's adopted Plan outlines the following:

#### 2.11 Exemptions

There are no exemptions to this plan except where a Ministerial Direction has been issued directing such exemption. Applicants are to verify with Council whether exemptions are provided under these Directions.

Council will not consider exempting other developments, or components of developments from the requirement of paying a contribution except where in exceptional circumstances the development is being carried out by Council, a community or 'not for profit' organisation for the benefit of Council or the community for no commercial gain. A planning agreement may be negotiated in lieu of payment on contributions at the discretion of Council.

#### STRATEGIC IMPLICATIONS

4 - Strategic Theme 4: Economic Growth

4.1 - Encourage and support economic development across a range of sectors

4.1.2 - Support the local business sector to grow, adapt and respond to new opportunities

#### BUDGETARY IMPLICATIONS

The waiving of any Development Contribution fees will require Council to contribute, from public funds, to the road upgrades and infrastructure in the area in the future in lieu of this contribution.

#### POLICY IMPLICATIONS

Murray Section 7.11 Development Contribution Plan 2011.

This Policy is required to be updated to reflect current trip generation calculation data. A wider review of the Policy is required due to its age (last adopted in 2011).

#### LEGISLATIVE IMPLICATIONS

Environmental Planning & Assessment Act 1979.

#### **RISK ANALYSIS**

#### • What can happen?

Council's Budget may be adversely affected by waiving of required Development Contributions.

- How can it happen?
- If Council approves the complete waiver of required Development Contributions.
- What are the consequences of the event happening?

The ongoing maintenance of Council's Road infrastructure would be required to be funded by other means instead of the developer generating additional demand on Council's infrastructure.

#### What is the likelihood of the event happening?

High if the contributions are waived.

#### • Adequacy of existing controls?

The proposed reduction in Development Contributions is a suitable and fair outcome for Council, the community and the developer.

#### • Treatment options to mitigate the risk?

Council approve the reduced Contribution amount as outlined in the Recommendation.

#### CONCLUSION

As outlined above the Applicant has requested a Review of Determination for Council to waive the required Section 7.11 and Section 64 Development Contributions applicable to the subject development. Given that the development is considered to have some social value in the community, Council can choose one of the options in providing a discount (or the entirety) if they wish.

#### ATTACHMENTS

## 1. Bridge Arts Request Letter - Waive Fees 🗓 🛣

# The Bridge Art Project Incorporated

31 January 2024

The Bridge Art Project

Mr Terry Dodds CEO, Murray River Council.

Dear Mr Dodds

Re Development Application for the Bridge Art Project gallery at 74 Meninya St Moama -Proposed Section 7.11 and Section 64 Council charges – Exemption requested

The Bridge Art Project was very pleased to receive advice that our Development Application was approved by the Regional Planning Panel on 22 November. We thank Council for its support in achieving this outcome.

As you know, the Bridge Art Project Inc is a not-for-profit, community-based charity, seeking to create a community facility. The conditions applied in the DA include a breakdown of contributions calculated towards Section 7.11 and Section 64 charges as for Developers.

We seek the support of Council for an exemption as per the clause detailed below.

#### MURRAY SHIRE COUNCIL December 2011 594 Development Contributions Plan 2011 2.11 Exemptions

There are no exemptions to this plan except where a Ministerial Direction has been issued directing such exemption. Applicants are to verify with Council whether exemptions are provided under these Directions. Council will not consider exempting other developments, or components of developments from the requirement of paying a contribution except where in exceptional circumstances the development is being carried out by Council, a community or 'not for profit' organisation for the benefit of Council or the community for no commercial gain. A planning agreement may be negotiated in lieu of payment on contributions at the discretion of Council.

The gallery is not a commercial venture. It will be run entirely for the benefit of the community as a **non-profit** community cultural hub. The operation of the café will help to fund the operation of the gallery and any surplus above expenses will be directed into improvements in the gallery.

With \$4.95m coming from the NSW government and a further amount sought from the Federal Government, we expect the new gallery to be a beacon for the Meninya Street redevelopment. It will promote the arts, tourism and employment ~ injecting more than \$5m annually into the local economy as detailed in the Business and Economic Analysis undertaken by Michael Connell and Associates in December 2023.

This is an endeavour for which we would appreciate Council's active support.

The Committee therefore respectfully requests that Council considers our request for exemption from the proposed costs calculated under the "Development Contributions Plan 2011" and "The Guide" applied amounting to **\$114,243.97** in fees. (Details provided below). The Conditions also state that a Long Service Leave fee will be charged, but the amount is unspecified.

These would be a very large impost on a small community group working for the benefit of the community.

Yours sincerely

Secretary Bridge Art Project Inc

Charges as detailed in Development Application Conditions

Section 7.11 and Section 64 charges

The payment of Section 7.11 Development Contributions and Section 64 sewerage and water headworks charges are applicable and must be paid to Council prior to the release of the Construction Certificate. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges at the time the Development Application is determined. See below:

# Categorising development into separate uses as per the Murray Shire Council Development Contributions Plan 2011 and 'The Guide'

□. The below table separates the floor plan into different uses and applies trip generation accordingly.

□. The highlighted columns include a number between "Factories Covered by Light Industry and Office/Commercial. 10.5VPD is halfway between the two categories. □.

No	Space Name	GFA(m2)	Contributions	VPD/unit	VPD
2	AirLock	8.8	Office	16	1.408
3	Foyer/Display	44.9	Office	16	7.184
4	Community	62	Hybrid	10.5	6.51
5	Store	5.1	Hybrid	10.5	0.5355
6	Airlock	2,2	Hybrid	10.5	0.231
7	S/B	1.4	Hybrid	10.5	0.147
8	w/c	1.9	Hybrid	10.5	0.1995
9	w/c	1.9	Café	60	1.14
10	Airlock	2.8	Café	60	1.68
11	Store	6.9	Café	60	4.14
12	Kitchen/Store	25	Café	60	15
13	Cafe	10.1	Café	60	6.06
14	Cafe - Sitting Area	23.6	Café	60	14.16
15	Store	2.2	Market (see 15)		
16	Gift	11.4	Market (1 stall)		18
17	Reception and Display	91.6	Hybrid	10.5	9.618
18	Passage	51.5	Hybrid	10.5	5.4075

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19	Gallery For	yer	68.1	Hybrid	10.5		7.1505
20	Gallery 1		178.1	Hybrid	10.5		18.7005
21	Gallery 2		63.3	Hybrid	10.5		6.6465
22	Workshop		46.9	Light Industry	5		2.345
23	Air Lock		2.3	Light Industry	5		0.115
24	Unioad		35.8	Light Industry	5		1.79
25	Unload Mezzanine	2	28.6	Light Industry	5		1.43
26	Staff		14.5	Office	16		2.32
27	Volunteer		13.4	Office	16		2.144
28	Dir. Office		10.3	Office	16		1.648
29	Acc'Toilet	11 1942-18	5.6	Hybrid	10.5		0.588
30	Air Lock		4.3	Hybrid	10.5		0.4515
31	Mens		12.1	Hybrid	10.5		1.2705
32	Womens		21.4	Hybrid	10.5		2.247
33	CI		3.3	Hybrid	10.5		0.3465
34	Deck		126.5	Hybrid	10.5		13.2825
35	Fire Retre	ne 1880	68.3	Hybrid	10.5		7.1715
Total	Total 1056 sq n		sq m	Total	Total 161.0675		75
ET	ET		24.779615				
Contribu	ution			\$53,523.97	\$53,523.97		

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Section 64 Contributions

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Use area for offices and restaurant/café from Section 64 Contributions Plan -(*Table 2: Standard ET Figures - Commercial User Categories*) 0.01ET/m2\*1056m2 = 10.56ET for Sewer and Water

-

	CONTRIBUTION RATE (% OF ET)	CONTRIBUTION AMOUNT (23/24 rates)			
DEVELOPMENT	1 additional lot = 1 ET	SEWER RAW WATER		FILTERED WATER	
	Fee/ET for Moama	\$1,700.00	\$400.00	\$3,650.00	
Office/Commerical and Restaurant/Café (1056/m2	Water ET = 0.01*1056 = 10.56ET Sewer ET = 0.01*1056 = 10.56ET	\$17,952.00	\$4,224.00	\$38,544.00	
Total =	1 - X L N D D D D D D D				

**Total Contributions:** \$53,523.97 + \$60,720 = 21,201 10,207 Page 39

#### 9.4.2 DA 10.2023.300.1 - NEW DWELLING AND GARAGE - REQUEST TO WAIVE SECTION 7.12 LEVY DEVELOPMENT CONTRIBUTIONS

#### File Number:

Author: Jessica McFarlane, Manager Building Services

Authoriser: Rod Croft, Director Planning & Environment

#### RECOMMENDATION

- 1. That Council notes the officers report.
- 2. That Council waives the total amount of Section 7.12 Levy fees being \$8,777.36 as calculated under the Development Contributions Plan 2011, resulting in no Section 7.12 fees payable to Council.

DEVELOPMENT APPLICATION:	10.2023.300.1
FOR:	New Dwelling & Garage
Address:	Cotswold Park, Cobb Highway, MATHOURA Lot 12 DP 12412
OWNER:	Stuart & Lisa Smith
APPLICANT:	Michael Hone

#### BACKGROUND

In December 2023 this Development Application for a New Dwelling & Garage located at Costwold Park was approved by staff under delegation. The construction of the dwelling is the result of a fire that destroyed an existing dwelling at the property. All services including access and water are existing at the property which previously serviced the dwelling that was destroyed by fire.

Section 7.12 contributions are an alternative to Section 7.11 contributions and are charged based on a percentage of the estimated cost of development. Also referred to as **developer contributions**, these are fees imposed by councils when new development occurs. They play a crucial role in funding essential infrastructure such as parks, community facilities, local roads, footpaths, stormwater drainage, and traffic management.

This consent included a condition for the payment of contributions as outlined below.

In February 2024, Council received a letter from Mark Hartley the proposed builder of the new dwelling (Attachment 1), requesting that Council consider waiving the total fees as outlined in the condition below. The basis of the request is that the dwelling is a replacement dwelling and no new services, infrastructure or additional impacts are imposed as a result of the development.

#### DISCUSSION

#### 1. Section 7.12 charges

Condition 5 of Development Consent 10.2023.300.1 states the following condition:

#### Section 7.12 Levy Development Contributions

The payment of Section 7.12 Levy Development Contributions in accordance with Council's policy must be made to Council prior to the issue of a Construction Certificate. Section 7.12 charges are 1% of the cost of

the development which equates to **\$8,777.36.00.** Please see **Fee Invoice** for more information, and please contact Council's Administration for payment.

It is noted Council staff do not have delegation to vary Council's adopted Contributions Policy and any variations are required to be approved by Council. The Applicant may request a review of determination under Section 8.3 of the *Environmental Planning and Assessment Act* 1979 within 6 months of the date of this notice. A fee is payable to Council.

The subject Section 7.12 Levy Development Contributions are imposed under the former Murray Shire Council Section 94A Levy Development Contributions Plan 2011, of which is available for inspection at Murray River Council's office, 52 Perricoota Road, Moama NSW 2731, and on Council's website at www.murrayriver.nsw.gov.au.

#### Murray Section 94 Development Contributions Plan 2011

Council previously created a Section 94 and 94A (now known as Section 64 Contributions under section 7.11 and section 7.12) Development Contributions Plan 2011 under the former Section 94 of the *Environmental Planning and Environment Act* 1979.

The applicant has proposed to remove in its entirety the requirement to pay Section 7.12 Development Contributions. The reasons for this request is outlined in the background of this report.

It is noted Section 2.11 of Council's adopted Plan outlines the following:

#### 2.11 Exemptions

There are no exemptions to this plan except where a Ministerial Direction has been issued directing such exemption. Applicants are to verify with Council whether exemptions are provided under these Directions.

Council will not consider exempting other developments, or components of developments from the requirement of paying a contribution except where in exceptional circumstances the development is being carried out by Council, a community or 'not for profit' organisation for the benefit of Council or the community for no commercial gain. A planning agreement may be negotiated in lieu of payment on contributions at the discretion of Council.

#### STRATEGIC IMPLICATIONS

- 4 Strategic Theme 4: Economic Growth
- 4.1 Encourage and support economic development across a range of sectors
- 4.1.2 Support the local business sector to grow, adapt and respond to new opportunities

#### BUDGETARY IMPLICATIONS

The waiving of any Development Contribution fees will require Council to contribute, from public funds to the road upgrades and infrastructure in the area in the future in lieu of this contribution. I this case, as this is the replacement of an existing dwelling on an established property with no additional service requirements, it is not considered that Council will need to bear any costs as a result of this waiver.

#### POLICY IMPLICATIONS

Murray Section 7.11 Development Contribution Plan 2011.

This Policy is required to be updated to reflect current trip generation calculation data. A wider review of the Policy is required due to its age (last adopted in 2011).

## LEGISLATIVE IMPLICATIONS

Environmental Planning & Assessment Act 1979.

#### **RISK ANALYSIS**

• What can happen?

Council's Budget will not be adversely affected by the waiving of Development Contributions in this circumstance.

- How can it happen?
- N/A

#### • What are the consequences of the event happening?

There are not considered to be any consequences as a result of waiving the fees in this circumstance.

• What is the likelihood of the event happening?

Low.

#### • Adequacy of existing controls?

The proposed reduction in Development Contributions is a suitable and fair outcome for Council, the community and the developer.

#### • Treatment options to mitigate the risk?

Council approve the reduced Contribution amount as outlined in the Recommendation.

#### CONCLUSION

As outlined above the Applicant has requested a Review of Determination for Council to waive the required Section 7.12 Development Contributions applicable to the subject development. It is considered appropriate to waive the Development Contributions in this instance as it will result in no negative financial impact to Council.

#### ATTACHMENTS

1. Fee Waiver Request - Mark Hartley 🗓 🛣



Murray River Council PO Box 906 Moama NSW 2731

Subject: Waiving of Contributions Fees Request for 3187 Cobb Highway Mathoura. DA 10.2023.300.1 - Section 7.12 Levy Development Contributions Invoice

Attention: Planning Department.

I am writing to request the waiving of contributions fees associated with the property at 3187 Cobb Highway Mathoura DA 10.2023.300.1.

The dwelling being constructed at this address is intended to replace one that previously existed and was destroyed by fire. We believe that, given these circumstances, the fees should not apply to the new dwelling.

We would like to provide justifications for the request, which are as follows:

- 1. The proposed construction is not leading to an increase in demand for council infrastructure, as it is replacing what previously existed.
- 2. The property has historically made contributions and maintaining the fees for this particular development would not align with the intended purpose of the contributions.

We kindly request your consideration of this matter. If there are further documents or information required to support this request, we are happy to provide them.

Thank you for your attention to this request.

Sincerely,

Mark Hartley Hartley Building Co

Lockwood Willows Pty Ltd ACN 006 621 718 ABN 50 006 621 718 T/As Hartley Building Co

PO Box 347 Moama NSW 2731 Phone (03) 5480 9699 Fax (03) 5480 0299 Mobile 0418 321 693 Email: admin@hartleybuildingco.com.au

#### 9.4.3 DA 10.2024.45.1 - INCREASE ALMOND PROCESSING FACIITY FROM 30,000 TONNES TO 140,000 TONNES OF FIELD WEIGHT ANUALLY INCUDING THE INSTALLATION OF ADDITIONAL PLANT AND EQUIPMENT, EXTENTION TO HARVEST OPERATING TIMES AND INCREASED STAFFING AT THE SITE. REQUEST TO WAIVE SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

File Number:

# Author: Jessica McFarlane, Manager Building Services

Authoriser: Rod Croft, Director Planning & Environment

## RECOMMENDATION

That Council notes and resolves in principle to choose **one** of the following 4 (four) options subject to the formal outcome of the Regional Planning Panel:

- 1. To apply the full Development Contribution amount of \$439,492.00 in Section 64 fees as calculated under the Development Contributions Plan 2011.
- 2. To apply a 25% discount to the Section 64 Contribution fees, bringing the total fees payable to \$329,619.00.
- 3. To apply a 50% discount to the Section 64 Contribution Fees, bringing the total fees payable to \$219,746.00
- 4. To waive the total amount of Section 64 fees being \$439,492.00 as calculated under the Development Contributions Plan 2011, resulting in NO Section 64 fees payable to Council.

It should be noted that this recommendation is made in principle and is subject to the final assessment outcomes of the development application and ultimately approval of the Regional Planning panel.

DEVELOPMENT APPLICATION:	10.2024.45.1
FOR:	Increase Almond Processing Facility from 30,000t to 140,000t of field weight annually including the installation of additional plant and equipment, extension to harvest operating times and increased staffing at the site.
Address:	580 Swan Hill Rod, Murray Downs Lot 3 DP 238154
OWNER:	Murray Downs Processing Pty Ltd
APPLICANT:	Clare Fitzpatrick

## BACKGROUND

The Murray Downs Hulling and Shelling Facility was approved as a Local Development by the Murray River Council on the 28th March 2023 under the Original DA 10.2022.348.1. This assessment granted approval for the construction of the entire site foundations (all earthworks), buildings within the facility and its use as a Rural Industry with an annual throughput of up to 30,000 tonnes of almonds. This site as approved is currently under construction with the aim to be operational for the 2024 almond harvest early in the year.

The existing operation as approved, will meet the predicted current yields from the organisation's orchards, however future annual yields as orchards reach maturity will be in excess of the approved throughput volume of 30,000 tonnes.

The application would seek an approval for an annual volume of up to 140,000 tonnes which will require additional processing plant and equipment to be installed within the existing facility. This facility, together with the business's greater almond operation, is the representation of the operations expanding almond production business since its establishment in 2016.

Council is now in receipt of a new DA for the second stage of this development, with the application to be reviewed and determined by the Regional Planning Panel, due to the scale and value of the development.

Under the original Development Application and as part of its approval, Section 64 Development Contributions under Section 7.12 were paid to the value of \$279,948.43, which was calculated on approximately 1% of the total development cost and the maximum rate that could be applied. Using the same maximum percentage payable of 1%, this application would see a further levy payable of \$439,492 using the total Capital Investment Value of this application.

#### DISCUSSION

#### 1. Section 7.12 and Section 64 charges

#### Murray Section 94 Development Contributions Plan 2011

Council previously created a Section 94 (Section 7.11) Development Contributions Plan 2011 under the former Section 94 (now known as Section 7.11) of the *Environmental Planning and Environment Act* 1979.

The applicant has proposed to remove in its entirety the requirement to pay Section 7.12Development Contributions. The reason for this request is outlined in the Applicants submitted letter (Attached), however, a summary and extract from the author's letter is attached here:

As Council is aware, the Section 7.12 levy contribution plan considers areas of service that may be impacted due to the increase in use of a facility and the number of users before and after. Contributions paid as part of this levy are utilised to cater for the increased cost to the community through the provision of services and amenities.

The areas which are identified in the Wakool Shire Council Contribution Plan, which the project site is located within, include:

- □ Open Space and Parks and Gardens,
- Road Works,
- □ Barham CBD car parking,
- Community Facilities,
- Stormwater Drainage,
- □ Flood Levees, Moulamein and Barham.

The development is located in a rural zoned area, (not connected to Barham or Moulamein), will not be connected to council drainage and is not considered to be in a flood prone area, as such the area of potential impact considered with relation to the contribution plan is Road Works.

The application assessment submitted for the establishment of the facility identified that the key area of potential impact was related to rural roads through traffic generation and connection with the site. At the time of assessment for DA10.2022.348.1, a Traffic Impact Assessment was undertaken, and report prepared by TrafficWorks Pty Ltd.

This report considered both the establishment of the existing approved facility and the future capacity relating to this application and made recommendations for proposed road treatment requirements. As part of the conditions of approval for DA10.2022.348.1 council conditioned the adoption of all recommendations of the assessment, which included sufficient upgraded access to the site and the required turning treatments for the maximum associated traffic generation (up to 140,000t).

The current facility construction has now completed the required works to the access of the site with works completed in December 2023.

This application, relating to the expansion of the site, is not considered to have further significant impact on the supplying road network due to the adoption of all recommendations of the Traffic Impact Assessment and noting that the traffic impacts to Council's roads have the potential to be reduced through the interception of current harvested almonds into this facility as opposed to being delivered through to Hanwood from Victoria or Victoria from the New South Wales orchards.

This site does not add impact to the Council's infrastructure for sewerage, stormwater or current water supply.

It should be noted by Council that this request is made in anticipation of the Contributions to be applied to this development under a standard development assessment by Council, in lieu of under a request of a Review of a Determination. The application remains under assessment by Council at the time of writing this report and the final outcomes of that assessment along with any resolution will be given to the Regional Planning Panel for consideration. The resolution by Council as a result of this report will determine in principle the outcome of any contributions to be paid and this will be demonstrated and applied to the development consent and conditions accordingly to be forwarded to the Regional Planning Panel for final consideration.

At this stage, it is not known when the application will be determined.

Section 2.11 of Council's adopted Plan outlines the following:

#### 2.11 Exemptions

There are no exemptions to this plan except where a Ministerial Direction has been issued directing such exemption. Applicants are to verify with Council whether exemptions are provided under these Directions.

Council will not consider exempting other developments, or components of developments from the requirement of paying a contribution except where in exceptional circumstances the development is being carried out by Council, a community or 'not for profit' organisation for the benefit of Council or the community for no commercial gain. A planning agreement may be negotiated in lieu of payment on contributions at the discretion of Council.

#### STRATEGIC IMPLICATIONS

4 - Strategic Theme 4: Economic Growth

- 4.1 Encourage and support economic development across a range of sectors
- 4.1.2 Support the local business sector to grow, adapt and respond to new opportunities

#### **BUDGETARY IMPLICATIONS**

The waiving of any Development Contribution fees will require Council to contribute, from public funds, to the road upgrades and infrastructure in the area in the future in lieu of this contribution and where any upgrades and infrastructure are required.

#### **POLICY IMPLICATIONS**

Murray Section 7.11 Development Contribution Plan 2011.

This Policy is required to be updated to reflect current trip generation calculation data. A wider review of the Policy is required due to its age (last adopted in 2011).

#### LEGISLATIVE IMPLICATIONS

Environmental Planning & Assessment Act 1979.

#### **RISK ANALYSIS**

#### • What can happen?

Council's Budget may be adversely affected by waiving of required Development Contributions.

#### • How can it happen?

• If Council approves the complete waiver of required Development Contributions. However, it is noted that due to the circumstances of this development, the risk to budget may be low.

#### • What are the consequences of the event happening?

The ongoing maintenance of Council's Road infrastructure would be required to be funded by other means instead of the developer generating additional demand on Council's infrastructure.

#### • What is the likelihood of the event happening?

Low-medium if the contributions are waived.

#### Adequacy of existing controls?

The proposed reduction in Development Contributions is a suitable and fair outcome for Council, the community, and the developer.

#### • Treatment options to mitigate the risk?

Council approve the reduced Contribution amount as outlined in the Recommendation.

#### CONCLUSION

As outlined above the Applicant has requested for Council to waive the required Section 7.12 Development Contributions applicable to the subject development under Development Application 10.2024.45.1, yet to be determined by the regional panel.

It is considered the requirement to pay Development Contributions under Section 7.12 can be reduced or waived, given the nature of the development proposes that almonds are processed through the facility rather than being transported in and out of the site, potentially reducing current traffic movements at the site. The facility is also posing minimal impact on Council infrastructure as it is not connected to sewerage, stormwater or water. Final assessment and outcomes of this proposal will be determined by the Regional Planning Panel (Expected to be held in April/May) and this may affect this outcome.

#### ATTACHMENTS

#### 1. Section 7.12 Fee Waiver Request - Clare Fitzpatrick 🗓 🛣

Progressive Rural Solutions PO Box 74 Deniliquin NSW 2710 0408 577 248 admin@prsltd.com.au

Murray River Council PO Box 906 MOAMA NSW 2710 C/O Planning Portal PAN280338

23<sup>rd</sup> December 2023

For the consideration by the Murray River Council,



#### RE: Murray Downs Processing Pty Ltd – Expansion of Almond Facility Swan Hill Rd Murray Downs Lot 3 DP238154

We write to request consideration of relief of the contribution fees payable on the application for expansion of existing Almond Facility at Murray Downs, NSW.

The existing facility was originally approved under Development application 10.2022.348.1 with consent provided on 28 March 2023. Contribution fees as part of the current approval were paid to the value of \$279,948.43 being approx. 1% of the development cost and the maximum rate able to be applied. Using the same maximum percentage payable of 1%, this application would see a further levy payable of \$439,492 using the total Capital Investment Value of this application.

As Council is aware, the Section 7.12 levy contribution plan considers areas of service that may be impacted due to the increase in use of a facility and the number of users before and after. Contributions paid as part of this levy are utilised to cater for the increased cost to the community through the provision of services and amenities. The areas which are identified in the Wakool Shire Council Contribution Plan, which the project site is located within, include:

- Open Space and Parks and Gardens,
- Road Works,
- Barham CBD car parking,
- Community Facilities,
- Stormwater Drainage,
- Flood Levees, Moulamein and Barham.

The development is located in a rural zoned area, (not connected to Barham or Moulamein), will not be connected to council drainage and is not considered to be in a flood prone area, as such the area of potential impact considered with relation to the contribution plan is Road Works.

The application assessment submitted for the establishment of the facility identified that the key area of potential impact was related to rural roads through traffic generation and connection with the site. At the time of assessment for DA10.2022.348.1, a Traffic Impact Assessment was undertaken, and report prepared by TrafficWorks Pty Ltd. This report considered both the establishment of the existing approved facility and the future capacity relating to this application and made recommendations for proposed road treatment requirements. As part of the conditions of approval for DA10.2022.348.1 council conditioned the adoption of all recommendations of the assessment, which included sufficient upgraded access to the site and the required turning treatments for the maximum associated

ACN: 634 646 825 ABN: 58 634 646 825 PO Box 74, Deniliquin, NSW 2710

t. 0408 577 248
 e. admin@prsltd.com.au

#### **Progressive Rural Solutions**

traffic generation (up to 140,000t). The current facility construction has now completed the required works to the access of the site with works completed in December 2023.

This application, relating to the expansion of the site, is not considered to have further significant impact on the supplying road network due to the adoption of all recommendations of the Traffic Impact Assessment and noting that the traffic impacts to Council's roads have the potential to be reduced through the interception of current harvested almonds into this facility as opposed to being delivered through to Hanwood from Victoria or Victoria from the New South Wales orchards. This site does not add impact to the Council's infrastructure for sewerage, stormwater or current water supply.

As the significant investment cost is generated as a result of the specialist nature of the plant and equipment, we are respectfully requesting that the Section 7.12 levy associated with the application is reviewed by Council considering the total amount of the previous levy paid and the negligible impact to the level of services provided to the area.

Should the Council have any questions with relation to this matter or request, please do not hesitate to contact myself and we would be happy to supply any further information for consideration.

Yours faithfully,

blane fitzratrick

Director Progressive Rural Solutions

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**Progressive Rural Solutions** 

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9.4.4 MURRAY LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R2 LOW DENSITY RESIDENTIAL AND E1 LOCAL CENTRE FOR LOTS 1-2 IN DP1283567, LOT 1 IN DP1231552 AND LOT 1-3 IN DP854487 LOCATED AT 420-508 PERRICOOTA ROAD, MOAMA NSW 2731.

File Number:	-
Author:	Jessica McFarlane, Manager Building Services
Authoriser:	Rod Croft, Director Planning & Environment
Applicant:	Habitat Planning Pty Ltd
Owner:	Perricoota Views Pty Ltd (Murrindaal Park)
Proposal:	The proposal seeks to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lot 1 in DP1283567 and Lots 1–3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m2. Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.
Location:	Lots 1-2 in DP1283567, Lot 1 DP1231552 and Lots 1–3 in DP854487 – 420- 508 Perricoota Road, Moama

### RECOMMENDATION

That:

- Council re-endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lot 1 in DP1283567 and Lots 1–3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m2. Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.
- 2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement.
- 3. Council staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
- 4. Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid objections are received via the public exhibition process, the outcomes of this recommendation are null, and void and a further report will come back to council for consideration.

#### BACKGROUND

Habitat Planning Pty Ltd have lodged a Planning Proposal on behalf of the landowner, Perricoota Views Pty Ltd (Murrindaal Park), over land formally described as Lots 1-2 in DP1283567, Lot 1 in DP1231352 and Lot 1–3 in DP854487. Addressed as 420-508 Perricoota Road, Moama NSW 2731 (the site). The proposal seeks to amend the *Murray Local Environmental Plan 2011* (LEP) to vary

the zoning of the site on Lot 1 in DP1283567 and Lots 1–3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m2. Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.

In support of the Planning Proposal, the following plans and documentations has been provided by the Applicants:

- Development Concept Plan prepared by Terrraco.
- Consistency with Riverina-Murray Regional Plan 2041 prepared by Habitat Planning.
- Consistency with State Environmental Planning Policies by Habitat Planning.
- Consistency with Section 9.1 Ministerial Directions by Habitat Planning.

# DISCUSSION

The Planning Proposal to change the current land zone and minimum size is to be reviewed against the following planning instruments applying to the site and development:

- Riverina Murray Regional Plan 2041
- Murray River Council Local Strategic Planning Statement 2020 2040
- Murray River Council Local Housing Strategy 2023-2041

The Planning Proposal was considered by Council at the December 2023 meeting and the recommendation was to forward the report to the NSW Department of Planning and Environment (DPE) for Gateway Determination. On 14 February 2024 Council received notice from the DPE that the proposal was granted conditional Gateway Determination and could proceed to public exhibition.

The proposal is on public exhibition until 3<sup>rd</sup> April 2024.

# Subject Site

# SITE CHARACTERISTICS

The site in this matter is comprised of four (4) allotments formally described as Lot 1 DP 1283567 and Lots 1, 2 & 3 in DP854487 and can be located at 420-508 Perricoota Road, Moama NSW 2731. Lot 1 DP 1283567 is 27.56 hectares in total area with principal road frontage to. While Lots 1-3 in DP854487 have a combined total land area of 13.80 hectares with principal road frontage to Perricoota Road. Whilst Lot 3 in DP854487 is accessed via an access handle off Perricoota Road. The topography of the sites is generally flat with minor changes in elevation observed across the site profile. **Figure 1** provides a view of the subject site.



Figure 1: Satellite Photograph Extract and Subject (Archister, 2023)

# Proposal

The proposal is to amend the *Murray Local Environmental Plan 2011* to vary the RU1 Primary Production Zone for Lot 1 in DP1283567 and Lots 1–3 in DP854487 to propose R2 Low Density Residential Zone.

Override the minimum lot size for Lots 1 in DP1283567 and Lots 1–3 in DP854487 from 100 hectares to a minimum lot size of 2,000m2.

To vary RU1 Primary Production Zone for Lot 1 in DP1283567 to propose an E1 Local Centre Zone to create a small scale destination retail/commercial area that complements the development and western side of Moama.

Remove minimum lot size requirements for the proposed E1 Local Centre Zone. Figures 7 and 5 provide an extract of the Applicant's proposed plans to illustrate the potential Land Rezoning and the Minimum Lot Size maps.

# STATUTORY ASSESSMENT PROCESS

To facilitate the implementation of the Planning Proposal to vary the LEP provisions to change the zoning of the site and to override the minimum lot requirements, an amendment is required to be made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979.* Additional legislative implications are not envisioned by the Planning Proposal.

# TOWN PLANNING ASSESSMENT

Nil (previously reported to Council)

# CONCLUSION

The Proposal aligns with existing strategic outcomes of the Murray Shire Strategic Land Use Plan, the Murray River Council Local Housing Strategy and in consistent with all overarching local and regional strategic plans, guidelines, and assessment criteria. On 14 February 2024 the proposal received a conditional Gateway Determination from DPE and proceeded to public exhibition. This report and its recommendations assume that no valid submissions may be received prior to the exhibition closing date of 3 April 2024. In the event a valid submission or objection is received during the exhibition period, the recommendation of this report will be null and void and a further report will be put to Council for consideration.

# ATTACHMENTS

Nil

## 9.4.5 PLANNING PROPOSAL TO CHANGE ZONING FROM R5 LARGE LOT TO RU5 VILLAGE AND VARY THE MIMIMUM LOT SIZE FROM 4,000M2 TO 450M2 AT LOT 611 DP 611 IN DP 806704, 6 CLIFTON STREET MATHOURA NSW 2710

File Number:	-
Author:	Jessica McFarlane, Manager Building Services
Authoriser:	Rod Croft, Director Planning & Environment

# RECOMMENDATION

That:

- 1. Council re-endorse the Planning Proposal prepared by Habitat Planning Pty to change zoning from R5 large lot to RU5 Village and vary the minimum lots size from 4000m2 to 450m2 for Lot 611 in DP806704 located at 6 Clifton Street, Mathoura NSW 2710.
- 2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorement.
- 3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
- 4. Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid objections are received via the public exhibition process, the outcomes of this recommendation are null and void and a further report will come back to council for consideration.

# BACKGROUND

Council is in receipt of a Planning Proposal prepared by Habitat Planning Pty Ltd on behalf of the landowners, over land formally described as Lot 611 in DP806704 located at 6 Clifton Street, Mathoura NSW 2710 (the site). The Planning Proposal seeks to vary the Murray Local Environmental Plan 2011 (LEP) provisions to change the zoning of the site on the Land Zoning Map from R5 Large Lot Residential to RU5 Village zone and to override the minimum lot size on the Lot Size Map from 4000m2 to 450m2. In support of the Planning Proposal, the Applicants have provided the following supporting documentation:

- Consistency with Riverina-Murray Regional Plan 2041 documentation;
- Consistency with State Environmental Planning Policies documentation; and
- Consistency with Section 9.1 Ministerial Directions documentation.

# SITE CHARACTERISTICS

The site in this matter is land formally described as Lot 611 in DP806704 and can be located at 6 Clifton Street, Mathoura NSW 2710. It is comprised of a single allotment, regular in shape and features a corner lot reconfiguration. In total, the site is 2.05 hectares with principal road frontage to

Clifton Street (105.49) and secondary road frontage to Cobb Highway (155.01m). Vegetation comprised of trees is dispersed in a random cluster along the primary and secondary road frontage whilst the majority of the site is clear of vegetation. Pursuant to the NSW Planning Portal Spatial Viewer, the existing vegetation on site is not mapped as containing biodiversity values. **Figure 1** and provides an aerial view of the subject site.



Figure 1: Aerial Photograph Extract and Subject

# PROPOSED DEVELOPMENT

The Planning Proposal seeks to amend the *Murray Local Environmental Plan 2011* to rezone the existing site addressed as 6 Clifton Street, Mathoura NSW 2710 from R5 Large Lot Residential to RU5 Village zone. Subsequently, the proposal also seeks to vary the Lot Size Map to override the minimum lot size applicable to the Site from 4000m<sup>2</sup> to 450m<sup>2</sup>.

# DISCUSSION

The Planning Proposal to change the current land zone and minimum size is to be reviewed against the following planning instruments applying to the site and development:

- Riverina Murray Regional Plan 2041
- Murray River Council Local Strategic Planning Statement 2020 2040
- Murray River Council Local Housing Strategy 2023-2041

The Planning Proposal is deemed to comply with Part 2 of the Murray River Council Local Housing Strategy.

The Planning Proposal was considered by Council at the November 2023 meeting and the recommendation was to forward the report to the NSW Department of Planning and Environment (DPE) for Gateway Determination. On 15 February 2024 Council received notice from the DPE that the proposal was granted conditional Gateway Determination and could proceed to public exhibition.

The proposal is on public exhibition until 3<sup>rd</sup> April 2024.

# 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

Council funding is not required to be allocated to deliver the outcomes of this proposal.

#### POLICY IMPLICATIONS

The Planning Proposal is not considered to trigger policy implications by virtue of the development proposed.

## LEGISLATIVE IMPLICATIONS

To facilitate the implementation of the Planning Proposal to vary the LEP provisions to change the zoning of the site and to override the minimum lot requirements, an amendment is required to be made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979.* Additional legislative implications are not envisioned for the Planning Proposal over the site.

## **RISK ANALYSIS**

#### What can happen?

- The release of additional residential land at a 450m<sup>2</sup> density within Mathoura is delayed.
- How can it happen?

Council does not resolve to support the Planning Proposal at this time.

- What are the consequences of the event happening?
- The proposed 450m<sup>2</sup> density in this area will be considered as part of the Murray River Council Housing Strategy based on existing strategic merit.
- What is the likelihood of the event happening?
- Low
- Adequacy of existing controls?

The Planning Proposal is considered the best means of achieving the Proposal as the current minimum lot size prohibits intensification to the proposed density.

#### • Treatment options to mitigate the risk?

Support the Planning Proposal and resolutions of this report.

## CONCLUSION

The Proposal aligns with existing strategic outcomes of the Murray River Council Local Housing Strategy and in consistent with all overarching local and regional strategic plans, guidelines, and assessment criteria. On 15 February 2024 the proposal received a conditional Gateway Determination from DPE and proceeded to public exhibition. This report and its recommendations assume that no valid submissions may be received prior to the exhibition closing date of 3 April 2024. In the event a valid submission or objection is received during the exhibition period, the recommendation of this report will be null and void and a further report will be put to Council for consideration.

# ATTACHMENTS

1. **Nil** 

# 9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS

# 9.5.1 2024 AUSTRALIA DAY REPORT

# File Number:

Author:	Melinda Barrett, Business Unit Support Officer - Eco Dev & Tourism
Authoriser:	Sarah Ryan, Director Community & Economic Development

# RECOMMENDATION

That Council:

- 1. receive and note the 2024 Australia Day post event report; and
- 2. approve publishing award winners prior to Australia Day 2025.

# BACKGROUND

Every year on Australia Day (26 January) events are held in communities across the Murray River Council area. Council supports six Australia Day events with financial support and through Councillor attendance. All events are run by community organisations.

In 2024 the committees were allocated funding to run their events based on the proposed expected expenditure advised to Council by each committee.

Location	Funding allocated	Attendance
Tooleybuc	\$1,150	100
Barham	\$1,100	200+
Mathoura	\$4,500	200
Moulamein	\$500	Not advised
Koraleigh	\$1,100	Not advised
Wakool	\$1,300	65

Council applied to the Australia Day Council of NSW for an Ambassador and were fortunate to be allocated Dr Cindy Pan, who attended the Mathoura event. Cindy engaged the crowd with stories of her Chinese heritage and family history and was very well received by the community.

# Mathoura



# Barham



# Koraleigh



# Moulamein



# Tooleybuc



# Wakool



# DISCUSSION

In 2023 Council changed its usual practice of announcing award winners in each category prior to Australia Day in an attempt to encourage all nominees to attend an event on the day. The award winners were then announced on 26 January 2023.

This approach did not have the desired outcome, therefore 2024 saw a return to the usual practice of announcing all winners prior to Australia Day. This gives award winners the opportunity to invite family and friends to attend award ceremonies by way of support and worked well this year.

From an administrative perspective, the liaison and management of awards is more efficient when winners are announced prior to Australia Day, therefore a return to usual practice will continue in the future.

# STRATEGIC IMPLICATIONS

4. Strategic Theme 4: A place of inclusion, culture & wellbeing

4.4 - Develop community led strategy with a focus on social connections / social fabric and a sense of belonging - Provide programs for targeted community demographics.

# **BUDGETARY IMPLICATIONS**

Each community event had Council funding allocated to the running of events. In 2024 Council was successful in its application for a Grant and received \$10,000 from the Australia Day Council which was used to allocate grants to each community group.

## POLICY IMPLICATIONS

Nil.

# LEGISLATIVE IMPLICATIONS

## **RISK ANALYSIS**

• What can happen?

N/A

- How can it happen?
   N/A
- What are the consequences of the event happening? N/A
- What is the likelihood of the event happening? N/A
- Adequacy of existing controls?
   N/A
- Treatment options to mitigate the risk?
   N/A

# CONCLUSION

Overall, feedback from Australia Day committees has been positive. A common thread was that it brings communities together and provides an opportunity for neighbours and friends to catch up with each other. New residents also get to meet and greet members of their community.

The Committees are very grateful to Council for funding their Australia Day events.

# ATTACHMENTS

Nil

# 9.5.2 DRAFT MURRAY RIVER COUNCIL ARTS AND CULTURE STRATEGY 2024-2034

#### File Number:

Author:Beck Hayward, Acting Manager Economic DevelopmentAuthoriser:Sarah Ryan, Director Community & Economic Development

# RECOMMENDATION

That Council:

1. Endorse the Draft *Murray River Council Arts and Culture Strategy 2024 - 2034* for public exhibition for a 28-day period, noting the results of the public exhibition will be presented back to Council to consider the draft strategy for final adoption.

or

2. Not endorse the Draft *Murray River Council Arts and Culture Strategy* 2024 – 2034 due to constraints on resources (staff and financial) in implementing the actions outlined in the draft.

## BACKGROUND

Development of the *Murray River Council Arts and Culture Strategy 2024 – 2034* (ACS) was a direct response to community feedback received during development of the Community Strategic Plan (CSP).

During the thorough community consultation process conducted for the development of this ACS, it became clear once more that the community wants Council to focus more on arts and culture, including heritage, history, and the environment.

More than 200 people and organisations contributed to the development of the ACS. The aim of this Plan is to ensure a thriving creative industry, connect our community, preserve our heritage and grow our economy.

This Plan sets out a strategic roadmap that builds upon our rich history, natural beauty, and the talents of our existing and emerging creative sector. It also supports delivery of the Murray River Council Community Strategic Plan 2022 - 2032.

Partnerships and collaboration are at the heart of achieving a thriving creative industry and community. Only by working across Council and with our diverse community and creative partners will we be able to achieve the aspirations set out in this Plan. The Plan is underpinned by four strategic pillars that we will focus on in the coming ten years:

- 1. Growth and Sustainability;
- 2. Industry;
- 3. Community Empowerment;
- 4. Heritage and Environment;

The process to develop this plan has been focussed on insights coming from the creative sector and the wider community. Our belief, purpose, strategic pillars, outcomes and actions have been informed through extensive research and consultation with the community.

The development process included pop ups, interviews and focus groups across the LGA and a community survey. We spoke with more than 200 community members, industry experts and Council

staff. From the background research and engagement undertaken across the community, five key issues and opportunities emerged that have informed our strategic pillars and actions.

A Murray River Council Public Art Policy is also currently under development.

## DISCUSSION

The ACS outlines Council's role in supporting arts and culture, alongside our partners, as well identifies emerging issues and opportunities. It shares our belief statement, purpose, and strategic objective, as well as an action plan. Our belief statement (below) serves as the highest statement of our strategic direction:

WE BELIEVE arts and culture make our community more connected, healthier, and economically stronger.

Our purpose (below) outlines the role Murray River Council plays in realising this belief and clearly details the direction for the ACS for the next ten years:

OUR PURPOSE is to realise this belief in our community through a holistic approach that involves all Council departments. We do this through enabling strategic partnerships and community initiatives to bring people together, improve our local economy, and create a thriving community.

The ACS sets out our strategic aim and four priority areas, each with specific actions, which have been crafted to be attainable within Council's existing financial limitations.

Once the final strategy is adopted, Council commits to investing in achieving the identified outcomes. This commitment will provide the community with reassurance that the strategies identified will be implemented over the next ten years. Implementation will require staff resources. Due to competing priorities and heavy workloads, it may take some time to progress delivery of the specified outcomes.

Our goal is to harmonise the ACS with all relevant Council strategies and policies, integrating it with strategies such as the Disability Inclusion Action Plan, Economic Development and Tourism Strategy, Health and Wellbeing Strategy, and Heritage Strategy. This alignment ensures a cohesive approach to addressing community needs and aspirations across various domains, fostering inclusive growth and sustainable development.

If Council endorses the draft ACS, it will be placed on public exhibition for a 28-day period. Following this, the results of the public exhibition will be presented to Council, along with a request to consider the Draft Strategy for final adoption.

# STRATEGIC IMPLICATIONS

4. Strategic Theme 4: A place of inclusion, culture & wellbeing

4.2 - Develop community led strategy with a focus on social connections / social fabric and a sense of belonging - Formation of Networks - training and networking to fulfil social function and spark migration of ideas.

# BUDGETARY IMPLICATIONS

This report seeks approval to place the Draft ACS on public exhibition. This process is funded through operational resources.

Many of the activities within the action plan will require staff resources only, however some will require both staff time and budget. **No additional budget** is required to implement the ACS, any budget required to progress the ACS will be sourced from existing economic development and tourism budget. The dedication of staff resources, strategic partnerships, and pursuit of grant funding opportunities will also help facilitate its execution. Having a formal strategy in place is often a requirement to secure grant funding. Having this strategy in place strengthens our capacity to successfully obtain grants.

#### POLICY IMPLICATIONS

N/A

# LEGISLATIVE IMPLICATIONS

# **RISK ANALYSIS**

## • What can happen?

Council's capacity to implement the Draft ACS may diminish.

A reduction in operational expenditure will impact Council's ability to deliver on its commitment to implementing the Draft ACS.

## • How can it happen?

Continued deterioration of Council's operational position.

## • What are the consequences of the event happening?

A reduction in operational expenditure will impact Council's ability to deliver on its commitment to implementing the Draft ACS.

## • What is the likelihood of the event happening?

Likely

Adequacy of existing controls?

Inadequate

• Treatment options to mitigate the risk?

To restore long term financial sustainability, Council will need to review its current commitment to service levels across our community.

Action plan to be reviewed annually or as required.

## CONCLUSION

Development of the *Murray River Council Arts and Culture Strategy 2024 – 2034* (ACS) was a direct response to community feedback received during development of the Community Strategic Plan (CSP).

The Arts & Culture Strategy builds on Council's existing strategies, plans and policies and is informed by research, evidence, and most importantly through consultation with the community and organisations that partner with Murray River Council.

The ACS sets out our strategic aim and four priority areas, each with specific actions, which have been crafted to be attainable within Council's existing financial limitations.

Once the final strategy is adopted, Council commits to investing in achieving the identified outcomes. Implementation will require staff resources, and due to competing priorities and heavy workloads, it may take some time to progress delivery of the specified outcomes.

If Council endorses the draft ACS, it will be placed on public exhibition for a 28-day period. Following this, the results of the public exhibition will be presented to Council, along with a request to consider the Draft ACS for final adoption.

# ATTACHMENTS

# 1. DRAFT MRC Arts and Culture Strategy

# 9.5.3 MURRAY RIVER COUNCIL COMMUNITY GRANTS PROGRAM - APPOINTMENT OF ASSESSMENT PANEL, ROUND 2, 2023-24

#### File Number:

Author: Tiana Cronin, Grant Officer

Authoriser: Sarah Ryan, Director Community & Economic Development

# RECOMMENDATION

That Council:

- 1. Endorse the Chief Executive Officer, or his nominee, as a member of the Murray River Council Community Grants Program Assessment Panel.
- 2. Appoint three (3) Councillors to the Murray River Council Community Grants Program Assessment Panel to assess applications under Round 2, 2023-24.

# BACKGROUND

Council runs two rounds of the Community Grants Program each financial year, allocating \$30,000 to each round.

The Community Grant rounds held so far have had the following assessment panels:

	John Harvie (delegate for Des Bilske, General Manager);
Round 1	Cr Gen Campbell;
2019/20	Cr Neil Gorey; and
	Cr Weyrich.
	John Harvie (delegate for Des Bilske, General Manager);
Round 2	Cr Gen Campbell;
2019/20	Cr Ann Crowe; and
	Cr Geoff Wise;
	<ul> <li>John Harvie (delegate for Des Bilske, General Manager);</li> </ul>
Round 1	Cr Tony Aquino;
2020/21	Cr Geoff Wise
	Cr Alan Mathers
	John Harvie (delegate for Terry Dodds, CEO);
Round 2	Cr Nikki Cohen;
2020/21	Cr Chris Bilkey; and
	Cr Neil Gorey
	John Harvie (delegate for CEO);
Round 1	Cr Tony Aquino
2021/22	Cr Ann Crowe; and
	Cr Geoff Wise;
	John Harvey (delegate for CEO)
Round 2	Cr Geoff Wise
2021/22	Cr Ann Crowe
	Cr Chris Bilkey
	Sarah Ryan (delegate for CEO)
Round 1	Cr Nikki Choen
2022/23	Cr Neil Gorey
	Cr Kron Nicholas
	Sarah Ryan (delegate for CEO)
Round 2	Cr Nikki Choen
2022/23	Cr Tom Weyrich
	Cr Dennis Gleeson

Round 2 of the 2022-24 Murray River Council Community Grants Program opened on 1 December 2023. The timeline for this round (see table below) will require the Assessment Panel to assess applications 30 April 2024. Assessment of the applications will be undertaken both online and via a meeting and discussion.

Appointment of the Assessment Panel at Council's March 2024 meeting will assist in the smooth delivery of the assessment process.

1 December 2023	Applications open
4pm, 3 April 2024     Applications close	
30 April 2024	Assessment of applications
<b>28 May 2024</b> Council to approve funding for recommended projects	
Early June 2024	Applicants notified of outcome
By 15 June 2024	Successful applicants to submit invoice for payment
By 15 June 2025	Projects completed and funding acquittal submitted

# DISCUSSION

The grants are competitive in nature as Council will generally receive applications with a total value more than the \$30,000 allocated for the round. Therefore, it is necessary that Council form an assessment panel to review the grant applications and make recommendations in relation to which applications should be funded and to what amount.

Council's Grants Officer, Tiana Christie, manages the grant program and will assist the assessment panel during the assessment process.

# STRATEGIC IMPLICATIONS

- 4. Strategic Theme 4: A place of inclusion, culture & wellbeing
- 4.10 Support existing and new art projects and diverse community events Regional Events.

# BUDGETARY IMPLICATIONS

Council has allocated \$30,000 per round for each of the two community grant rounds per year, (as per 27 November 2018 resolution of Council).

# POLICY IMPLICATIONS

The community grants program sits within Council's Financial Assistance Policy (and Framework), adopted July 2018.

# LEGISLATIVE IMPLICATIONS

Council can financially assist others under s356 of the Local Government Act 1993 (LGA), for the purpose of exercising its functions.

# **RISK ANALYSIS**

• What can happen?

N/A

- How can it happen?
   N/A
- What are the consequences of the event happening? N/A
- What is the likelihood of the event happening? N/A
- Adequacy of existing controls?
- Treatment options to mitigate the risk?

# CONCLUSION

Council needs to appoint members to the Murray River Council Community Grants Program Assessment Panel at this Council meeting, to enable the assessment process to proceed smoothly and on time.

# ATTACHMENTS

Nil

# 9.5.4 SECTION 355 COMMITTEE MEETING MINUTES AS AT FEBRUARY 2024

#### File Number:

Author:	Karen Buckley, Manager of Local Connections
Authoriser:	Sarah Ryan, Director Community & Economic Development

# RECOMMENDATION

That Council receive and note the February section 355 Committee report

# BACKGROUND

Council Section 355 Committees are to provide minutes of each committee meeting to keep Council informed of the committee's activities.

## DISCUSSION

Council has 25 x Section 355 committees. These committees are made up of community volunteers who oversee the day-to-day management of facilities owned by council and/or provide advice to Council about such facilities.

The death of a Section 355 Committee Volunteer in NSW has exacerbated the need for Council to review the operating model of all our community committees to ensure that volunteers are well supported and managed from recruitment right through to execution of delegated responsibilities.

Karen Buckley has joined the Economic Development team on a secondment from the Community Services team. Karen's new role as Manager Local Connections, will be responsible for working collaboratively with committees to assist them to meet their obligations as required by S355 of the Local Government Act 1993 and to improve governance and risk mitigation.

Minutes are attached to this report for Council's information.

# STRATEGIC IMPLICATIONS

3. Strategic Theme 3: A place of Liveable Communities

3.2 - Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles - Public buildings.

#### BUDGETARY IMPLICATIONS

Scope of Committees financial transactions vary.

# POLICY IMPLICATIONS

Murray River Council Asset Management Policy (POL305). Murray River Council Section 355 Committee Policy (POL119

# LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

#### **RISK ANALYSIS**

• What can happen?

Committees and Council fail to meet their obligations.

• How can it happen?

Committees are generally unaware of the full extent of their roles and responsibilities, particularly in relation to WH&S, operational procedures and systems, procurement, and financial reporting.

There have not been the resources within council to provide requisite support and guidance to committees to ensure they understand their responsibilities and have necessary skills and capacity to fulfill obligations. This is not a reflection on the committee and expertise of Council staff, it is about the need to appropriately and adequately resource and support committees.

## • What are the consequences of the event happening?

A number of Section 355 committees are very fragile and their medium to longer-term viability is questionable.

Council is under considerable pressure to comply with onerous obligations relating to the support and management of section 355 committees under the Local Government Act (and other Acts).

## • What is the likelihood of the event happening?

Likely

## • Adequacy of existing controls?

Moderate

## • Treatment options to mitigate the risk?

Council needs to carefully consider the structure required to best support committees whilst managing all legal obligations.

A new interim role of Manager Local Connections has been created to work collaboratively with committees of Council to assist them to meet their obligations as required by S355 of the Local Government Act 1993 and to improve governance, risk mitigation, and long-term sustainability.

Steps will be taken to optimise the viability of committees where appropriate; consider the scope of support council will provide to support committees; determine the criteria that will trigger council's intervention in the operations of Section 355 committees, and what the intervention will be; plan for contingency management options, **and fully recognise the cost of this in council's long term financial plans.** 

#### CONCLUSION

The following actions have been raised at recent committee meetings:

#### Barham Recreation Reserve Committee

Barham Recreation Reserve Section 355 Committee Management Agreement Version #1 tabled by Karen.

Karen directed committee present to Schedule A of document and went through the Management Entity Responsibility/Council Responsibility table to identify and clarify the current responsibilities and update those not in line with current practice

A copy was provided to each member present.

Members are to review and bring any comment back to our next meeting.

### Wakool Recreation Reserve Committee

Australia day was a great success, with around 65 people attending and Kerri Nicholson singing.

After a large discussion re the polo Cross area of the reserve, Rob Grant moved and Seconded Graham Rowlands that we allow agistment of this land for horses only. Taila will investigate this and

email us all back. All agreed. (Committee advised to write to council with request and this will be passed on to Compliance team to investigate.)

### Barham School of Arts Hall Committee

K Buckley\* Spoke about her reply via email to the secretary concerning the breakdown of power costs for the complex. Apparently, the current charges were originally set out with the assistance of the current Club Treasurer not long after completion of the building, but due to significant usage changes of the office area, this formula will be reappraised in the near future. *(ongoing manager of Buildings).* 

Dance girls are back in the Hall every week. They have requested mirrors along the wall to help them perfect their movements. He asked if there is any funding for Art Groups. (Karen will mention this to the Grants Officer). (Completed)

Having trouble with the locks on the doors, as his key is old and worn. There is a need access to the Public Toilets after hours, so we need at least two, preferably three new electronic fobs to gain access (write to Council and ask for 3 Fobs). *(Completed)* 

G Barker\*Haven't seen any of the money in the Hall Account from the coin box from the use of the coolers and heaters. It is emptied by Council Staff. It may be better if Lions could do that and bank the money. Karen agreed and will look into that. *(completed, monies now being reported appropriately.)* 

## ATTACHMENTS

- 1. Wakool Recreation Reserve Meeting Minutes February 🗓 💆
- 2. Barham Recreation Reserve Meeting Minutes February 🕹 🚨
- 3. Barham School of Arts Hall meeting Minutes February 🗓 🔛

# Minutes of S355 Wakool Recreation Reserve Committee Held on 08th February 2024 commencing at 7.00pm, at WDSM Club.

#### Meeting Opened:7.13

Acknowledgement of Country-The traditional custodians of the Wamba Wamba Barapa Barap people of the land on which we meet today and pay our respects to the elders past and present.

**Present:** Genny Oggian, Robert Grant, Michelle Till, Graham Rowland, Jean Fairchild, Annette Dow, Taila Briggs

Apologies: Maree Whelan, Karen Buckley MRC

#### Conflict of Interest Declarations; Nil

Minutes of previous meeting; Minutes from the 28th September 2023 Read

Moved; Graham Rowland Seconded; Rob Grant Carried

#### Matters Arising:

- Tennis Club has had no meetings in years and the courts are no longer being watered. Council will contact David Landini to have the power account removed from the tennis club name. Phone David and Michelle will forward his phone number. The Men's shed has passed the power account onto Karen Buckley and could the Rec Reserve please be notified once the account has been changed. This needs to be completed quickly as the Men's Shed keep getting late charges because the account is not passed on from David Landini until it is over due.
- The Plaque has been placed at the Rec Reserve where we requested it to go. Genny Oggian is going to speak with Michael Cattanach on having the unveiling and the best time to complete this.
- Show committee still needs to move the items from the old change rooms and extra of the complex. Michelle to speak with Rose Mullins.
- Rob Grant and Genny have been to the bank and update the contact details and changed the accounts. Rob stated that they have not had there calls returned regarding the online banking and he will keep trying to get completed.

**Treasures Report:** Robert Grant reported a balance on the 08/11/2023 of \$9691.62. Moved, We had had a power bill of \$408, and we now have another one due for \$707.23, these were agreed to be paid. Moved Robert Grant Seconded; Annette Dow Carried.

**Bowling Club Report:** Rob explained the greens have been lasered and this has meant they could not be used for around 8 weeks. All looking forward to using them again.

**Progress Report:** Jean explained that the Australia day was a great success, with around 65 people attending and Kerri Nicholson singing.

Progress has requested to store the stubble holds in office are of the rec building and the BBQ in the shed out the back, moved and agreed by all.

**Men's Shed Report:** Graham reported that the men's shed is having trouble recuring members and that they need to look at a time to meet as the changes they made have not worked.

Graham asked again if the structure that was to be built near the men's shed that Council explained that did not want to go ahead , could be done if they had a donation to build this? Michelle is going to check with Karen Buckley. After I Phoned Karen on the 9/2/24, as per the meeting at the Rec Reserve in September and the meeting on the 28<sup>th</sup> of September 23 you are not aloud to build any new structures.

#### **General Business:**

- Graham has asked what is to happen with the old bar at the complex as it is a WHS issues, and the old jumping castle near the netball courts. Moved Graham and Seconded Michelle that these items will be taken to the tip on Sunday 11/2/2024. Michelle To Notify Council that we will attend the tip on this day. This was explained to Rose Mullins at the meeting.
- After a large discussion re the polo Cross area of the reserve, Rob Grant moved and Seconded Graham Rowlands that we allow agistment of this land for horses only. Taila will investigate this and email us all back. All agreed

#### Meeting dates for the year have been set;

May 23<sup>rd</sup> 2024 7pm Wakool Club July 18<sup>th</sup> 2024 AGM 7pm Wakool Club, followed by General Meeting. Nov 21<sup>st</sup> 2024 7pm Wakool Club.

We will await updates on these items from Council. Could Council Please respond to these questions.

Next Meeting: Thursday May 23<sup>rd</sup> 7pm at Wakool Club

Meeting Closed at 8.33 pm

Barham Recreation Reserve Committee Inc.

Meeting Commenced: 7.05 pm, 12<sup>th</sup> February 2023, Barham Recreation Complex.

**Present** Tim Coote, Sandy Lang, Bobbie Eaton, Neil Gorey, Julie Frankling, Karen Buckley (MRC), Melissa Davis

# **Apologies:**

Greg Lake, Luke Keogh (MRC)

# Previous Minutes – provided to all members via email and in hard copy.

Moved by Julie Frankling

Seconded by Tim Coote

## **Business Arising from previous minutes.**

- Fencing damage (Cnr. North Barham Rd & Gonn St.) has been inspected so that repairs can take place
- JF has not discussed shipping container, as KBFNC are organising Fish Comp at present
- Booking Procedure has been implemented, and working very well to date, thank you Luke/Karen for assisting in getting this up and going.
- Business case Study required to advance the BBQ are project. Email received from Luke.

#### **Correspondence in:**

- 14.11.2023 MRC Luke Keogh BBQ Area Business Case Study required
- 20.11.2023 MRC Economic Development and Tourism November 2023 Update
- 29.11.2023 MRC Karen Buckley Cleaner engaged
- 29.11.2023 Brian D'Silva BKCC Letter of support request
- 29.11.2023 MRC Luke Keogh Permission to provide letter of support to BKCC
- 01.12.2023 MRC Karen Buckley Reminders for your Section 355 committee
- 11.12.2023 MRC Karen Buckley Apology for Christmas Dinner
- 08.02.2024 MRC Karen Buckley February Meeting scheduled & Agenda item
- 08.02.2024 TACS Inv. 2892

#### **Correspondence Out:**

- 15.11.2023 MRC Melinda Barrett & Karen Buckley 13.11.2023 meeting & AGM minutes
- 29.11.2023 MRC KB & LC permission to provide letter of support to BKCC
- 29.11.2023 BKCC Brian D'Silva Letter of Support
- 04.12.2023 MRC Reply Reminders for your Section 355 committee
- 04.12.2023 MRC Karen Buckley S355 Committee Membership Details
- 11.12.2023 MRC Karne Buckley received email apology
- 08.02.2024 MRC Karen Buckley confirmation of meeting 12.02.2024

Moved by Julie Frankling

Seconded by Robert Faton

# **Treasurers Report: No report**

Seconded by

# MRC – Manager Local Connections – Karen Buckley

- Barham Recreation Reserve Section 355 Committee Management Agreement Version #1 tabled by Karen.
- Karen directed committee present to Schedule A of document and went through the Management Entity Responsibility/Council Responsibility table to identify and clarify the current responsibilities and update those not inline with current practice.
- A copy was provided to each member present.
- Members are to review and bring any comment back to our next meeting.
- Each User Group will also have a Management Agreement, Karen will meet with all over the coming months. i.e. BKHSS, BKCC etc.
- JF noted that Booking Procedure is working well, but need to now need to move to finalise invoicing, so that payment of 'hire fee' is collected, ideally by MRC. Karen to discuss with colleges and response with information at her convenience.

# **User Groups Reports:**

#### Barkool Polocrosse

#### BKHSS

#### Pony Club

Moved by

- Connection to potable water supply from "T" location. Permission to connect into supply as raw water is such poor quality at present. All in favour as this had been considered when running mains through reserve. MD to work with Tim Coote to get connection installed.
- Northern Rivers Equine Group looking for a new home, and have approached club. MD checking that we do have an issue with adding another user group. All in favour as this will only compliment and increase users of the reserve.
- Three clinics for 2024, January clinic was outstanding. 01.03.2024 is another, and also June long weekend.
- Grates around grounds. Can we put some railing to advise location yes.

#### Barham Koondrook Cricket Club

- Only a couple of game held at Barham to date.

#### KBFNC – Bobbie/Julie

 Safety strips – need to be installed, still waiting for this to be completed correctly. Railing is great.

#### **MRC - Neil Gorey**

- Note issues in minutes so that these can be brought to council attention and planning can be implemented. i.e. Security Cameras is an example, after we have had three issues to date.

# MRC – Luke Keogh

From: Luke Keogh <<u>lkeogh@murrayriver.nsw.gov.au</u>> Sent: Monday, February 12, 2024 4:43:38 PM To: Karen Buckley <<u>kbuckley@murrayriver.nsw.gov.au</u>> Subject: Barham rec Updates

Hi Karen,

- Couple dot points:
  - Council received complaints regarding new northern toilet condition. Reminder this toilet is closed when not in use for Football or Pony club. User groups to maintain not council.
  - Verti drain (reno) on main oval scheduled for early March to aerate and soften ground.
  - Barham Art project: (Water tower painting) New toilet facility ordered. Old toilet asbestos removed recently not awaiting complete demolish in next few weeks. November vandalism- Still waiting for outcome of insurance claim, damages were around \$30k.
- Thanks,

Luke.



Luke Keogh I Manager Parks, Open Spaces & Bio Security Murray River Council S2 Perricosta Ref Moama, NSW 2731 PO Box 996, Moama, NSW 2731 m 0418 544 230 m 0418 044 (Juwy: murrayriver nsw.gov.au

# **General Business:**

ΤС

- Supplied more sprinklers to John Bott to repair, damaged due to very poor water quality going through them.
- Fertilising to be completed including 2 more passes of gypsum to oval

Northern Toilet block

Discussed these to ensure they are kept in perfect condition. Ensure they remain closed as identified by Luke Keogh. Cleaned during football season as was the case in 2023 by KBFNC. Pony Club to only open as required. MD will follow this up. Noted that doors do not have a key lock, therefore anyone can open with a flat blade/screw driver/coin, therefore they may have been open without permission. Option to put a key lock on them if issues continue to arise.

#### Meeting closed: 8:15 pm, next meeting scheduled for the 8<sup>th</sup> April 2024.

#### Meeting Dates 2024

March	No meeting	August	12 <sup>th,</sup> 7pm
April	8 <sup>th,</sup> 7pm	September	No meeting
May	No meeting	October	14 <sup>th</sup> , 7pm & AGM
June	10 <sup>th</sup> , 7pm	November	No meeting
July	No meeting	December	Dinner Meeting TBC

#### SECTION 355 LGA BARHAM SCHOOL OF ARTS HALL REPORT:

#### **MEETING OF 8/1/2024**

Meeting commenced about 8.10 pm.

**PRESENT** CHAIR: T Barker.

J Boyd, R Millar, A Millar, J Pye, C Pye, R Daws, J Whelan, A Mathers, G Barker, C Webster, G Webster, R Salter, D Griffiths, B Rash, D Agelakis, G Minnis, B Campbell, G Cook.

APOLOGIES: P Lloyd, Clr. Gorey

#### John Boyd\*-

\*He is very concerned about the future of the Hall and Reception Room given Council's apparent financial issues. He would not wish to see it sold off under any circumstances. It is ideal for Funerals/ Weddings etc.

\*December was a very quiet month, with few users.

\*Due to inclement weather the Christmas Eve Mardi Gras was held in the Hall.

FINANCIAL REPORT: As per attached report from Moulamein.

Meeting Finished: 8-15 pm.

9.5.5	BARHAM	MICRO	ABATTOIR	-	COMPLETION	OF	CONTRACT
File Nu	umber:	-					
Author	r:	Sarah Ryan,	Director Comm	unity	& Economic Devel	opmen	t
Autho	riser:	Terry Dodds	, Chief Executiv	ve Offi	cer		

# RECOMMENDATION

That Council:

- 1. Rescind Item 5 of *Resolution 230120* (23 January 2020): The Barham Micro-Abattoir project be fully funded from grant funding and lease fees; and that no ratepayer funds be committed to the project;
- 2. Approve the expenditure of Council's operational funds (\$100,000) to engage a suitably qualified contractor to complete the rectification works as recommended by NSW Department of Primary Industries; and
- 3. Delegate authority to the CEO to seek to recover the costs of the rectification works pursuant to the Design Services Contract for Barham Micro Abattoir.

#### BACKGROUND

In November 2023 NSW Department of Primary Industries ("NSW DPI") approved the desktop Audit for Murray Plains Meat Cooperative (Food Safety Program) and progressed to a practical audit undertaken in December 2023.

The audit carried out on the abattoir for processing sheep, cattle, pigs, and poultry included assessment of food safety, animal welfare and biosecurity systems and documentation. Processing of 1 x head of cattle, 1 x pig and 5 x chickens was observed. The results did not meet acceptable audit standards across some of the categories. Subsequently no processing of meat for human consumption can occur until recommendations from the audit are addressed and further assessed for compliance.

#### DISCUSSION

At its meeting on 28 January 2020 (*Resolution 230120*) Council resolved to act as the lead applicant for funding for the proposed Barham Micro Abattoir project through the Growing Local Economies Program, the Drought Communities Program, and the Murray Darling Basin Economic Development Programs. Council further resolved to act as the project manager for the project, to accept ownership of the abattoir upon completion and that the project be fully funded from grant funding and lease fees with no ratepayer funds being committed to the project, as below:

#### 17.3 Notice of Urgent Business – Rescission Motion – Proposed Barham Micro-Abattoir

The Deputy Mayor, Cr Alan Mathers declared a pecuniary conflict of interests in this matter, as the Barham Micro-Abattoir project is located on his property, took no part in discussion, tabled a written notice to the General Manager and left the meeting at 6:54pm.

Moved: Cr Ann Crowe Seconded: Cr Nikki Cohen

RESOLVED That:

- Confidential motion titled Proposed Barham Micro-Abattoir Update (Item 17.5 of the Confidential Reports) that was lost at the meeting of 26 November 2019 be rescinded.
- Council agrees to act as the lead applicant for funding for the proposed Barham Micro-Abattoir project through the Growing Local Economies Program, the Drought Communities Program and the Murray Darling Basin Economic Development Program.
- Council agrees to act as the project manager for the Barham Micro-Abattoir project.
- Council agrees to accept ownership of the Barham Micro-Abattoir upon completion.
- 5. The Barham Micro-Abattoir project be fully funded from grant funding and lease fees; and that no ratepayer funds be committed to the project.
- Council receive a further report, including a feasibility study, business case and details of the draft lease agreed between Murray Plains Meat Cooperative (Barham Micro-Abattoir) and Murray River Council for its consideration before proceeding to construction.

A DIVISION was called for:

In Favour:	Crs Chris Bilkey, Nikki Cohen, Tony Aquino, Ann Crowe, Neil Gorey, Geoff Wise
Against:	Cr Gen Campbell

Council has an obligation under each of the three funding programs to complete the project. As a Council owned asset, it would be prudent to ensure that the building and fit out are compliant with the NSW DPI, who are the licensing authority for the intent in which the building was constructed.

Council entered a Lease Agreement on 1 September 2023 with Murray Plains Meat Co-operative Limited, a cooperative established under the Co-operatives Act. It was a condition of the Sale of Land Contractor for the premises that the Council and Co-operative the Agreement to Lease. Council is required to comply with the contractual arrangements with the Co-operative.

Council entered a Design Services Contract with S&D Tamplin Pty Ltd for the design, construction, and commission of Barham Micro Abattoir on 31 May 2021. The contractor part performed the works for the Project. On 4 October 2023 Council entered a Deed of Variation with S&D Tamplin Pty Ltd for upon notification that the Contractor was no longer in a position to attend to the Outstanding Works for health reasons. Council is obliged to complete outstanding works under the Agreement. The Contractor remains liable for any warranties under the contract for any works performed by the Contractor.

Officers have sought quotations for outstanding rectifications. The cost of the works necessary to meet the requirements of NSW DPI are more than the Retention Sum withheld under the Design Services Contract for the design, construction, and commission of Barham Micro Abattoir.

Council should consider approval of the appointment of a suitably qualified contractor to undertake the rectifications works and satisfactory complete the contract. At the completion of the contract, Council should seek to recover the balance of the cost of works.

# STRATEGIC IMPLICATIONS

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

5.3 - Encourage and support economic development across the region - Economic development / Attraction of Businesses.

#### BUDGETARY IMPLICATIONS

Unbudgeted operational funds of approximately \$80,000 will be required for the shortfall in project budget.

Council has not expended any Council funds on this project as per the resolution in January 2020.

\$50,000 has been withheld as a retention sum under the Design Services Contract for the Barham Micro Abattoir. A quote for rectifications has been obtained and provides early indication that the total cost to complete the project is approximately \$130,000.

At the completion of the works, Council should seek to recover costs under the Contract.

#### POLICY IMPLICATIONS

Nil.

## LEGISLATIVE IMPLICATIONS

#### **RISK ANALYSIS**

#### • What can happen?

Cost to seek reimbursement from the Contractor may not be commercially viable.

Reputational risk to Council flowing from the Grants obtained by Council for the completion of the project.

#### • How can it happen?

By demanding reimbursement under the Design Contract

#### • What are the consequences of the event happening?

Unbudgeted expenditure of Council's operational funds to complete the project and/or seek reimbursement of costs.

#### • What is the likelihood of the event happening?

Likely

#### • Adequacy of existing controls?

Inadequate

#### • Treatment options to mitigate the risk?

The Contractor remains liable for any warranties under the contract for any works performed by the Contractor.

Expenditure of Council's operational funds would be incurred in good faith and may be offset by Lease repayments.

#### CONCLUSION

No processing of meat for human consumption can occur at the Barham Micro Abattoir until recommendations from the audit are addressed and further assessed for compliance.

At its February 2024 meeting, Council resolved to vary the Agreement to Lease with Murray Plains to delay the commencement of lease payments until 1 June 2024. The time frame will allow Council to undertake the fit-out rectifications and will also allow the Cooperative to implement process control improvements as recommended by NSW DPI.

Council should consider expending operational funds to engage a suitably qualified contractor to complete the rectification works as recommended by NSW DPI for the following reasons:

-Council has an obligation under each of the three funding programs to complete the project.

-Council is required to comply with the contractual arrangements with the Co-operative.

-The Contractor remains liable for any warranties under the contract.

# 26 March 2024

# ATTACHMENTS

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.

# INCOMING CORRESPONDENCE:

- Services in Moulamein being removed letter from Office of Helen Dalton MP 11 Mar 2024
- Request from Mathoura RSL Sub Branch\_Redacted
- Bridge Arts Request Letter\_Redacted fee waiver request

# OUTGOING CORRESPONDENCE:

•

# ATTACHMENTS

- 1. Services in Moulamein being removed letter from Office of Helen Dalton MP 11 Mar 2024 1 🖫
- 2. Request from Mathoura RSL Sub Branch\_Redacted 🗓 🛣
- 3. Bridge Arts Request Letter\_fee waiver request 🕹 🛣



11 March 2024

Our Ref: HD09598

Mr Terry Dodds Chief Executive Officer Murray River Council PO Box 906 MOAMA NSW 2731

#### Via email: admin@murrayriver.nsw.gov.au

Dear Mr Dodds,

I am writing to you today to seek some clarity on the following concerns sent into this office by a concerned constituent who resides in Moulamein.

They have informed us of the following:

- the Council is planning to demolish the Moulamein wharf after Easter and it will not be replaced.

- Council plans to close the public toilets at the Recreation reserve and also in Howard Park.

- He also noted that the community as a result of these changes is fearful they may be faced with losing the Business centre in the town.

The constituent also said that there was to be a public meeting held in the town to discuss the town moving into the future, this meeting never eventuated.

I would like to understand if the above is correct why the community has not been consulted and what the Council plans to do to sustain this community moving forward so it prospers and doesn't lose its population due to the reduction of amenities and services

Yours sincerely,

Ann

Helen Dalton MP Member for Murray

Griffith 02 6962 6644 | Deniliquin 03 5881 7034 | Buronga 0475 683 288 murray@parliament.nsw.gov.au | f 🎔 🞯 Helen Dalton MP | helendalton.com.au

# Mathoura RSL Sub-Branch



RETURNED SERVICES LEAGUE OF AUSTRALIA VICTORIAN BRANCH INC.

MATHOURA SUB-BRANCH.

Lindy Leyonhjelm Executive Assistant Murray River Council [lleyonhjelm@murrayriver.nsw.gov.au]

3rd March 2024

Good morning Lindy,

With ANZAC Day fast approaching the Sub-Branch has a number of requests of Council pertaining to the day. I would be pleased if you would consider the following and respond at your earliest convenience.

We would like the use of the Shire Hall for the Commemorative Service on Thursday 25<sup>th</sup> April 2024 and also on Monday 22nd April to allow for set-up and rehearsal.

The Dawn Service will take place at 6am on the 25<sup>th</sup> April followed by the Gunfire Breakfast. For this we would require the use of the Soldiers' Memorial Gardens & the Soldiers' Memorial Hall. Once the Commemorative Service is completed at the Shire Hall a march will take place along Livingstone St finishing at the Soldiers' Memorial Gardens.

We would be pleased if the Mayor or his representative is in attendance at the Commemorative Service and also to lay a wreath at the Cenotaph on ANZAC Day. ANZAC Day is very well attended in Mathoura and we feel it's important that a representative of Council be in attendance.

On a more basic level I would need the keys to the Shire Hall, the Supper room, the Garden's meter box and the flag poles. WE would also need to use the PA System in the Shire Hall. Once approval for the above has been granted I would be grateful if you could let me know. I can be contacted on M:

I look forward to hearing from you in the near future,

Regards, Bronwyn Eddy Acting Secretary.



# The Bridge Art Project Incorporated

31 January 2024

The Bridge Art Project

Mr Terry Dodds CEO, Murray River Council.

Dear Mr Dodds

Re Development Application for the Bridge Art Project gallery at 74 Meninya St Moama -Proposed Section 7.11 and Section 64 Council charges – Exemption requested

The Bridge Art Project was very pleased to receive advice that our Development Application was approved by the Regional Planning Panel on 22 November. We thank Council for its support in achieving this outcome.

As you know, the Bridge Art Project Inc is a not-for-profit, community-based charity, seeking to create a community facility. The conditions applied in the DA include a breakdown of contributions calculated towards Section 7.11 and Section 64 charges as for Developers.

We seek the support of Council for an exemption as per the clause detailed below.

#### MURRAY SHIRE COUNCIL December 2011 594 Development Contributions Plan 2011 2.11 Exemptions

There are no exemptions to this plan except where a Ministerial Direction has been issued directing such exemption. Applicants are to verify with Council whether exemptions are provided under these Directions. Council will not consider exempting other developments, or components of developments from the requirement of paying a contribution except where in exceptional circumstances the development is being carried out by Council, a community or 'not for profit' organisation for the benefit of Council or the community for no commercial gain. A planning agreement may be negotiated in lieu of payment on contributions at the discretion of Council.

The gallery is not a commercial venture. It will be run entirely for the benefit of the community as a **non-profit** community cultural hub. The operation of the café will help to fund the operation of the gallery and any surplus above expenses will be directed into improvements in the gallery.

With \$4.95m coming from the NSW government and a further amount sought from the Federal Government, we expect the new gallery to be a beacon for the Meninya Street redevelopment. It will promote the arts, tourism and employment ~ injecting more than \$5m annually into the local economy as detailed in the Business and Economic Analysis undertaken by Michael Connell and Associates in December 2023.

This is an endeavour for which we would appreciate Council's active support.

The Committee therefore respectfully requests that Council considers our request for exemption from the proposed costs calculated under the "Development Contributions Plan 2011" and "The Guide" applied amounting to **\$114,243.97** in fees. (Details provided below). The Conditions also state that a Long Service Leave fee will be charged, but the amount is unspecified.

These would be a very large impost on a small community group working for the benefit of the community.

Yours sincerely

Secretary Bridge Art Project Inc

Charges as detailed in Development Application Conditions

Section 7.11 and Section 64 charges

The payment of Section 7.11 Development Contributions and Section 64 sewerage and water headworks charges are applicable and must be paid to Council prior to the release of the Construction Certificate. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges at the time the Development Application is determined. See below:

# Categorising development into separate uses as per the Murray Shire Council Development Contributions Plan 2011 and 'The Guide'

□. The below table separates the floor plan into different uses and applies trip generation accordingly.

 □. The highlighted columns include a number between "Factories Covered by Light Industry and Office/Commercial. 10.5VPD is halfway between the two categories.
 □.

No	Space Name	GFA(m2)	Contributions	VPD/unit	VPD
2	AirLock	8.8	Office 16		1.408
3	Foyer/Display	44.9	Office	16	7.184
4	Community	62	Hybrid	10.5	6.51
5	Store	5.1	Hybrid	10.5	0.5355
6	Airlock	2,2	Hybrid	10.5	0.231
7	S/B	1.4	Hybrid	10.5	0.147
8	w/c	1.9	Hybrid	10.5	0.1995
9	w/c	1.9	Café	60	1.14
10	Airlock	2.8	Café	60	1.68
11	Store	6.9	Café	60	4.14
12	Kitchen/Store	25	Café	60	15
13	Cafe	10.1	Café	60	6.06
14	Cafe - Sitting Area	23.6	Café	60	14.16
15	Store	2.2	Market (see 15)		
16	Gift	11.4	Market (1 stall)		18
17	Reception and Display	91.6	Hybrid	10.5	9.618
18	Passage	51.5	Hybrid	10.5	5.4075

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19	Gallery Foyer		68.1	Hybrid	10.5		7.1505
20	Gallery 1		178.1	Hybrid	10.5		18.7005
21	Gallery 2		63.3	Hybrid	10.5		6.6465
22	Workshop	ann 6200 10227446	46.9	Light Industry	5		2.345
23	Air Lock		2.3	Light Industry	5		0.115
24	Unioad		35.8	Light Industry	5		1.79
25	Unload Mezzanine	1	28.6	Light Industry	5		1.43
26	Staff		14.5	Office	16		2.32
27	Volunteer		13.4	Office	16		2.144
28	Dir. Office		10.3	Office	16		1.648
29	Acc'Toilet		5.6	Hybrid	10.5		0.588
30	Air Lock		4.3	Hybrid	10.5		0.4515
31	Mens		12.1	Hybrid	10.5		1.2705
32	Womens		21.4	Hybrid	10.5		2.247
33	CI		3.3	Hybrid	10.5		0.3465
34	Deck		126.5	Hybrid	10.5		13.2825
35	Fire Retreat/ Community		68.3	Hybrid	10.5		7.1715
Total	Total 1056 sq m		Total 161.0675			75	
ET				24.779615			
Contribu	Contribution			\$53,523.97			

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Section 64 Contributions

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Use area for offices and restaurant/café from Section 64 Contributions Plan -(*Table 2: Standard ET Figures - Commercial User Categories*) 0.01ET/m2\*1056m2 = 10.56ET for Sewer and Water

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	CONTRIBUTION RATE (% OF ET)	CONTRIBUTION AMOUNT (23/24 rates)		
DEVELOPMENT	1 additional lot = 1 ET	SEWER	RAW WATER	FILTERED WATER
	Fee/ET for Moama	\$1,700.00	\$400.00	\$3,650.00
Office/Commerical and Restaurant/Café (1056/m2	Water ET = 0.01*1056 = 10.56ET Sewer ET = 0.01*1056 = 10.56ET	\$17,952.00	\$4,224.00	\$38,544.00
Total =	1 - X L N D D D D D D D			

**Total Contributions:** \$53,523.97 + \$60,720 = 21,201 10,207 Page 39

# 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 1 February 2024 through to 29 February 2024 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

# DISCUSSION

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

- 5 Feb: Meeting with CEO
- 7 Feb: Meeting with CEO
- 9 Feb: Moama Anglican Grammar Commencement Assembly
- 9 Feb: Meeting with Director Sarah Ryan, Paul Smith & Paul Huggett from NSW Police
- 11 Feb: Interview with Herald Sun Melb regarding Southern 80 incident
- 12 Feb: Interview with ABC Radio Melb regarding Southern 80 incident
- 12 Feb: Interviews with Channel 7, 9, 10 & ABC radio regarding Southern 80 incident
- 12 Feb: Meeting with CEO
- 13 Feb: Councillor workshop budget revenue (rates)
- 16 Feb: Meeting with acting CEO Sarah Ryan
- 18 Feb: Clubs NSW regional conference opening session
- 19 Feb: Clubs NSW regional conference morning session & meeting with CEO
- 20 Feb: Councillor workshop budgets
- 21 Feb: Monthly meeting with Campaspe Mayor Rob Amos
- 22 Feb: RAMJO Board meeting evening dinner
- 23 Feb: RAMJO Board meeting Albury
- 26 Feb: Catch up with Terry Dodds CEO after leave
- 27 Feb: Council Pre-briefing, community luncheon and Council meeting Barham
- 28 Feb: Meeting with Moama Anglican Grammar
- 29 Feb: CLRS Annual Fundraising dinner Moama Bowling Club

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

- 12 Feb: Barham Rec Reserve Barham School of Arts
- 13 Feb: Monthly councillor workshop
- 27 Feb: Council Pre-briefing, community luncheon and Council meeting Barham

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

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

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

• 27 Feb: Council Pre-briefing, community luncheon and Council meeting – Barham

# ATTACHMENTS

Nil

# 10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

# 10.1 NOTICE OF MOTION - COUNCIL REVIEW ITS PARKS AND GARDENS MAINTENANCE PROGRAM IN PICNIC POINT AND MATHOURA.

#### File Number:

I, Councillor Thomas Weyrich, give notice that at the next Ordinary Meeting of Council to be held on 26 March 2024, I intend to move the following motion:

# MOTION

That Council review its Parks and Gardens maintenance program in Picnic Point and Mathoura.

## RATIONALE

I commend this Notice of Motion to Council.

## OFFICER'S RESPONSE

Council has been reviewing the Parks, Open Space and Biosecurity area over the 6 months to create team efficiencies, establishing level of service, and implement cost savings to reduce the overall budget in the forthcoming years across the Murray River Council area.

A Parks and Open Space Service Delivery Plan is currently being drafted that will provide information to Council and ratepayers around the level of service to expect at locations that includes a categorisation framework based on feedback from previous workshops with Councillors.

A further report will come to Council to discuss the plan in detail and the recommendations of the plan in the coming months.

#### ATTACHMENTS

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 for Unpaid Rates

This matter is considered to be confidential under Section 10A(2) - a and 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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

# 11.2 Mathoura on the Map Committee - Australia Day Acquittal

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).

# 11.3 Resourcing the Automated Depot at the Moama Waste Management Facility

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).

# 11.4 Moama Lions Community Village Committee - Monthly Service Fee

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).

# 11.5 Contract 2402 - Moama Sewerage Scheme Upgrade Consultancy

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.

# 11.6 Recommendation for the sale of Former Moama Preschool site, Regent Street, Moama.

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

# 11.7 Revesal of Raw Water Consumption Charges

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).

# 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