



**murray river  
council**

# **AGENDA**

## **Ordinary Council Meeting Tuesday, 23 April 2024**

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

**Date: Tuesday, 23 April 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 26 MARCH 2024 OF MURRAY RIVER COUNCIL

**File Number:** -  
**Author:** Lindy Leyonhjelm, Executive Assistant  
**Authoriser:** Terry Dodds, Chief Executive Officer

#### RECOMMENDATION

That the minutes of the Ordinary Meeting of Murray River Council held on 26 March 2024 be confirmed as a true and correct record.

#### DISCUSSION

Murray River Council held its Ordinary Meeting of the Council on Tuesday 26 March 2024, commencing at 1:00pm at the Council Chambers (Lower Level), Moama Administration Office, 52 Perricoota Road, Moama.

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 26 March 2024  

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**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

**MINUTES OF MURRAY RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA  
ROAD, MOAMA  
ON TUESDAY, 26 MARCH 2024 AT 1:00 PM**

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

**IN ATTENDANCE:** Terry Dodds (Chief Executive Officer), Rod Croft (Director Planning & Environment), Jan Donald (Executive Admin Officer), Christian Austin (IT Coordinator), 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 010324**

Moved: Cr Geoff Wise  
Seconded: Cr Kron Nicholas

That the apology tendered on behalf of Cr Dennis Gleeson 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 27 FEBRUARY 2024 OF MURRAY RIVER COUNCIL****RESOLUTION 020324**

Moved: Cr Neil Gorey  
Seconded: Cr Kron Nicholas

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

**CARRIED**

**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

Questions without notice arising from minutes of previous meeting/s 1.02pm.

Cr Gorey raised a question on the progress of the Mayoral Minute concerning Cr Weyrich's conduct.

At 1:13 pm, Cr Thomas Weyrich left the meeting after declaring a conflict of interest.

At 1:15 pm, Cr Thomas Weyrich returned to the meeting.

Each Councillor was able to comment on the progress of the Council Resolution. Councillor Weyrich advised that after legal advice and contacting the NSW Office of Local Government, he does not have to offer an apology, undertake training and does not have to resign.

**5 DISCLOSURES OF INTERESTS**

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

**6 DEPUTATIONS**

Nil

**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 GOVERNMENT 2024****RESOLUTION 030324**

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

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

**CARRIED**

**9.1.2 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS****RESOLUTION 040324**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

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****9.1.3 2024 ANZAC DAY SERVICES****RESOLUTION 050324**

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

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.

Barham / Koondrook – Cr Neil Gorey

Mathoura – Cr Tom Weyrich

Moama Service – Mayor Cr Frank Crawley

Moulamein – Cr Dennis Gleeson (to be confirmed)

Piangil / Tooleybuc – Cr Ann Crowe

Wakool – Cr Gleeson or Cr Neil Gorey (to be confirmed)

Echuca – Cr Nikki Cohen

**CARRIED****9.1.4 COLLABORATIVE TENDER FOR THE SUPPLY OF POWER TO LARGE SITES****RESOLUTION 060324**

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

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 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.

**CARRIED**

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**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024****9.1.5 RECOMMENDATION TO AWARD CONTRACT 2401 - MURRAY IRRIGATION NETWORK STRUCTURAL ASSESSMENTS****RESOLUTION 070324**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

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.

**CARRIED****9.1.6 MONTHLY OPERATIONAL REPORT****RESOLUTION 080324**

Moved: Cr Geoff Wise

Seconded: Cr Nikki Cohen

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

**CARRIED****9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS****9.2.1 INVESTMENTS AND RESERVES REPORT AS AT 29 FEBRUARY 2024****RESOLUTION 090324**

Moved: Cr Kron Nicholas

Seconded: Cr Ann Crowe

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

**CARRIED****9.2.2 INTERNAL AUDIT FRAMEWORK, TERMS OF REFERENCE AND CHARTER****RESOLUTION 100324**

Moved: Cr Neil Gorey

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**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

Seconded: Cr Nikki Cohen

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.

**CARRIED**

**9.2.3 MONTHLY FINANCIAL REPORT****RESOLUTION 110324**

Moved: Cr Geoff Wise  
Seconded: Cr Kron Nicholas

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

**CARRIED**

**9.3 DIRECTOR IINFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 ROADS & TRANSPORT DIRECTORATE 2024 LOCAL ROADS CONGRESS****RESOLUTION 120324**

Moved: Cr Neil Gorey  
Seconded: Cr Ann Crowe

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. Cr Gleeson to attend and if unavailable Cr Gorey will attend.
3. Approves attendance of Councillors who wish to attend.

**CARRIED**

**9.3.2 KORALEIGH RAW WATER NETWORK - CUSTOMER CREDIT APPROVAL REQUEST****RESOLUTION 130324**

Moved: Cr Geoff Wise  
Seconded: Cr Thomas Weyrich

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.

**CARRIED**

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

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**9.3.3 MURRAY IRRIGATION LIMITED VOTING RIGHTS****MOTION**

Moved: Cr Geoff Wise  
 Seconded: Cr Nikki Cohen

That Council give Cr Dennis Gleeson the delegation to use Council's Murray Irrigation Limited voting rights at the April General Meeting. Council's vote will be to either;

Vote AGAINST the removal of the two independent directors.

**FORESHADOWED MOTION**

Cr Cohen Foreshadowed a motion that if the motion currently being debated is lost that Council does not exercise its voting right.

This motion was lost.

The Foreshadowed Motion then became the substantive motion.

**RESOLUTION 140324**

Moved: Cr Nikki Cohen  
 Seconded: Cr Neil Gorey

Council does not exercise its voting right.

The Foreshadowed motion now becomes the resolution of Council.

In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen and Ann Crowe

Against: Crs Kron Nicholas, Thomas Weyrich and Geoff Wise

**CARRIED 4/3**

**CARRIED**

**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 SECTION 7.11 AND SECTION 64 DEVELOPMENT CONTRIBUTIONS****MOTION**

Moved: Cr Ann Crowe  
 Seconded: Cr Geoff Wise

Cr Crowe and Cr Wise supported item 2 to apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98

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.

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## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

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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.

**RESOLUTION 150324**

Moved: Cr Ann Crowe

Seconded: Cr Geoff Wise

Item number 2 became the resolution of council:

2. To apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98.

In Favour: Crs Frank Crawley, Neil Gorey, Ann Crowe, Kron Nicholas and Geoff WiseAgainst: Crs Nikki Cohen and Thomas Weyrich**CARRIED 5/2****CARRIED****9.4.2 DA 10.2023.300.1 - NEW DWELLING AND GARAGE - REQUEST TO WAIVE SECTION 7.12 LEVY DEVELOPMENT CONTRIBUTIONS****RESOLUTION 160324**

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

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.

In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff WiseAgainst: Nil**CARRIED 7/0****CARRIED****9.4.3 DA 10.2024.45.1 - INCREASE ALMOND PROCESSING FACILITY FROM 30,000 TONNES TO 140,000 TONNES OF FIELD WEIGHT ANUALLY INCLUDING THE INSTALLATION OF ADDITIONAL PLANT AND EQUIPMENT, EXTENSION TO HARVEST OPERATING TIMES AND INCREASED STAFFING AT THE SITE. REQUEST TO WAIVE SECTION 7.12 DEVELOPMENT CONTRIBUTIONS****MOTION**

Moved: Cr Geoff Wise

Seconded: Cr Neil Gorey

That Cr Wise and Cr Gorey moved item 4 to waive the total amount of Section 64 fees.

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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.

## FORESHADOWED MOTION

Cr Cohen foreshadowed a motion that if the current motion being debated is lost, Cr Cohen would move that item 1 be debated.

In Favour: Crs Neil Gorey, Kron Nicholas and Geoff Wise

Against: Crs Frank Crawley, Nikki Cohen, Ann Crowe and Thomas Weyrich

**LOST 3/4**

The motion before Council was lost and therefore the Foreshadowed motion became the substantive motion to apply the full Development Contribution.

**RESOLUTION 170324**

Moved: Cr Nikki Cohen

Seconded: Cr Thomas Weyrich

## FORESHADOWED MOTION

That item 1 becomes the Foreshadowed motion:

1. To apply the full Development Contribution amount of \$439,492.00 in Section 64 fees as calculated under the Development Contributions Plan 2011.

The Foreshadowed motion now becomes the resolution of Council.

In Favour: Crs Frank Crawley, Nikki Cohen, Ann Crowe and Thomas Weyrich

Against: Crs Neil Gorey, Kron Nicholas and Geoff Wise

**CARRIED 4/3**

**CARRIED**

**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.**

**RESOLUTION 180324**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

26 March 2024

That:

1. 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 2,000m<sup>2</sup>. 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.**

In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff Wise

Against: Nil

CARRIED 7/0

CARRIED

**9.4.5 PLANNING PROPOSAL TO CHANGE ZONING FROM R5 LARGE LOT TO RU5 VILLAGE AND VARY THE MINIMUM LOT SIZE FROM 4,000M<sup>2</sup> TO 450M<sup>2</sup> AT LOT 611 DP 611 IN DP 806704, 6 CLIFTON STREET MATHOURA NSW 2710**

**RESOLUTION 190324**

Moved: Cr Thomas Weyrich

Seconded: Cr Geoff Wise

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 4000m<sup>2</sup> to 450m<sup>2</sup> 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 endorsement.
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.**

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<u>In Favour:</u>	Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff Wise	<b>CARRIED 7/0</b> <b>CARRIED</b>
<u>Against:</u>	Nil	

**9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS****9.5.1 2024 AUSTRALIA DAY REPORT****RESOLUTION 200324**

Moved: Cr Nikki Cohen  
 Seconded: Cr Ann Crowe

That Council:

1. receive and note the 2024 Australia Day post event report; and

**CARRIED****MOTION**

Moved: Cr Neil Gorey  
 Seconded: Cr Ann Crowe

2. approve publishing award winners prior to Australia Day 2025.

Motion was lost.

**9.5.2 DRAFT MURRAY RIVER COUNCIL ARTS AND CULTURE STRATEGY 2024-2034****RESOLUTION 210324**

Moved: Cr Nikki Cohen  
 Seconded: Cr Kron Nicholas

Item 1 became the Resolution of Council:

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.

**CARRIED****9.5.3 MURRAY RIVER COUNCIL COMMUNITY GRANTS PROGRAM - APPOINTMENT OF ASSESSMENT PANEL, ROUND 2, 2023-24****RESOLUTION 220324**

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Moved: Cr Neil Gorey  
 Seconded: Cr Ann Crowe

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.

Cr Crowe, Cr Weyrich and Cr Nicholas will be the appointed councillors.

**CARRIED**

#### 9.5.4 SECTION 355 COMMITTEE MEETING MINUTES AS AT FEBRUARY 2024

##### RESOLUTION 230324

Moved: Cr Geoff Wise  
 Seconded: Cr Neil Gorey

That Council receive and note the February section 355 Committee report

**CARRIED**

#### 9.5.5 BARHAM MICRO ABATTOIR - COMPLETION OF CONTRACT

##### RESOLUTION 240324

Moved: Cr Ann Crowe  
 Seconded: Cr Geoff Wise

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.

In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas and Geoff Wise

Against: Cr Thomas Weyrich

**CARRIED 6/1**

**CARRIED**

#### 9.6 CORRESPONDENCE REPORT

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**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024****9.6.1 CORRESPONDENCE REPORT****RESOLUTION 250324**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

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 260324**

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

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.

**Cr Kron Nicholas** attended the following additional functions and meetings noted below in addition to those listed within this report:

13 February 2024	Murray River Council Budget Meeting
21 February 2024	Botanical Garden Group meeting to determine future of gardens and letters re Botanical Garden management
27 February 2024	Murray River Council Ordinary Meeting

**CARRIED****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.****MOTION**

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

That Council review its Parks and Gardens maintenance program in Picnic Point and Mathoura.

Motion was lost.

**11 CONFIDENTIAL MATTERS****RESOLUTION 270324**

Moved: Cr Ann Crowe

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## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

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Seconded: Cr Neil Gorey

That Council moves out of Open Council into Closed Council at 2.43pm.

**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 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 Reversal 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).

## MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

26 March 2024

**RESOLUTION 280324**

Moved: Cr Geoff Wise  
Seconded: Cr Ann Crowe

That Council moves out of Closed Council into Open Council at 3.13pm.

**CARRIED****RESOLUTION 290324**

Moved: Cr Geoff Wise  
Seconded: Cr Ann Crowe

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

**CARRIED****11.1 SALE OF LAND FOR UNPAID RATES****RESOLUTION 300324**

Moved: Cr Geoff Wise  
Seconded: Cr Neil Gorey

That Murray River Council (Council) resolve to:

1. in keeping with Chapter 17, Part 2, Division 5 of the Local Government Act 1993 (Act), undertake the sale of the properties identified in Attachment 1 to this report, through an auction process for the recovery of Rates and Charges levied on such properties and are now overdue for payment, and
2. appoint Wood O'Brien Pty Ltd. (ABN 66 126 829 214), doing business as Charles L. King & Co., franchisee for First National Real Estate as the selling agent for the properties to be sold, and
3. authorise the Chief Executive Officer (CEO) to undertake the necessary activities to give effect to the sale of such land, including setting the reserve price of each property based on valuation advice received from the appointed selling agents, entering into & executing any contractual documents, and affixing the Council seal to any deeds of sale.

**CARRIED****11.2 MATHOURA ON THE MAP COMMITTEE - AUSTRALIA DAY ACQUITTAL****RESOLUTION 310324**

Moved: Cr Neil Gorey  
Seconded: Cr Ann Crowe

Supporting option 1 below.

That

- 1) Council raises an invoice for repayment of \$3,352 grant funds provided to Mathoura on the Map Committee to run 2024 Australia Day event, because evidence of expenditure has not been provided as requested, and in addition;

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**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

- i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
  - ii) Council seek an alternative committee to undertake future Australia Day activities.
- OR
- 2) Council use its own funds to repay the \$3,352 grant monies not acquitted by Mathoura on the Map Committee to reimburse the Australia Day Council, for incorrect expenditure without evidence from Mathoura on the Map Committee, and in addition;
    - i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
    - ii) Council seek an alternative community committee to undertake future Australia Day activities.
- CARRIED**

**RESOLUTION 320324**

Moved: Cr Neil Gorey  
 Seconded: Cr Ann Crowe

- 1) Council raises an invoice for repayment of \$3,352 grant funds provided to Mathoura on the Map Committee to run 2024 Australia Day event, because evidence of expenditure has not been provided as requested, and in addition;
    - i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
    - ii) Council seek an alternative committee to undertake future Australia Day activities.
- CARRIED**

**11.3 RESOURCING THE AUTOMATED DEPOT AT THE MOAMA WASTE MANAGEMENT FACILITY****RESOLUTION 330324**

Moved: Cr Geoff Wise  
 Seconded: Cr Neil Gorey

1. That Council notes the information contained in this report, in particular the financial expenses and the positive return on investment section outlined in the discussion.
  2. That Council note the recruitment of 4 (four) full-time equivalent staff to operate the Automated Depot being constructed at the Moama Waste Management Facility to process beverage containers eligible for a rebate under the NSW Container Deposit Scheme.
- CARRIED**

**11.4 MOAMA LIONS COMMUNITY VILLAGE COMMITTEE - MONTHLY SERVICE FEE****RESOLUTION 340324**

Moved: Cr Ann Crowe  
 Seconded: Cr Nikki Cohen

**MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes****26 March 2024**

That Council agree to Moama Lions Community Village Management Committee recommendation to increase the monthly service fee:

- (a) That the increased fee be applied on and from 1<sup>st</sup> July 2024
- (b) That the increased fee be included in Council's register of fees and charges.

**CARRIED****11.5 CONTRACT 2402 - MOAMA SEWERAGE SCHEME UPGRADE CONSULTANCY****RESOLUTION 350324**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That Council:

1. Consider the information provided by the Project Manager for the Moama Sewerage Scheme Upgrade Consultancy Contract (Options Study Review and Concept Design) by way of background;
2. Retrospectively endorse the acceptance of the quotation for work under Contract 2402 to NSW Public Works Department of Regional NSW (ABN 19 948 325 463) for a lump sum amount of \$398,750.00 (including GST); and
3. Grant a delegated authority to the Chief Executive Officer, allowing for:
  - (a) the signing of this Contract;
  - (b) the approval of a Purchase Order in the amount of \$398,750.00 (including GST); and
  - (c) the approval of variations within budget.

**CARRIED****11.6 RECOMMENDATION FOR THE SALE OF FORMER MOAMA PRESCHOOL SITE, REGENT STREET, MOAMA.****RESOLUTION 360324**

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

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 11 DP 236459 and Lot 12 DP 236459 (the land parcel) through an open market approach of either Expression of Interest or Competitive Direct Sale, as suggested in the attached Valuation Report.

**CARRIED****11.7 REVERSAL OF RAW WATER CONSUMPTION CHARGES****RESOLUTION 370324**

Moved: Cr Thomas Weyrich

Seconded: Cr Ann Crowe

MURRAY RIVER COUNCIL Ordinary Council Meeting Minutes

26 March 2024

<p>That Murray River Council resolve to note and endorse the proposed reversal of Raw Water Consumption Charges amounting to \$2,234.65 to the person(s) identified in the report.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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**12 CONCLUSION OF MEETING**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.24pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 23 April 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 26 MARCH 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 23 APRIL 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 HOUSE COMMITTEE ON REGIONAL DEVELOPMENT, INFRASTRUCTURE AND TRANSPORT – INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY

**File Number:** -  
**Author:** Terry Dodds, Chief Executive Officer  
**Authoriser:** Terry Dodds, Chief Executive Officer

#### RECOMMENDATION

That Council makes a submission to the House of Representatives Standing Committee's on Regional Development, Infrastructure and Transport's inquiry into local government sustainability.

#### BACKGROUND

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport has commenced a new inquiry into local government sustainability.

As part of the inquiry the Committee will examine financial sustainability and funding frameworks of local governments, alongside changing infrastructure requirements and service delivery obligations.

The Committee is seeking to understand the challenges faced by local governments in servicing infrastructure requirements across regional, rural, and remote locations.

Workforce shortages across Australia relating to infrastructure and other service areas more broadly, particularly in regional, rural, and remote areas, will also be a focus of the inquiry. The Committee will also inquire into issues relating to skills development and job security, along with labour hire and retention trends and practices to identify barriers and opportunities to support job security and local government service delivery obligations.

Submissions to the inquiry are due by close of business Friday 3 May 2024.

#### DISCUSSION

##### Terms of Reference

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will inquire into and report on local government matters, with a particular focus on:

- A. *The financial sustainability and funding of local government*
- B. *The changing infrastructure and service delivery obligations of local government*
- C. *Any structural impediments to security for local government workers and infrastructure and service delivery*
- D. *Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.*
- E. *The role of the Australian Government in addressing issues raised in relation to the above*
- F. *Other relevant issues.*

Murray River Council's Responses to Terms of Reference:

## *A. The financial sustainability and funding of local government*

### **(1) Cost shifting.**

Successive State and Federal governments over an extended period have reduced, removed, or transferred services, even though communities still required them. This encouraged disaffected and desperate councils to delve into non-core businesses to make up financial shortfalls. Often with mixed success.

Subsidies related to services for aged accommodation, medical, early childcare/education, youth, and community transport – which assist to maintain the social fabric of communities – have become commonplace on council's balance sheets.

Those with a more astute knowledge of local government may suggest that as these are peripheral type services why don't councils simply charge at cost-plus? I put it to the Standing Committee that the State or Federal Government wouldn't have walked away and passed the responsibilities onto councils, by default, if the fees were able to be recovered in the first instance.

Secondly, if there was a dividend to be made private enterprise would already be supplying the service and neither the federal, state, or local government would have (originally) needed to step in. Add the tyranny of distance found in country areas, and even more community pressure is placed on local government to fill the gaps after abandonment by the other two tiers of government.

The NSW Local Government Association recently published a report on cost shifting which tabled the amount at \$460 per rate assessment. Providing the aforementioned (non-traditional) services wouldn't be so challenging, if at the onset, local government was given the financial powers to raise revenue to offset the expenses (in a timely manner).

Almost always, the cost is shifted without the provision of ways of increasing the income.

Also, 'silent cost shifting' is occurring additional to this, via legislative changes where Local Government is forced to take on more and more areas of service, which is adding considerable costs to non-recoverable items such as staffing, insurance etc and also the spin-off costs. This is further touched on in the section on small grants.

If State Government is cost shifting to NSW councils, then there is zero justification for them to impose a rate cap.

### **(2) Federal Assistance Grants (FAGs).**

In addition to the reduction of services, which in effect, is cost shifting (now named 'risk shedding' by some executives in federal government bureaucracies), the percentage of the Federal Assistance Grants (FAGs) as a share of federal taxation revenue is now a little over half a percent. (FAGs have declined from one per cent of federal taxation revenue in 1996 to just 0.5 per cent in 2024.) Whilst it doesn't seem significant, it is. Murray River Council's FAG is circa \$10.8 million. If the FAG were raised to 1% the extra income would be a further \$10.8 M.

### **(3) Legislative obligations.**

The NSW Local Government Act in 1919 was 344 pages long. The Act, as it stands now, is 749 pages long, excluding Schedules. There is a true and genuine cost to comply with twice as many legal requirements. This is a point not often acknowledged by those introducing the never-ending stream of amendments.

What was once the domain of the old 'Shire Clerk' (pre-1993 Act) is now far too onerous for a General Manager/CEO alone to keep abreast of and manage. The risk of non-compliance, and any resulting reputational damage or other fallout, is very real. Some larger councils now employ a qualified legal counsel by necessity. (As does Murray River Council.)

There are many other legislative examples of increases in responsibilities (costs) harboured by councils, a few of which are as follows: Crown Lands, Internal Audit & Risk Committee (changes in costs), centralised auditing through the Auditor-Generals office, membership of Joint Organisations (previously Regional Organisations of Councils: free), pensioner rebates etc.

#### **(4) Rate Capping**

While NSW had employed a form of rate-pegging between 1901 and 1952, which was discontinued due to its 'impracticality', the genesis of the modern method of rate-pegging may be found in the 1976 state election campaign. Under the Local Government (Rating) Further Amendment Bill, an interim type of rate-pegging was re-introduced by the victorious Wran Labor Government in 1977 and further refined into its contemporary form in 1978.

Whilst rate pegging achieved some of what it was initially designed to do, historically except for few occasions, the cap was set below inflation. Moreover, the discrepancy is even larger than it might first appear if one considers a true measure of local government inflation rather than the Consumer Price Index, which is currently erroneously employed (by IPART and as a key component of the LGCI). There is a limit to how often, and by what quantum, government-imposed *efficiency dividends* can fund the difference between the rates cap and increases in councils' expenditure (caused by inflation and cost-shifting). The limit was reached years ago.

On a macro level, the drive for assets via grant opportunities from State and Federal governments have added to the disparaging disconnect with the rates cap not keeping up with cost shifting, asset depreciation, and in general the overall cost of operation and capital delivery.

**This limit is now measured by a rise in the council infrastructure backlogs (unfunded depreciation) and (largely) a reduction in road maintenance!**

Subsequently, given the removal of services by other governments (a), the effective halving of FAGs (b), the more onerous compliance and legislative requirements (c), and the gap between rates caps and inflation (d), there is little wonder that rural or remote councils, over the last thirty years, have balanced budgets by reducing their largest expense: transportation (roads).

The following pie chart indicates this exactly. In 1995 rural or remote councils spent 58% of their budgets on transportation. Yet in 2019 that had reduced to 38%. Murray River Council spends 34% of our budget on transportation.



Yet the amount expended on ‘other,’ and ‘environment,’ has risen from 13 to 35% - with ‘other’ having the biggest increase (5 to 22%).

Council contacted the ex-President of the NSW Institute of Public Works Australasia (IPWEA) who provided council with a startling figure confirming the apparently ubiquitous use of transport budgets to maintain solvency. The NSW Roads and Transport Directorate recently published a report tabling that the annual shortfall on transportation expenditure in the ninety-four (94) regional and outer metro council areas in NSW was \$681 million. It can (and has) been argued that councils should use the Special Rates Variation (SRV) provisions to negate continual reduction in their ‘biggest bucket’ (transportation budget) to balance their ledger.

This may be technically true. But if the system of financial governance weren’t so broken, firstly, there wouldn’t be a requirement to **spend even more money** to go through the Special Rate Variation process, and secondly, the applications (as a percentage increase in rates) applied for by councils to IPART for wouldn’t be so huge a percentage increase.

There have been at least three ‘investigations’ into local government sustainability in the last thirty years. **But there have been countless scholarly papers written about financial and infrastructure issues within local government (see appendix).** Council found twenty in a quick Google search, there were many more webcasts, YouTube videos and other media on the subject.

This begs some questions...

**Question one.** If there have been hundreds of scholarly investigations and well-regarded papers, webcasts, or video clips produced already, with little action by any government, why do another?

Why not just review and combine the points of the top 20 or 30 articles? Technology certainly has changed in the last 31 years (since the ‘93 LG Act), but the sustainability problem hasn’t, nor has the lack of political will and the ability to remain in denial.

**Question two.** Or is the answer the government is seeking likely to be at odds with what a great many academics and experienced local government practitioners recommended over the last thirty years?

It has become the norm for councils to intricately assess Terms of Reference, and subsequently recommended actions of (especially State) government, as frankly, the level of trust is zero.



Many in local government become despondent and stop listening to speeches by Ministers at events when the words, “collaborative, collegial, cooperative, or partnership,” are used, knowing full well that they are superficial.

And further to this the sheer number of ‘consulting’ attempts by State government that conveniently occur with tight time limits or are combined with multiple requests: not to mention some quite important ones occurring right before holidays, long-weekends or after 4pm on Friday afternoons.

**Question three.** Is the new study designed to ensure proper consultation with councils?

A non-cynical observer may say that the government wants to consult properly with the industry. That would be fabulous. Recent history (early April 2024) shows that suggestion to be almost laughable, as NSW councils discovered about the new tax on internment (cemeteries) without consultation.

Councils didn’t hear it from the government, we heard about it by reading a press release from the NSW Local Government Association. Less than a month ago, again without any consultation, changes were made regarding waste management, not only without consulting councils, but not speaking to waste industry providers either.

### LG Grants Commission Report (1977)

- the property tax is an inadequate source of revenue to meet all the demands to provide services that extend far beyond those relating to property
- increasing trend for communities to look to their councils to provide a range of social, cultural and recreational services that are far in excess of what a rate on land can support
- Government foreshadowed intention to pay rates on certain crown lands
- introduced per capita component to ensure all councils received FAG (min 30%)

### Inquiry into the Financial Sustainability of NSW Local Government (2006)

- relationship with higher tiers of government
- huge backlog in infrastructure renewals
- devolved government social and environment agenda
  - no or low \$ recompense (cost shifting)
- expectations of higher standards of service, and public assets, that people increasingly demand of their councils
  - retirees moving to coastal and inland regional centres
  - sea- and tree-changers used to city standards
- maintaining existing service commitments, yet manage huge infrastructure bill
- rural councils will only survive with increased grant funding
- constraints on rate income
- restoring public faith in the development control process
- overcoming skills shortages
- greater resource sharing
- tools such as performance benchmarking

In reviewing the table above, it seems obvious that the government of the day **cherry picked the recommendations**. The only two that have been genuinely implemented involved local government doing all the heavy lifting: greater resource sharing evolved into the forcing of councils to join (and pay for) Joint Organisations, and now we benchmark.

In addition to the two-enquiries summarised in the above table, there was the Local Government Boundaries Commission investigation (NSW: circa 2016). This precipitated the amalgamations, which were going to solve everything. The savings never eventuated, as the tyranny of distance wasn’t taken into consideration at worst, or at best, the savings were less than the travel-time-distance-costs incurred over larger footprints.

The QLD experience with amalgamations resulted in the same. (Many in local government, and at least one academic, would say it achieved quite a few objectives of the State governments though.)

In addressing the first dot point provided by *The House of Representatives Standing Committee*, it gets down to basics and remarkably simple mathematics.

**A council's income must be adequate to maintain services and also fund asset consumption (in the form of depreciation). Most councils cash position indicates that services aren't their main issue, it's their ability to maintain infrastructure assets that they fail with.**

Putting cynical observations, a predictable lack of genuine consultation, previous inaction after investigations, subterfuge, and the disregard of scholarly papers aside, optimists within local government hope the new NSW Government with a new Minister (who is very experienced in councils) will listen – and not cherry-pick findings to suit political agendas. It is also hoped that the Federal Government will also listen to our pleas.

Unless the state government introduces a genuine financial mechanism for incremental, ongoing, and timely maintenance (of the mechanism) which leads to financial sustainability of the industry, the time authors took in responding to the House of Representatives Standing Committee, will be valueless.

## *B. The changing infrastructure and service delivery obligations of local government*

### **(5) The dilemma of the 'Modern Standard Equivalent (MSE).'**

Every time there is an accident that precipitates a change in a code or national standard, or there is a technological breakthrough, or anything that causes obsolescence, whatever the improvement is will inevitably cost more.

Whether it be the BASIX requirement for new buildings (now up to iteration number 5), or the width of new bridges, or specifications for pedestrian and cycle paths etc, not only does the initial cost rise, but the new assets also get added to the register at the higher capital value.

### **(6) Flawed depreciation model.**

The methodology used to calculate depreciation is fundamentally flawed.

General purpose financial statements for both commercial entities and local government councils determine depreciation expenses in accordance and compliance with AASB 116.

### **AASB 116**

Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life.

Depreciable amount is the cost of an asset, or other amount substituted for cost, less its residual value.

Depreciation can be described/explained as follows:

*“Depreciation is a planned, gradual reduction in the recorded value of an asset over its useful life by charging it to expense. Depreciation is applied to fixed assets, which generally experience a loss in their utility over multiple years. The use of depreciation is intended to spread expense recognition over the period of time when a business expects to earn revenue from the use of the asset.”*

It is also accepted that in the commercial environment depreciation expenses are integral in determining the profit distribution through dividends, this however is not afforded to councils as there is no taxation offset or benefit.

**In view of the above and from a practical perspective there are stark and fundamental differences between the relevance of depreciation expenses in a commercial environment as compared with a local government council.**

In a council environment:

- There is no distribution of profits.
- Most Council assets are not intended to generate and/or maximise revenue or create a return on investment.
- Numerous assets are externally funded (partially or fully) through grants and contributions. Note: Assets are added to councils’ portfolios, due to growth driven by communities, and election commitments, but no grants provided by State and Federal government for maintaining the asset/depreciation.
- Some councils have brought to account and depreciated assets which they neither own nor control, nor have any financial obligations for asset maintenance or replacement (e.g. Rural Fire Service ‘Red Fleet’ assets).
- Arguments persist that certain asset categories e.g. roads, do not lose value should maintenance be adequate.
- Assets of councils are subject to rapidly changing demographics, global trends, changes in Community Strategic Plans, legislation, and technology.
- In some cases, council determines that assets will not be replaced at the end of their useful life e.g., community halls due to changing demographics, community expectations etc.

**Consequently, it is apparent that depreciation expenses as defined by Australian Accounting Standards and adhered to by commercial entities are not necessarily compatible nor applicable for local government assets.**

**This situation was recognised as far back as 1922** when a Committee of Enquiry into Local Government Accounts stated:

*“In Local Government Accounts a charge for depreciation means a provision for replacements. What local government bodies are concerned with are the cash and funds available for expenditure, so that unless depreciation written off is actually set aside in a special bank account no advantage is gained by writing it off.”*

This statement has some relevance today – *“depreciation means a provision for replacement.”*

For the reasons enunciated earlier most councils' assets have been externally funded (partially or fully) through grants and contributions (roads/sewerage/water) and council will never be in a position, nor expected, to fully fund these assets when they are fully depreciated.

Additionally, some assets will never be replaced, and the A-G Office is claiming that 'assets' such as Rural Fire Service ('Red Fleet') are required to be depreciated even though councils have neither control nor obligation to fund nor replace. These factors are unique to NSW local government and need to be accounted for as such.

This situation was recognised and addressed by the NSW Local Government Electricity County Councils in the late 1980's when their financial statements (audited by the NSW Audit Office) **effectively only depreciated the equity** that County Councils had contributed to the asset. This was achieved by amortising capital grants and contributions against the annual depreciation expenses.

Based on the NSW Local Government figures for year ended 2019/20 the State average for depreciation expenses as a percentage of Opex was 20.8% with significant variances between regions, particularly between rural and urban councils.

Councils with highest depreciation as a % of Opex

- Liverpool Plains Shire Council 41.2%
- Carrathool Shire Council 36.6%
- Bland Shire Council 36.1%
- Balranald Shire Council 34.3%
- Lockhart Shire Council 34.0%

Councils with lowest depreciation as a % of Opex

- Council of the City of Ryde 8.9%
- Waverley Council 10.82%
- The Municipality of Kiama 11.96%
- Penrith City Council 12.04%
- Inner West Council 12.12%

**It is no coincidence that the councils with the highest depreciation percentage to Opex are generally rural councils with extensive rural road networks (sealed and unsealed).**

Councils' depreciation expenses are of course made up from a series of different asset classes however in most cases road depreciation is often the largest single component and largely responsible for the considerable variances as illustrated.

Obviously then, one size doesn't fit all, yet no allowance is made for these depreciation variances when important ratios such as the Operating Performance Ratio are prepared.

No figure in local government financial statements is subject to greater uncertainty and variability than roads depreciation which is constantly subject to climate events (excessive rainfall/flooding etc), road transport regulations, grant funding, condition assessments etc. thereby making it potentially a most unreliable and misleading figure.

(It is an expensive exercise to complete an asset valuation on thousands of kilometres of unsealed roads, which only remains accurate until the next significant weather event, which makes the whole process somewhat academic!)

Added to this depreciation scenario is the fact that many other assets of council are subject to vastly different factors than those of a commercial entity.

This then begs the question. Why are all council assets depreciated 100% based on cost or revalued amount when council has not financed (nor expected to have financed) the full cost of the asset?

Is there a better way?

As councils' financial statements are prepared in accordance with Australian Accounting Standards there is no scope for amendments to the depreciation expense as disclosed in the Operating Statement. (Amendments can be made to the Statement of Performance Measures (Notes G5 & H) and in particular the Operating Performance Ratio.)

Councils Operating Performance Ratios have been steadily decreasing over the past few years; with many councils reporting a negative %.

In the fiscal year ended 2020/21 the majority of NSW Councils (67) reported a negative operating performance ratio. This situation must be addressed as it is not truly reflective of performance.

It should be noted that with some exceptions councils' Special Schedules (7) report that most councils assets are rated satisfactory or better and only require continued maintenance work. Based on a limited sample many councils report less than 10% of their assets as requiring renewal.

**Given these scenarios, consideration should be given to the following options:**

*1 Eliminate all depreciation expenses from the calculation of the operating performance ratio:  
OR,*

*2 Eliminate roads depreciation expenses and depreciation expenses applicable to asset equity funded from grants and contributions from the calculation of the operating performance ratio.*

**(7) The Stockholm Syndrome.**

The average reliance on grant income, in the category of councils that Murray River Council is defined in, is circa 44%. Due to the inability to match expenses with income, almost all rural councils become dependent on grant income. This is not unique to Murray River Council, nor is this a new thing, it has been occurring for decades.

This dependency, year in, year out, of which a sizeable percentage isn't predicible (with the exception of some Federal grants), means that to survive councils are coerced to succumb to the will of whatever the 'captor' wishes – be it good, bad, or indifferent.

Mostly it's good, at least for those assets that are on the 10-year Financial Plan or sorely needed by communities. This is especially the case with large and expensive upgrades to water filtration or sewerage treatment plants, or the provision of any infrastructure related to rapid population growth.

But preceding elections past governments have circumvented councils and offered *trinkets* and *bags of silver* directed at community groups, sporting clubs, and volunteer associations. All (assets) of which are housed on either crown land or council owned operational land, on which council is the asset custodian (read: responsible for ongoing maintenance and depreciation).

As the government directly approaches these groups, councils have no say in the additional maintenance and depreciation expenses and are readily forced into supporting these applications with due regard for adding further assets and additional depreciation costs.

Moreover, councils then get the task of delivering the project – under the stringent procurement protocols not usually taken into consideration by the community (applicant) – which often means either a reduction in scope is required, or a cost overrun occurs.

It is also a common occurrence of local government procurement paying above market rate for the delivery of projects, as providers of services know that these projects are unlikely not to proceed due to political fallout. As an election is usually imminent, time constraints inevitably also become an issue. As the grants (inducements) all arrive at the same time (pre-election), in areas where there are few specialist contractors the cost, as can be predicted, naturally rises.

Any council which refuses to supply a letter of support to the community groups' grant application will quickly bring community anger upon themselves.

The government could solve this by referring to the Community Strategic Plans. Meaning that the process and document that all councils are supposed to be following, is used to determine what grants would be assessable in the first instance. As there is a predetermined community mandate (the consultation when the Community Strategic Plan – CSP - was first commenced), the CSP could be used to determine what grants would align and therefore be approved.

### **(8) Small grants.**

To administer a \$50,000 project (SCCF - the Stronger Country Communities Fund minimum amount) often costs the same or more in staff time as administration of a \$500,000 project. As multiple small value grants, strewn across a large geographical electorate, take up significantly more staff time than a larger value project in one location.

The impact and risk can quickly multiply, as the majority of low-cost projects are overseen by staff at a 'junior officer' level. This is because the charge-out rate for highly remunerated project managers in a council, which may even be external contractors (even more expensive), would quickly consume the 10% project management allowance linked to the small grant.

Secondly, a Project Management Office (PMO) usually has the responsibility of delivering multimillion-dollar projects, which often span more than a year, which are also grant funded, and therefore on their own grant induced timeline.

If the real administration and acquittal costs weren't carried by a council, many smaller projects wouldn't be delivered.

The SCCF grant allowance for project administration was only 10%. Most PMOs in councils have an internal client charge out rate of 15%. But losing 5% wasn't the biggest issue, risk, and expense. Nor is the lack of highly remunerated, and otherwise engaged, professional project managers.

The onerous and costly requirement to effectively duplicate community consultation (already done as part of the Community Strategic Plan in all councils) and further the community development was not recognised as part of SCCF. This was the Black Hole councils were forced into.

These pre-election State Government inducements fly in the face of the Act (1993 NSW), as councils spend an enormous amount of time and money to complete their Community Strategic Plans after each local government election to comply with the Integrated Planning and Reporting (IP&R) requirements of the Act.

Capital expenditure, ongoing maintenance, and depreciation expenses form part of the Integrated Planning & Reporting framework (the Act), in the form of having a 10-Year Financial Plan, 4 Year Delivery Plan and 1 Year Operational Plan.

The arbitrary capital additions (voting inducements) - once per election cycle – begs the question why The Local Government Act (1993 NSW) forces councils to spend so much time and money on astute financial planning, community consultation (during the development of the Community Strategic Plan), reducing planned maintenance, and depreciation management only for the warrant to be stood aside when it's politically convenient!

#### **(9) Grant application complexity.**

The time taken to apply for the grants has become much more onerous. As the complexity and amount of information sought must be in concert with the latest guidelines on how to stop *Pork Barrelling* occurring (again).

Most medium sized rural councils now employ, by absolute (financial) necessity, a professional Grants Officer. This was unheard of ten years ago, and only has become commonplace in the last five or so years. The need to employ a Grants Officer, or contract it out, has created a new profession, as each year passes the skills become more finely honed and specific to local government.

Judging by recent experience (April '24), the *Pork Barrelling* continues. This is both predictable and unfortunate, as it's how our whole electoral system tends to work (as identified by the Nobel Laurette James Buchanan).

Each Opposition castigates the previous Government for *Pork Barrelling*, then changes to grant criteria and assessment inevitably occurs, which drives the increase in sophistication and need for specialist staff.

This in-turn then equates to increases in the cost to apply for grants, and a greater disappointment when reading the rationale as to why the grant application was unsuccessful.

(There is some **irony** though with the increase of sophistication of grant criteria. The challenge to the bureaucrats tasked with writing the *Dear John* letter is also far greater, as it's **much harder for them to produce believable excuses on why a council missed out when the criteria** was so eruditely met.)

#### **(10) Timing of grant notifications.**

Every year councils have their budgets on display for 28 days prior to adoption, which usually occurs in May. The budgeting process takes months, usually commencing in November the previous year.

Often, a state government knows they'll be a fiscal impact on councils well in advance (prior to a state government election!) but remain silent on their plans that will financially impact councils until just prior, or sometimes even after, councils have adopted their budget. This sleight of hand is never well received and causes stalwarts to lose trust very quickly.

**(11) The cookie cutter approach.**

States are as geographically diverse as they are large. The more removed from metro areas, the more bespoke infrastructure development and delivery needs to become based on these simple facts.

Due to capacity and assessment constraints by the grant providers, often it is difficult for bureaucrats and Ministers alike to comprehend local factors. Or even if they do, have the capacity to adjust accordingly.

Worse still, **recently council has observed that the grant criteria have been so focused on 'metro'** that for a regional applicant the level of scrutiny is unrealistic, as are some assumptions that has led the government to think everything is fair and just.

As a rural council it cannot be helped but think that the NSW State Government has found a **new way not to be accused of Pork Barrelling**. By writing the grant criteria, with so much emphasis on the areas that a government wants to spend money in, that the end result will be predetermined. No Pork Barrelling accusations, as the grant criteria was met 100%!

To create economies of scope and scale, a one-size-fits-all grant criteria is usually the standard fare. This makes it extremely difficult for administrators/acquitters of the grants when there are time constraints caused by local circumstances. Or worse, a natural disaster.

**(12) Announcement delays.**

It is very frustrating for councils to be given a strict grant application due date, or else risk missing funding opportunities, only for the announcement of success to be delayed ensuring alignment with a bad news day (for the government) or linked to an election announcement (usually a photo opportunity).

A delay by the grant provider often doesn't align with the acquittal date being pushed back by a pro-rata amount. This is especially the case pre-elections. This increases cost, as the *time, cost and quality triangle must be in equilibrium*. (To decrease time increases cost or reduces quality – the rule of project delivery.)

Councils then bear the brunt of poor-quality outcomes more often than they should, as there is an election approaching, and no time for council to properly scope the project and time pressures leading to corner-cutting by the contractor.

There is a saying in the Quantity Surveying industry, "Where there is confusion, there is profit." A less than scrupulous contractor, too well knowing the scope is rubbery and council is desperate to meet an unrealistic timeframe (caused by election inducements), uses the gaps in the scope and or contract to apply for extras.



*C) Any structural impediments to security for local government workers and infrastructure and service delivery*

**(13) The first two budget casualties.**

Councils that struggle to align budgets, which is every rural council, look at what expenses can be cut in their immediate budget.

- The first casualty of fiscal constraint is succession planning.
- The second casualty is strategic planning.

(The two die from different afflictions though.)

**Has anyone in government ever wondered why the supply of specialists within local government is so low, the demand so high - with the consultant fees to match?**

What we sow we reap. It takes years to train a Building Surveyor, a Town Planner, a Water Filtration Plant Operator or Water Engineer, a Chief Financial Officer, a Ranger, or an Environmental Health Officer (and many more).

Although some of the skills and experiences are transferable from *private* to *public*, many are not. The guilds have become more local government orientated as the Act (1993 NSW) became more prescriptive.

Up until about the time economic rationalists convinced the world the economy would provide solutions for every demand generated, all tiers of governments were the incubators for almost every trade and guild. That time is long gone.

There was an extended period, in councils and state government departments, where meeting a Trainee, Cadet, or even an Apprentice, was rare. Even in those councils with a large number of staff, the ratio of trainees etc in a workforce, compared to circa the mid-eighties (1985) and prior, was low. As an industry, we're now paying for our financial incapacity to succession plan.

While councils continue surviving *hand-to-mouth*, the capacity to *grow your own* talent will always be a struggle. It's much easier to not employ someone in the first instance versus make someone else redundant. Faced with financial Armageddon, councils inexorably cut 'future' versus the 'current.'

In 2004, Planning Institute Australia brought the issue of lack of Town Planners to a head in their report titled National Inquiry into Planning Education and Employment.

In 2007 there was a plea from our Association, who articulated there was a problem with the number of Town Planners the industry was attracting and retaining.

In 2022 Local Government Workforce Skills and Capability Survey New South Wales Report was prepared for the Australian Local Government Association.

There have been other investigations and reports on workforce shortages.

The root causes of the problems are many. Of the reports council has reviewed little has been articulated regarding one of the main issues – the financial capacity to fund succession. All councils know that because many occupations we employ are so specialised we must develop our own workforce.

It's a shame that the financial asphyxiation applied to local government has now caused our costs to rise and services to reduce. It's **somewhat ironic**, as the reason rates pegging was introduced was to curb council expenditure, not coerce costs to rise!

***(14) The death of strategic planning.***

The second casualty a council budget sacrifices is strategic planning. This is just as much of an issue as a lack of succession planning. The difference is the industry pays for a lack of succession planning in years to come (which is now).

When human capacity constraints take effect, with things like employment freezes, the Executive (Directors) and Managers inevitably spend more time fighting fires (operational arena) than planning for the future (strategy).

The number one risk facing Murray River Council was caused by the Executive not having the time to work on 'tomorrow's requirements.' In reflection, many councils suffer or suffered the same fate. The risk caused by not spending time and money on strategy is usually related to large and expensive assets with a slow consumption rate or a slow and incremental decrease in production, such as water filtration plants, sewerage treatment works, arterial roads, water supply reservoirs, dam walls, and the biggest Achilles heel of them all: bridges.

***D) Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.***

***(15) If you fail to plan, you plan to fail.***

There have been many changes in where and who is targeted in attracting staff to regional or rural councils, and how we retain staff, only some of which was caused by COVID.

COVID certainly didn't assist but by no means was the only driver. It did cause people to reassess their life goals, with much being written about 'The Great Resignation' by others.

As well as people changing their views about work-life-balance, often choosing life over work, other forces have been at play. Bernard Salt has cleverly dubbed the exodus to regional areas as 'VESPA's,' being 'Virus Escapees Seeking Provincial Australia.'

To some extent VESPAs initially rang true and helped Murray River Council. We did employ staff looking to escape Melbourne and Sydney, but not as many as industries whose staff could easily work from home (WFH).

In summary:

- The drivers seem to have changed to those seeking to escape from the economic reality of a million-dollar mortgage in a city. But even so, those seeking a tree change

are more at the higher end of the remuneration scale than lower or middle. This can be particularly attractive to individuals and families looking to own property or upgrade to a larger home without the excessive costs associated with city living.

- Regional areas often offer a lower cost of living compared to major cities. This isn't just lower housing costs, there are reduced transportation expenses, and more affordable amenities, which may attract individuals looking to stretch their budget further.
- Improved Work-Life Balance: Regional centres often offer a slower pace of life and less congestion compared to cities. This can result in a better work-life balance, with more time available for leisure activities, family, and personal pursuits.
- Employment Opportunities: Some regional centres may have specific job opportunities that are not as readily available in major cities. This could be due to industries that are prominent in certain regions, such as agriculture and tourism in the Murray region, which may offer unique employment prospects.
- Commute Times: Working in Murray River Council means shorter commute times compared to navigating the traffic and congestion typical of major cities. This can result in less stress and a better quality of life for individuals who value proximity to their workplace.
- Community and Lifestyle: Regional centres often offer a strong sense of community and a more relaxed lifestyle, which can be appealing to individuals seeking a closer connection to their neighbours and surroundings. This can include access to nature, recreational activities, and cultural events. When asked, many of Murray River Council's staff say that was one of the reasons they moved here.
- Career Progression: In some cases, individuals may find that career progression opportunities are more accessible in regional centres, particularly if there is less competition for positions or a greater demand for skilled workers in specific industries.
- In small to medium sized rural councils, you're not a 'number.' You don't get lost in a huge organisational hierarchical chart. It's both necessary for the organisation's survival, and fortuitous for staff who wish to extend their resumé, for staff to learn more than a narrow Position Description would describe in a large organisation. For those with the motivation, they can learn skills many times faster and much more broadly than metro councils.

Overall, the decision to leave a city and relocate to a regional centre for work can be influenced by a combination of the above factors, as well as personal preferences and individual circumstances.

- What is a challenge though, is that the staff from metro areas, especially those in large councils or private enterprise, expect the same remuneration when making a tree change.
- The same can be said when our younger staff, who traditionally arrive just after finishing their degree or get funded by council in their degree, who see city counterparts earning 25-40% more than regional councils can offer. As the pool of talent shrinks, there has been a couple of younger staff leave Murray River Council due to being offered much more than their skill set and experience traditionally suggested.
- Overall, the cost for staff for more home-grown and or specialist positions has dramatically increased over the last three years.
- Internal migrations augur large pressures on future financial sustainability. People that move in from the city have tastes and preferences for higher quantity and quality of local government goods and services. This will exert upward pressure on unit costs which is what research has been confirming. In short, internal migrants won't be happy to pay (usually higher levels of rates on a revenue effort basis), for lower quality services (unsealed roads etc etc).
- Lastly, it must be noted that the type of staff that leave one area for a tree change are mostly those earning six-figure incomes. When councils don't have the financial capability to employ trainees, cadets, apprentices due to budget constraints, the cost rises accordingly as it's simply a supply and demand situation.

### *E) The role of the Australian Government in addressing issues raised in relation to the above*

#### **(16) Stacked committees.**

To seasoned bureaucrats and politicians alike this submission will appear quite blunt. This was deliberate, as past attempts have been less than successful.

It's sad to read so many reports from inquiries and scholarly articles written over the last thirty years (30), watch videos or listen to podcasts, and then reflect on the number of people who attended National and State Conventions (local government) only to conclude councils aren't any better off than when I received my first executive role in 1996.

History and past actions have shown our industry, over many different governments of all political persuasions, that local government is almost held in contempt by the other two tiers (especially by the State).

I argue that this is the case because of the huge volume of information and evidence provided by highly respected and qualified people – also of all political ilk – that hasn't been acted upon.

Except for amalgamations (which suited the government of the day), little attention has been made to what everyone knows and has been saying for at least twenty years. Local government hasn't the levers to use to raise enough funds, in a timely manner, to be sustainable.

### *F) Other relevant issues.*

#### **(17) Trust me, I'm from the government.**

The number one thing both the Federal, but especially the State (NSW) Government, MUST do is **restore trust** between local and state governments.

Too many times has local government, partly due to not being recognised in the constitution and being powerless, been the recipient of sleights of hand. (It's happened three times to Murray River Council in less than a month.)

Maybe the duplicitousness local government is the recipient of, and the reason many feel councils are held in disdain, is because it gets down to a simple common denominator, driven by the absolute and pure ambition to get voted back in at any cost...

Does the way local government is treated boil down to an 'us, or them'?

Because councils and councillors are an instrument of the state, based on the twenty (20) points in this paper, the answer must obviously be the latter.

All the scholarly papers, the parliamentary reviews, the networking at conferences, the think-tanks, the effort by influencers, presentations to leaders, meetings with ministers, and time spent by local government councillors and staff, will mean nothing if behaviour and attitude of politicians and senior bureaucrats towards local government remains as it is today.

#### **(18) Real independence**

One avenue that may assist to bring faith and trust back would be to set up a panel **completely independent** of the government (read: **not** IPART) populated by respected people beyond reproach, such as retired judges or current scholars (that have strong scholarly records).

This panel would report on the action (or inaction) of the government, including the views of local government if (read: when) there is a lack of consensus between Federal and State with Local Government.

Too many times, based on who holds 'the numbers,' recommendations have been crafted to suit political colours or cherry picked to appeal to popular opinion (and votes).

#### **(19) Sitting on reports.**

There have been many investigations and reports that have been suppressed and sat in Ministers' offices because they weren't aligned with the government of the days' previous statements, objectives, or promises. Also, because the truth may have hurt election chances!

Local government hasn't been immune to this charade. (While Gabrielle Upton was the NSW Local Government Minister this occurred, despite many attempts to have the report released.)

A recent example. I have lost count the number of consultants reports that have reported on the **failed integrating and effectiveness** of the **E-Planning Portal**, yet these reports don't see the light of day, as the risk of the sole planning system being brought to its knees during an imminent housing crisis is too high.

There was even a consultant appointed to review the Department Planning & Environment's own actions in implementing changes in fixing the flaws in the Portal from local government which still, to this day have not eventuated in change. Where did this report go?

(Affordable housing and associated ambitious government targets are the rhetoric used for its justification, however the very definition of affordable housing in Australia is illusive via agreement, and so too is the agreed regulations to facilitate it.)

Whilst local governments accept that given the investment the Portal (Circa \$146 + million) is here to stay, the cookie cutter approach is alive and well in written form for all to see with this product. Government gossip indicates that the Portal is the test case for monitoring, reporting and service interactions/delivery for all local government business moving forward.

In concluding, somehow, which will be an enormous challenge and possibly a first in our country, there must be a methodology that cannot be interfered with when the report is nearing completion or completed, that ensures it sees daylight (unredacted).

### **(20) Cherry picking**

Lastly, as has been the case with almost every review, even when (read: if) the report is fair (read: not biased), consultative (read: genuine), there has been a propensity for governments to impose on local government the recommendations that fall completely on councils, versus anything the government should address. (Do as I say, not do as I do.)

### **(21) Conclusion**

Local government plays a critically important role that underpins all communities everywhere.

A failure at the grass roots level, which is what has been happening in NSW (at least), for successive Parliaments (over decades) to listen, understand, or act (with sincerity and integrity), has placed local government on its knees.

If ever there was a time to address previous sins it is now.

## **Appendix**

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## **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**

Although there is no extra cost to council, other than staff time to write the submission, if the government listens and acts, there may be positive benefit longer term, not only for Murray River Council, but the wider industry.

It's no secret that Murray River Council, and the vast majority of regional, rural, or remote councils in NSW, are facing extreme fiscal pressures. The levers open to councils are somewhat outdated and have so many caveats attached, that even when enacted (a Special Rates Variation), the financial improvement is likely to be short lived.

The cost shifting and reduction in the Federal Assistance Grants are but only two issues adversely effecting local government sustainability.

Even when, after an expensive and time-consuming process to apply for and enact a Special Rates Variation, the increase in income inevitably is reduced as cost shifting and rates pegging reasserts their forces on a council's budget.

Specialist consultants advised staff that their rule of thumb is that a SRV will last about ten (10) years before a council is back to square one.

## **POLICY IMPLICATIONS**

Nil.

## **LEGISLATIVE IMPLICATIONS**



## RISK ANALYSIS

- **What can happen?**

The risk for council is that the Federal Government cherry pick the findings of the inquiry based on their own political objectives, that the time spent by councils across Australia who made a submission will be wasted.

- **How can it happen?**

The whole model to finance local government is completely broken, and what responsibilities councils have gained is almost boundless – as both levels of governments abandon regional areas (in particular).

The solutions may likely be placed in the too hard basket, as have the recommendations of past reviews.

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

The challenges local government face won't disappear. Eventually, with a great deal of predictability, many councils will face a cash-flow issue and either have to drastically cut services or seek high Special Rate Variations (or both).

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

High, but variable depending on local circumstances.

- **Adequacy of existing controls?**

If the existing paradigm was OK, both the Federal and State Government's wouldn't be carrying out inquiries into local government financial sustainability at the same time.

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

N/A

## CONCLUSION

Whilst previous State Governments have used challenges faced by local governments to push their own political agendas, without sincerely addressing the real issues, it is hoped that as this is a Federal inquiry, the Federal Government listens, and uses its influence to deliver positive outcomes.

## ATTACHMENTS

Nil

**9.1.2 MURRAY RIVER COUNCIL LEASING AND LICENSING OF COUNCIL PROPERTY POLICY - POL-218**

**File Number:** -  
**Author:** Samantha Rodriguez, Chief Legal Counsel  
**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

That Council endorses the draft Leasing and Licensing of Land Policy to be issued for public exhibition.

**BACKGROUND**

There is currently no Policy in place to prescribe the processes required to be carried out and matters to be considered in the granting of leases and licences over land which is owned and/or managed by Murray River Council.

In order to reduce the risk of legislative non-compliance and adopt a consistent approach to leasing and licensing arrangements across Council's property portfolio a draft policy has been prepared.

**DISCUSSION**

The draft Policy aims to incorporate the legislative requirements while streamlining internal processes and providing a transparent guide to community members seeking to enter into lease or licence agreements with Council.

The draft Policy is tailored to address the particular needs of Murray River Council and considers a range of leasing and licensing scenarios, tenant/licensee needs and purpose, and land classifications as well as Council's role with respect to land management and its overarching duty to ratepayers.

**STRATEGIC IMPLICATIONS**

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

5.7 - Continue to develop strong and resilient communities - Development of a resilient economy.

**BUDGETARY IMPLICATIONS**

No direct cost implications of the implementation of the Policy. There is potential for improved revenue generation in future, by adopting a consistent approach to commercial lease and licence arrangements.

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

Local Government Act 1993.

The draft Policy will be issued for public exhibition in accordance with the requirements of the Act. Once adopted, the Policy will be made available to the public via Council's website.

**RISK ANALYSIS**

- **What can happen?**

Certain groups within the Community may not approve of the approach to the setting of rent or fees based on the purpose of the agreement, permitted use and classification of tenant or licensee.

- **How can it happen?**

An objection may be lodged during the exhibition period.

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

Minor

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

Unlikely

- **Adequacy of existing controls?**

The Policy draft caters well to a range of situations and seeks to provide a fair approach to all members of the Community while balancing the need to ensure Council receives a market rate where the situation warrants it.

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

If feedback is given on the draft policy, Council will be asked to consider same.

## CONCLUSION

The need for a Policy as a framework for Council leases and licences is well established. The methodology set out in the Policy is sound and the document is well drafted by practitioners with expertise in Local Government property dealings. Council is encouraged to endorse it to enable it to progress to a public exhibition process.

## ATTACHMENTS

1. **Leasing and Licensing of Council Land Policy - POL-218 V1 DRAFT**  

MURRAY RIVER COUNCIL  
COUNCIL POLICY

**DRAFT**  
**LEASING  
AND  
LICENSING  
POLICY**

POL-218.V#1



## 1. INTRODUCTION

This Policy may be cited as the "Leasing and Licensing of Council Land Policy".

## 2. OBJECTIVE/PURPOSE:

- (a) Council from time-to-time leases and licences Council Land. In doing so, Council has obligations under legislation that are underpinned by probity, due diligence, analysis of risk, value for money and other key issues.
- (b) This Policy is a general guide to the principles and criteria that are to be followed when Council leases or licences Council Land but is not intended as a complete statement on the subject.
- (c) The objectives of this Policy are:
  - (i) to acknowledge that Council is required to effectively account for and manage the assets for which it is responsible;
  - (ii) to set out the general principles, criteria and responsibilities for Council and Council Officers to consider in the management of the leasing and licensing of Council Land;
  - (iii) to identify, manage and mitigate the risks associated with the leasing and licensing of Council Land; and
  - (iv) to ensure impartiality, transparency, accountability and the delivery of best value leasing and licensing Council Land.
- (d) This Policy describes, generally, the manner in which Council will undertake the leasing and licensing of Council Land and acts to provide Council with:
  - (i) a reference that will survive successive Councils; and
  - (ii) an endorsed framework to enable and pursue Council Land leasing and licensing opportunities of merit and pro-actively present such opportunities to Council.
- (e) This Policy also seeks to:
  - (i) allow implementation functions to be addressed to meet market drivers; and
  - (ii) ensure that the best possible outcome is achieved by Council.

## 3. SCOPE

This Policy applies to the leasing or licensing of all Council Land.

This Policy applies to all Councillors, Council Officers and agents of Council and to any other person involved in the leasing or licensing of Council Land.

## 4. LEGISLATION

In implementing this Policy, Council must have regard to the legislative parameters of the:

- ▶ Local Government Act 1993 (LG Act)
- ▶ Local Government (General) Regulation 2021
- ▶ Crown Land Management Act 2016 (CLM Act)
- ▶ Crown Land Management Regulation 2018 (CLM Regulation)
- ▶ Retail Leases Act 1994
- ▶ Retail Leases Regulation 2022
- ▶ Roads Act 1993
- ▶ Roads Regulation 2018

## POLICY STATEMENT

### 5. AGREEMENT TYPE – LEASE OR LICENCE

#### 5.1 LEASE

- (a) A lease provides the lessee with exclusive possession over the relevant Council Land (or part of the relevant Council Land) usually for a fixed period.
- (b) A lease creates an interest in the land (proprietary right) and confers greater protection than a licence.
- (c) A lessee can enforce its rights against third parties (i.e. subsequent owners of the property, if the land is sold), subject to complying with any applicable lease registration requirements.
- (d) A lease can be transferred (assigned) to another party but usually subject to the consent of Council.

#### 5.2 LICENCE

- (a) A licence provides the licensee with non-exclusive rights over the relevant Council Land (or part of the relevant Council Land).
- (b) A licence does not create an interest in the land (as the rights are based in contract only).
- (c) A licensee cannot enforce its rights against third parties.
- (d) A licence is non transferrable (as the rights are based on contract only and are personal to the licensee).

### 6. GENERAL REQUIREMENTS

#### 6.1 LAND TYPE

- (a) The type of Council Land will impact on the agreement type, method of offer to the public and term of agreement.
- (b) Under the LG Act, Public Land must be classified as either “Operational Land” or “Community Land”.
- (c) Under the CLM Act, the Crown Land Manager is authorised to manage its dedicated or reserved Crown Land as if it were Public Land (subject to Division 3.4 of Part 3 of the CLM Act).
- (d) Accordingly, land leased or licensed by Council will fall into one of the following groups:
  - (i) Public Land – classified as either:
    - (A) Community Land; or
    - (B) Operational Land;
  - (ii) Crown Land – classified as either:
    - (A) Community Land; or
    - (B) Operational Land; or
  - (iii) a Public Road.

#### 6.2 FUNCTION OF COUNCIL AS CROWN LAND MANAGER

- (a) Council (as Crown Land Manager) is authorised to manage its dedicated or reserved Crown Land as if it were Public Land (subject to Division 3.4 of Part 3 of the CLM Act).
- (b) Council, as Crown Land Manager, cannot:
  - (i) sell or dispose of the Crown Land in any way (unless the Crown Minister gives written consent for it);
  - (ii) classify Crown Land as Operational Land (unless the Crown Minister gives written consent for it);

- (iii) do any other thing under the LG Act that would involve a contravention of a provision of the CLM Act that applies to council managers; or
- (iv) do anything that contravenes:
  - (A) any limitations or other restrictions specified by the provisions of the manager's appointment instrument; or
  - (B) the CLM Regulation; or
  - (C) any applicable Crown land management rules, or
  - (D) any applicable plan of management under Division 3.6 (if there is no requirement for a plan of management under the LG Act).

### 6.3 DIFFERENT REQUIREMENTS

#### (a) Public Land – Community Land

- (i) Community Land is land which:
  - (A) is reserved for community use;
  - (B) is of importance to the community because of its use or special features and must be managed according to special guidelines in accordance with the LG Act;
  - (C) Council has no power to sell, exchange or otherwise dispose of it;
  - (D) there are restrictions on Council's ability to grant a lease, licence or other estate over the land; and
  - (E) must have a Plan of Management prepared for it or applying to it.
- (ii) Council may only issue a lease or licence:
  - (A) where it is consistent with the relevant Plan of Management and where the purpose for which the lease or licence is sought is consistent with the core objectives for the area of Community Land in question; or
  - (B) for any other reason specified in Section 46(1) of the LG Act.
- (iii) Where a proposed lease or licence is not consistent with the core objectives of the relevant Plan of Management for Community Land (and is not otherwise permitted under Section 46(1) of the LG Act) then Council will be in breach of the LG Act if it grants the lease or licence.
- (iv) The term of the lease or licence, including any option to renew, must not exceed twenty-one (21) years (except with the LG Minister's consent). In any event, the term must not exceed thirty (30) years.
- (v) If Council proposes to grant a lease or licence for a period (including any option to renew) exceeding five (5) years, it must comply with the provisions of Section 47 of the LG Act.
- (vi) If Council proposes to grant a lease or licence for a period (including any option to renew) of five (5) years or less, it must comply with the provisions of Section 47A of the LG Act.
- (vii) Before granting the lease or licence, Council must consider all submissions made to it (in response to the notice). Council must not grant a lease or licence except with the written consent of the LG Minister if:
  - (A) in relation to a lease or licence for a period (including any option to renew) exceeding five (5) years, a submission by way of objection is received; or
  - (B) in relation to a lease or licence for a period (including any option to renew) of five (5) years or less, Council receives a written request from the LG Minister.
- (viii) A lease or licence of Community Land:
  - (A) for a term of less than five (5) years – may be granted by expression of interest or tender

(unless specified otherwise in the relevant plan of management) or any other means permitted by this Policy;

- (B) for a term exceeding five (5) years:
  - (I) may be granted only by way of tender in accordance with Division 1 of Part 3 of the LG Act unless it is granted to a non-profit organisation (pursuant to Section 46 A(3) of the LG Act);
  - (II) to a non-profit organisation, may be granted by expression of interest or tender (unless specified otherwise in the relevant plan of management) or any other means permitted by this Policy
- (ix) The procedure set out in the attached flow chart for dealing with Community Land should be followed.
- (x) When granting a lease or licence over Community Land, the relevant Council Officer should also consider the requirement for approval pursuant to Section 68 of the LG Act.

**(b) Public Land – Operational Land**

- (i) Operational Land is land which:
  - (A) is held as a temporary asset or as an investment;
  - (B) facilitates the carrying out by Council of its functions or operational activities, such as the provision of public car parks;
  - (C) may not be open to the general public (such as a works depot or Council garage); or
  - (D) is not required to be managed on behalf of present and future communities, or kept for general public use.
- (ii) Operational Land has no special restrictions other than those that may apply to any parcel of land and can be leased or licensed for any period of time as determined by Council.
- (iii) Where Council proposes to lease Operational Land (whether vacant land or not) for a period greater than or equal to ten (10) years, Council must comply with the Land Acquisition and Disposal Policy.

**(c) Crown Land**

- (i) The functions of Council as a Crown Land Manager of specified dedicated or reserved Crown Land are:
  - (A) to be the person responsible for the care, control and management of the Crown Land for purposes referred to in Section 2.12 of the CLM Act applicable to the land; and
  - (B) to exercise any other functions that are conferred or imposed on the manager by or under the CLM Act or another Act (including by Divisions 3.4 and 3.5).
- (ii) Dedicated or reserved Crown land may be used only for the following purposes and, therefore, any lease or licence of Crown Land may only be for the following purposes:
  - (A) the purposes for which it is dedicated or reserved;
  - (B) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved; or
  - (C) any other purposes authorised by or under the CLM Act or another Act.
- (iii) When Council is appointed as Crown Land Manager, it has the authority to manage Crown Land as if it were Public Land, including classifying the land as Community Land or Operational Land.
- (iv) If Crown Land is classified as Community Land, then a lease or licence may be granted in accordance with this Subclause and Clause 6.3(a). If Council has not yet adopted its first plan of management for the land (for the purposes of Section 3.23 of the CLM Act), Council may



only grant a lease or licence in accordance with Clause 70 of the CLM Regulation.

- (v) If Crown Land is classified as Operational Land, then a lease or licence may be granted in accordance with this Subclause and Clause 6.3(b).
- (vi) Rent should reflect a commercial approach, having regard to the purpose of the lease or licence, site value and ownership of existing improvements and must, in all cases, exceed the minimum rent for Crown Land.
- (vii) The standard lease or licence template for Crown Land should be used for all leases or licences of Crown Land.
- (viii) The procedure set out in the attached flow chart for dealing with Community Land should be followed for Crown Land (unless it is classified as Operational Land or subject to Clause 70 of the CLM Regulation).

#### **(d) Road**

- (i) Leasing or licensing of a Public Road (or part of a Public Road) is governed by the Roads Act (and, in particular, Divisions 1, 1A and 2 of Part 10).
- (ii) Council is the Roads Authority for all Public Roads within the Council local government area, except for any freeway, Crown road or any Public Road declared to be under the control of some other authority (i.e. TfNSW).
- (iii) Subject to paragraph (ii), the Public Roads are vested in fee simple in Council (pursuant to Section 145(3) of the Roads Act).
- (iv) Council may only lease a Public Road to the owner or lessee of land adjoining the Public Road if, in the opinion of Council, the Public Road is not being used by the public (Section 153 of the Roads Act). The following restrictions apply:
  - (A) the term of the lease, together with any option to renew, must not exceed five (5) years; and
  - (B) no structure may be constructed on the Public Road without Council approval, which will only be granted if Council is satisfied that the proposed structure comprises a fence or a temporary structure of a kind that can be easily demolished or removed (Section 157 of the Roads Act).
- (v) Pursuant to Section 153(3) of the Roads Act a lease may be terminated by Council at any time and for any reason (and the lease should include a clause to this effect).
- (vi) Before granting a lease of a Public Road, Council must cause notice of the proposed lease:
  - (A) to be published in a local newspaper; and
  - (B) to be served on the owner of each parcel of land adjoining the length of public road concerned.

The notice:

- (A) must identify the public road concerned; and
- (B) must state that any person is entitled to make submissions to Council with respect to the proposed lease; and
- (C) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.
- (ii) If Council receives any submissions, it must consider those submissions. After considering the submissions, Council may grant the lease, either with or without alteration, or may refuse to grant the lease. If Council grants a lease, it must cause notice of that fact to be published in a local newspaper.
- (iii) A lease or licence may be granted in respect of the air space above, or land below the surface

of, any Public Road (Section 149 of the Roads Act), but only with the approval of the Secretary of the Department of Planning and Environment.

#### 6.4 RETAIL LEASES

- (a) Leases of some property will be governed by the Retail Leases Act, depending on the permitted use under the lease.
- (b) Schedule 1 of the Retail Leases Regulation sets out which leases the Retail Leases Act applies to (noting, however, that there are certain exceptions under Sections 6 and 6A of the Retail Leases Act).
- (c) The requirements under the Retail Leases Act are in addition to the restrictions and any relevant requirements under the LG Act or under the CLM Act.
- (d) There are certain procedural and disclosure requirements for retail leases including for Lessor's and Lessee's Disclosure Statements (pursuant to Sections 11 and 11A of the Retail Leases Act) which must be given to the proposed lessee at least 7 days prior to the lease being entered into.
- (e) Section 44A of the Retail Leases Act does not apply to Community Land.

Note: Section 44A states that a landlord cannot during the term of a retail lease advertise for a new lessee or invite expressions of interest or tenders for a lease to start after the expiry of the current lease except in the circumstances set out in Section 44.

### 7. DETERMINING RENT AND LESSEE / LICENSEE

#### 7.1 RETAIL OR OTHER COMMERCIAL LEASES – RENT

- (a) Commercial leases are leases where the lessee operates a business in, undertakes commercial activities on, obtains income from and/or there is a private gain from the use of, the premises.
- (b) Examples of commercial leases are:
  - (i) leases of kiosks, restaurants, shops, offices and other premises used for the operation of a business;
  - (ii) leases of childcare centres to a person or company which operates a for-profit service; and
  - (iii) a lease to a lessee which sub-licences or hires the premises for profit.
- (c) Retail leases are usually commercial leases.
  - (i) Current market rent will be charged by Council on all commercial leases.
- (d) If there is a direct negotiation with one potential lessee only, the current market rent will be determined by an external Valuer (selected by Council having regard to the terms of the proposed lease).
- (e) If Council selects the lessee by a competitive process (i.e. auction, tender or expression of interest), the current market rent may be, but is not restricted to, the highest rent offered in a complying proposal.

#### 7.2 NON-PROFIT, SPORTING AND COMMUNITY ORGANISATIONS

- (a) Leases may be granted to non-profit, sporting and community organisations for non-commercial purposes for below market rent.
- (b) A minimum rent may be applied to all leases, at the same minimum rate applicable to leases of Crown Land (as determined by the Department of Planning, Housing and Infrastructure – Crown Lands).
- (c) The following are relevant factors in Council's assessment of the community benefit from a proposed lease and its decision to grant a lease to a non-profit organisation and accept less than current market rent:

- (i) the identity of the organisation, its Constitution and its aims and objectives;
  - (ii) its history and experience;
  - (iii) the length of time it has been based in the Council local government area and/or its connection with the Council local government area;
  - (iv) its funding sources and financial position;
  - (v) the services it offers;
  - (vi) whether there are other organisations in the Council local government area offering the same or similar services and whether there is a shortage of such services;
  - (vii) whether such services are most efficiently delivered by Council providing subsidised premises to the organisation or another organisation or by Council providing the services itself or by making monetary grants to another organisation;
  - (viii) the clients and/or members of the organisation (the rent discount may be higher if the organisation is local and if it is delivering services mostly to the residents of the Council area);
  - (ix) whether the lessee generates income from the premises and, if so, whether the income generated from the premises is used for the leased premises only or the services of the local community. If the lessee is remitting income earned from the premises to its other services outside the Council local government area, higher rent may be charged (but not exceeding current market rent);
  - (x) the costs and expenses incurred by Council in owning and leasing the premises, including staff administration time (the minimum rent should, where possible, cover Council's costs);
  - (xi) the costs and expenses Council would incur for the maintenance and other expenses if it did not lease the premises (that is, the savings by Council if a lessee undertakes the maintenance and repairs instead of Council providing the service and maintaining the premises itself);
  - (xii) any capital works to be done by the lessee (see Clause 7.3 of this Policy); and
  - (xiii) whether the lessee is competing with other services or businesses and, if so, whether the lease at less than current market rent provides an unfair advantage to the lessee over its competitors.
- (d) Council recognises that many existing lessees of Council Land and Crown Land, notably sporting bodies and community groups, have strong historical and/or social and/or recreational ties to the facilities they use. In some cases, they have contributed cash or in kind to the development of these facilities.
- (e) In considering new or continued leases or licences for such facilities, Council will take these factors into account and may, in its absolute discretion, not require expressions of interests or tenders (except where required by the LG Act or the CLM Act) and will negotiate the lease directly with the relevant lessee.
- (f) It cannot be assumed that a new lease will be granted to the same non-profit lessee at the end of a lease.
- (g) Council will consider the issues of the community benefit on each occasion a new lease is to be granted by Council. In deciding whether to grant a new lease to the same lessee, Council will (in addition to the above) consider:
- (i) the extent of compliance by the lessee with the lease throughout the term, including whether the lessee has properly maintained the premises as required and/or if the lessee has completed any work it has to do in a satisfactory manner;
  - (ii) whether demand for the service has increased or decreased;
  - (iii) whether demand by other groups for access to these or similar premises has increased or decreased, and whether it is equitable for one organisation to have on-going exclusive use;

- (iv) whether the membership/clientele of the lessee has increased or decreased; and
- (v) whether renewals of leases to the same lessee for less than current market rent result over time in effective or perceived privatisation of Council Land without proper return to the public.
- (h) A non-profit organisation requesting a new lease or a renewal of a lease of Council Land at less than current market rent is expected to provide Council with all information requested by Council to enable Council to assess the community benefit.
- (i) A lease to a non-profit, sporting or community organisation for less than current market rent will contain provisions in the lease to ensure that it is (and continues to be) in the interests of the public.

### 7.3 CAPITAL WORKS

- (a) If the lease requires the lessee to undertake capital works or improvements to the premises, the lease will state that the works (or improvements as a result of such works) are or will become the property of Council or the Crown (as the case may be).
- (b) Capital works undertaken by the lessee do not give the lessee any interest or claim in the works or improvements or the premises (beyond what is in the lease) nor does it give the lessee any claim to the premises or improvements after the termination of the lease.
- (c) Undertaking capital works during the term of a lease does not entitle the lessee to demand a new lease following the termination of the lease.
- (d) Care is to be taken if the rent payable is reduced as a result of capital works to be done by the lessee. Capital works by the lessee may only be a return to the public if, following termination of the lease, Council is able to rent the premises for a higher/market value having regard to the improvements which have been made by the lessee (which become the property of Council or the Crown (as the case may be)).
- (e) If the lease term is very long and/or if renewals of leases of premises are continuously granted to the same lessee, capital works may benefit only that lessee (or are part of its use of the premises as lessee) and do not provide compensation to the public for the use of the Council Land.

### 7.4 DEFINITIONS IN THIS CLAUSE

In this clause 7 only:

- (a) a reference to a "lease" includes a licence;
- (b) a reference to the "lessee" includes a licensee;
- (c) a reference to the "lessor" includes a licensor; and
- (d) a reference to "rent" includes a licence fee.

## 8. SELECTION PROCESS

8.1 Council officers are to consider the processes for a lease or licence:

- (a) approximately 6-12 months prior to the expiry date of a current lease or licence; or
- (b) as early as possible before the anticipated commencement of a new lease or licence.

8.2 A lease or licence of Council Land may be offered by one of the following means (unless Council is required by legislation to offer the lease or licence in a specific way):

### **(a) Advertised as a Tender**

- (i) A lease or licence of Community Land for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3 of the LG Act, unless it is granted to a non-profit organisation.
- (ii) Council may elect to use a tender process for the granting of a lease or licence in any other

circumstance.

- (iii) Council must comply with its Procurement Policy (insofar as it is relevant to leasing and licensing by way of tender).

**(b) Advertised as an 'Expression of Interest'**

This option is appropriate in the following circumstances:

- (i) the use of the Council Land or Crown land is unclear;
- (ii) the rental value is unknown;
- (iii) there is potential for interest from multiple parties;
- (iv) the works to be carried out prior to leasing or licensing are unknown; or
- (v) Council has identified that the relevant Council Land has lease/licence potential.

Expressions of Interest will be assessed by a panel of at least three (3) Council Officers.

**(c) Advertised 'For Lease'/'For Licence'**

- (i) This option is appropriate when the value and potential use of the land is clearly known by Council and it is likely that more than one potential lessee/licensee may have an interest in the relevant Council Land.
- (ii) Potential lessees/licensees or groups are to respond by completing an application form. Council may elect to engage the services of a real estate agent.
- (iii) If Council engages a real estate agent, Council must provide a copy of this Policy to the agent.
- (iv) Applications will be assessed by a panel of at least three (3) Council Officers.

**(d) Offered Direct to Potential Lessee / Licensee**

- (i) This option is appropriate when the potential lessee or licensee already has a relationship with Council regarding a property and it is advantageous to both parties for the relationship to continue.
- (ii) Potential lessees/licensees may be required to provide a prepared proposal to Council which is to be assessed by a panel of at least three (3) Council Officers.

8.3 Invitations to lodge tenders or expressions of interest are to be published in the local newspaper in the appropriate section and on the Council website. Council Officers may also advertise in additional ways if they consider this necessary or desirable to bring the advertisement to the attention of appropriate persons.

8.4 Council Officers are to give direct notice of the advertisements (or invitation to lodge tenders or expressions of interest) to any existing lessee/licensee of the premises (unless such lessee/licensee is in default or has been in default during the term of the lease/licence).

## 9. OTHER CONSIDERATIONS

### 9.1 AGISTMENT OF LAND

- (a) Council may enter into an agreement with another party for that party to agist cattle, horses or other stock on Council Land. Such an agistment agreement will be by way of a licence.
- (b) The term of an agistment agreement must not exceed five (5) years.
- (c) Depending on the type of land, the relevant parts of Clause 6.3 and 7 must be followed.
- (d) At the expiry of an agistment agreement the land may (but is not obligated to) be offered to the current licensee (agistee) for a further term subject to a market fee review.

- (e) When:
- (i) Council wishes to offer Council Land for agistment; or
  - (ii) at the expiry of an agistment agreement:
    - (A) Council does not offer the current licensee (agistee) a further term; or
    - (B) Council offers the current licensee (agistee) a further term and the licensee (agistee) does not wish to renew the agistment agreement,

The land is to be advertised in the local paper and Council website calling for expressions of interest to determine the most suitable agistee.

## 9.2 INSTRUCTIONS

Once the lessee or licensee has been determined and the terms of the lease or licence have been negotiated, Council's Chief Legal Counsel will be responsible for:

- (a) providing instructions to Council's legal services provider for the preparation of the lease or licence;
- (b) arranging for the execution of the documents by all parties;
- (c) where applicable, the inclusion in the Council Meeting Agenda (under Documents for Sealing);
- (d) registration and/or completion of the lease (if applicable);
- (e) arranging access to the property on the commencement date;
- (f) preparation of the debtors advice to Finance;
- (g) updating the Lease Register; and
- (h) monitoring the review of the fees and terms of the lease or licence.

## 9.3 INSURANCE

- (a) All lessees and licenses must effect and maintain the appropriate insurance policies for their permitted use throughout the term of the lease or licence (in accordance with the lease or licence).
- (b) These policies will include:
  - (i) public liability insurance not less than \$20 million;
  - (ii) workers compensation insurance (if required);
  - (iii) contents insurance (if required); and
  - (iv) any other insurance required by Council.
- (c) The lessee/licensee must provide Council with a copy of the relevant Certificate of Currency of Insurance during each year of the term.

## 9.4 COSTS

- (a) Council may require the lessee or licensee to be responsible for the payment of the costs of Council's legal providers in relation to the preparation of the lease or licence and any costs relating to the renewal of such lease or licence under any option to renew clause (except to the extent prohibited under the Retail Leases Act, where applicable).
- (b) All leases for a term (including any option to renew) exceeding of three (3) years must be registered on title and Council may elect to register any leases for a term of three (3) years or less.
- (c) The costs associated with the registration of the lease must be paid by the lessee, (except for leases over a Public Road where a folio for the Public Road has not been created).
- (d) Any legal fees associated with assignments, sub leases, surrenders or variation to a lease or licence will be payable by the lessee or licensee.



### 9.5 CURRENT MARKET VALUE

- (a) For leases or licences of Public Land, Council must obtain a current market review of the rent or licence fee every 5 years.
- (b) The current market review can be by way of:
  - (i) full market valuation by a Valuer; or
  - (ii) appraisal by a suitably qualified practising real estate agent (experienced in leasing/licensing of similar properties).
- (c) Where a current market review is required under the terms of the lease or licence, then the current market review must be undertaken in accordance with the requirements of the lease or licence.
- (d) Subject to clause (h) of this Policy, Council is not bound by any current market review (unless such current market review is required under the terms of the lease or licence). However, Council should consider the current market review in determining the rent or licence fee payable.

### 10. EXECUTION OF LEASE OR LICENCE

- (a) Leases should be executed by Council under the Council Seal pursuant to Regulation 400 of the LG Regulation.
- (b) Licences do not have to be executed by Council under the Council Seal. Licences may be executed by Council by being signed by an authorised delegate of Council pursuant to Section 377 or 378 of the LG Act.

### 11. ROLES AND RESPONSIBILITIES

Position	Responsibility
Chief Executive Officer	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy and related Procedures.
Directors, Managers and Supervisors	To communicate, implement and comply with this policy and related Procedures.
All Council Employees	To be aware of and ensure compliance with this Policy.
Council Committees	To be aware of and adhere to this Policy.

### 12. EVALUATION AND REVIEW

It is the responsibility of the Chief Legal Counsel, to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

### 13. NON-COMPLIANCE

Any provision of this Policy may be varied to meet the needs of a particular matter, by resolution of Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

### 14. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

External:

When implementing this Policy, Council should take into consideration the following (where applicable):

- ▶ Independent Commission Against Corruption (ICAC) – Direct Negotiations: Guidelines for Managing Risks; and
  - ▶ NSW Government – Unsolicited Proposals: Guide for Submission and Assessment,
- and this Policy is to be read as being subject to Council complying with these (where applicable).

Internal:

- ▶ MRC Policy - Asset Management Policy (POL-305)
- ▶ MRC Policy - Delegations of Authority (CEO and Mayor) Policy (POL-102)
- ▶ MRC Policy - Delegations of Authority (CEO to Employees) Policy (POL-107)
- ▶ MRC Policy - Land Acquisition and Disposal Policy (POL-602)
- ▶ MRC Policy - Procurement Policy (POL-205)
- ▶ MRC Policy - Statement of Business Ethics Policy (POL-111).

(or any amended or replacement policy).

Definitions:

Term	Definition
CLM Act	the <i>Crown Land Management Act 2016</i> .
CLM Regulation	the <i>Crown Land Management Regulation 2018</i> .
Community Land	(i) Public Land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the LG Act; or (ii) Crown Land that is classified as community land under section 3.21 of the CLM Act and Division 1 of Part 2 of Chapter 6 of the LG Act.
Council	Murray River Council and its successors.
Council Land	all land owned, controlled or managed by Council (including Public Land and Crown Land).
Council Officer	any staff member of Council.
Crown Land	has the same meaning as in Section 1.7 of the CLM Act.
Crown Land Manager	<ul style="list-style-type: none"> <li>▶ the persons appointed as the Crown land</li> <li>▶ means manager for the relevant land under Part 3 of Division 3.2 of the CLM Act.</li> </ul>
Crown Minister	the Minister for Lands and Property.
Land Register	the land register comprising all land that is vested in or under the control of Council (as required by section 53 of the LG Act)
Lease Register	Councils Register of Leased and Licensed properties.
LG Act	the <i>Local Government Act 1993</i> .



LG Minister	the Minister for Local Government.
Operational Land	(i) Public Land that is classified as operational land under Division 1 of Part 2 of Chapter 6 of the LG Act; or (ii) Crown Land that is classified as operational land under section 3.21 of the CLM Act and Division 1 of Part 2 of Chapter 6 of the LG Act.
Plan of Management	a plan of management adopted by Council: (i) under Division 2 of Part 2 of Chapter 6 of the LG Act, to manage Community Land; or (ii) under section 3.23 of the CLM Act to manage Crown Land.
Public Land	any land (including a public reserve) vested in or under the control of Council, but does not include: (i) a Public Road; or (ii) land to which the CLM Act applies; or (iii) a common (as defined in the <i>Commons Management Act 1989</i> ); or (iv) a regional park under the <i>National Parks and Wildlife Act 1974</i> .
Public Road	(i) any road that is opened or dedicated as a public road, whether under the Roads Act or any other Act or law; and (ii) any road that is declared to be public for the purposes of the Roads Act.
Retail Leases Act	the <i>Retail Leases Act 1994</i> .
Retail Leases Regulation	the <i>Retail Leases Regulation 2022</i> .
Roads Act	<i>Roads Act 1993</i> .
Roads Authority	a person or body that is, by or under the Roads Act, declared to be a roads authority and, in relation to a particular road, means the roads authority for that road.
TfNSW	Transport for NSW constituted under the <i>Transport &amp; Administration Act 1988</i> .
Valuer	a person who: (i) is a full member of the Australian Property Institute Inc (NSW Division) and has been for the last 5 years; (ii) holds a licence to practise as a valuer; (iii) is active in the relevant market at the time of his appointment; and (iv) has at least 5 years experience in undertaking valuations of the nature of the requirements of this Policy.

## 15. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Final Policy for adoption – Policy prepared by Kell Moore Lawyers and Conveyancers	DRAFT	VF/24/907	

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

**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.

DRAFT

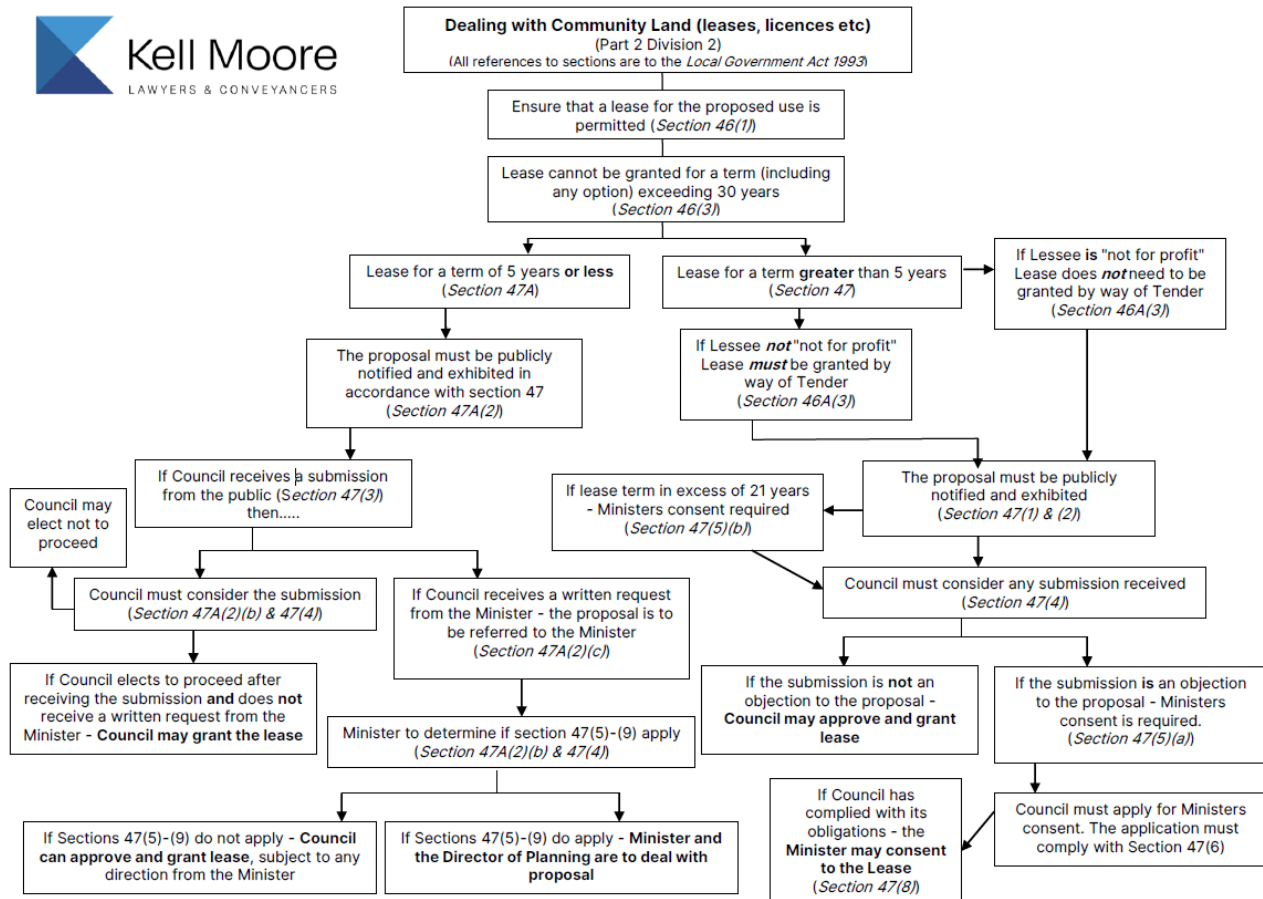


# LEASING AND LICENCING POLICY

POL-218.V#1

## ANNEXURE

### Flow Chart for Dealing with Community Land



This guide is intended to provide general information only. It is not a complete guide to the area of law and should not be relied upon as legal advice. Further advice should be obtained before applying this Guide to individual circumstances.

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

**File Number:** -  
**Author:** Lindy Leyonhjelm, Executive Assistant  
**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

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

**BACKGROUND**

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

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

**DISCUSSION**

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

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

**STRATEGIC IMPLICATIONS**

2. Strategic Theme 2: A Place of Progressive Leadership

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

**BUDGETARY IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

Nil.

**RISK ANALYSIS**

- **What can happen?**  
Council's officers do not action the resolutions of the Council.
- **How can it happen?**

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

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

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

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

Low.

- **Adequacy of existing controls?**

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

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

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

## **CONCLUSION**

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

## **ATTACHMENTS**

**Nil**

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

That the Monthly Operational Report as of March 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.

**Civic**

- Council received notification, after many months of negotiation and administrative efforts by our finance staff, that the almost \$1 million that was outstanding from the initial emergency management during the flood has been approved.
- The submission to The Standing Committee, Regional Development, Infrastructure and Transport inquiry into local government sustainability was drafted for council's perusal and endorsement (contained in this meeting agenda).
- Council made a submission to the Productivity Commissioner's review of Local Water Utilities, which was strongly supported by the NSW Country Mayors.

**Community Engagement**

- Parks and Open Spaces Service Delivery Plan draft developed in partnership with Open Spaces Team. Teams are trialling service delivery before incorporation into the Parks and Open Space Strategy. Community Engagement Manager is facilitating the delivery of these important documents.
- To support MRC's growing online presence and the transition to self-serve options (applications and permits) via TechOne's Customer Portal, our corporate website will undergo review to ensure information is easy to find and navigate. There will be a particular focus on permits and applications, and the supporting information around this. This will then be followed by a general sweep of the site to make necessary improvements. The look and feel of the site will stay the same.

**Property and Procurement**

- Investigation into an appropriate software platform to manage contracts and leases continues. Preferred (current) supplier identified and contract being negotiated.
- Reviewing administrative functions within the fleet and property areas in particular. Once complete, PD to be drafted to encompass the fleet management work and some more administrative property work (ie, leasing and licensing).
- A system for staff to request legal support (internally or externally) is set up in Jira and will have an internal policy underpinning it. The Jira system needs some final tweaking before it is rolled out to staff.
- A number of tenders are currently out or due to go out to the market in the next few months, in time for the pre-election caretaker period. Any public tenders not ready to go in the next two months or so may need to be put on hold until after the election.
- Lease register is still a work in progress. Green Cloud Consulting are working on incorporating it into the compliance module of Tech One – in the interim, process is manual (Excel spreadsheet). A system is needed for managing key dates and ensuring renewals and rent reviews are not missed and all lease documentation is kept current.
- Leasing and Licensing Policy – scheduled to go to the next available Council meeting.

## Development Services

- Development Services is currently advertising two roles. The Paraplanner role is advertised internally closing 14th April. Council recently retitled the Senior Strategic Planner role to a Regional Placemaking Project Officer role which is advertised externally until Monday 22<sup>nd</sup> April 2024.

## Parks, Open Spaces and Biosecurity

### Highlights:

- Restructure of Parks & Biosecurity Teams introduced.
- Tim Moodie appointed to Superintendent Parks & Biosecurity (Acting). Tim commenced new role.
- Draft Operational Service Delivery Plans introduced to Parks Teams for review and trial.
- Handover of New Estate landscaping in Moama. The Vines Estate, The Range Estate Stages 1,2 & 3.
- Parks Team- achievement for Easter Preparations in all locations.
- Hudson Pear and other Prickly Pear species was found being sold online locally in the Echuca – Moama area by MRC Biosecurity staff. Agriculture Victoria was contacted, and they inspected the premise and removed the online sale.
- WAP funding has now changed to align with NSW application guidelines. It is now a competitive grant against other LCA's only within the Murray LLS region. Grant opened end of March and close 12th April 2024.
- Drafted MRC Weed Management Plan.
- Removal of non-compliant viewing platform at Horseshoe Lagoon.
- Commission of lights on Horseshoe Lagoon and Moama Wharf Infrastructure

### Threats:

- 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.
- Low river levels and silt deposit on the boat ramp impacting on river access at Tooleybuc.
- Plants drying off quickly and going to seed after dry period and cold spell now arrived.

## Waste and Compliance

- The Automated Depot (AD) project has progressed with the frame and main trusses erected. The shed is ready for wall purlins and cladding. The concrete laydown area and footpaths around the shed have also been poured and underground boring to connect power from the new site switchboard into the shed has now been complete.
- The fire service tank slab and dominator pump set have been installed as part of the AD build and Moama site upgrade.
- The Mathoura Transfer Station solar power upgrade has commenced with some hardware fitted to the site. This project is set to be completed by the end of April.
- 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 was provided to residents surrounding the facilities. Council has received a number of phone calls requesting a kerbside service which is a great outcome.
- Council staff met with the owner of surrounding land to Barham Transfer Station to discuss using a parcel of land for a greenfield transfer station. The current site is on an old landfill and the surface is not stable.
- Under direction from NSW Health the mosquito trapping program has now concluded.
- Germs and handwashing sessions continued at Moama Preschool.
- Food Safety and Food handler Hygiene training was held in Barham. It was fantastic to see that the Barham session along with last month's Moulamein session were instigated and advertised by local businesses and food handlers and well attended without the need for any advertising by Council. It is reflective of the positive food safety culture evolving within the LGA.

## 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 has been set for 20<sup>th</sup> June 2024 at 4pm. Senator O'Neill will be in attendance.
- *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 has been completed and the building is at lockup stage. Internal fit out to commence shortly.

### Plant, Fleet and Stores

- March fuel costs higher than QBR2 with average fuel price increases (+5%), several fuel theft incidents and resumption of plant and vehicles using fuel cards in Moulamein. Recent use of bulk fuel facility at Moulamein depot has created timing issues with fuel cost allocations.
- March Common Expiry Date registration costs realised at \$228k against budget of \$115k.
- Some delays with delivery of capital assets expected in March means that May will see significant capital expenditure – timing difference only.

### 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.
- 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.
- 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 received funding from Phase 3 of the Regional Network Leakage Detection Project is part of the NSW Government's \$12.5 million Regional Leakage Reduction Program.

### Community Services

- During March, the Community Services team delivered the following supports: 1283 hours of Social Support, 232 meals, 28 hours of Home Maintenance, \$2858 of Home Modifications and 896 one way community transport trips
- Our YHub group in Moulamein runs each Friday afternoon/evening providing social participation for youth in this area.
- Youth Week Programs are offered in different locations, depending on funding allocation. Funding has once again been approved and we have booked Totem Collective Skateboarding workshops for April 20<sup>th</sup> in Barham and April 21<sup>st</sup> in Mathoura. Advertised locally.

### Strategic property specialist

- 44 Nyang Street, Moulamein was advertised for sale at the start of March and vendor offer has been accepted with contract of sale due to be exchanged at start of April. Settlement expected in June.
- Moulamein Aerodrome site remains advertised for sale through agent.
- 18 Regent Street, Moama (old Moama Pre-school site) has been approved for disposal through an open market approach of Expression of Interest or competitive direct sale at the March Council Meeting. Expression of interest process to be completed inhouse and conveyancer for the sale to be selected via RFQ process.
- Planning Proposal for reclassification of 22 land parcels from Community to Operational for correct classification for drainage sites received from Habitat Planning.
- Planning Proposal for reclassification of 19 land parcels from Community to Operational to enable greater future potential for the land received from Habitat Planning.



- Council Report to be presented to May Council meeting seeking resolution to submit Planning Proposal to the NSW Department of Planning and Environment to seek reclassification of the land parcels and DPE gateway determination.

### Community and Economic Development Directorate

- Transgrid VNI West – final draft route report published.
- Service NSW have reviewed their reporting of transactions inline with the new contracts that took effect on the 1st January and all quarterly reporting will be done per calendar year rather than per financial year. MRC's yearly targets have been adjusted to reflect the rate of transactions being processed by each area. Growth and online services have had an impact on face-to-face service provision and the adjustments will assist agencies to achieve more realistic targets. Moving forward our targets for each agency have been adjusted. All service centres are within 10% of their adjusted targets for the first quarter.
- Cemetery and cremation tax to hit Councils and grieving families. NSW Govt set to impose a tax on every burial and cremation carried out including at Council owned cemeteries and crematoria. This cost will have to be passed on to grieving families increase the costs of burials and cremations. Further details outlined in the full Customer Service Operational Report.

### Customer Service

- Over the last 4 months, Council has undertaken interviews with various community members, staff and contractors to begin creating a baseline and forward plan for the development of our Customer Experience Strategy. We have undertaken several internal workshops where we have reviewed the data presented in our baseline study and we have begun looking at the services we provide. In the coming months we will continue to work towards developing Service Levels for all the various services we provide, ensuring those services are fit for purpose, economically, socially and environmentally sustainable and align with the future needs of both Council and the Community. Alongside the development of the Service Levels, we will be creating a Customer Charter and the Customer Experience Strategy, ensuring strategic direction aligns with the on-ground customer journey.
- Voice of Customer: We contacted a total of 64 customers who submitted service requests during March with 58 responses and 11 who were unavailable to take part of in the survey. Customer feedback was mainly positive with 4 customers dissatisfied due to no contact and lack of response.
- As part of the Customer Experience Strategy, we are currently working with Murray River Council business units to ensure that customers receive responses to their requests. We have seen a decrease in the number of calls received through the Call Centre and this is largely due to a focus in all areas to follow up customer requests.
- Customer Service and Development Services have been developing stronger relationships and an understanding of roles and responsibilities, challenges and opportunities during the weekly Customer Service/Development Service team meetings. These meetings have allowed for free flowing two way information exchanges, clearer understanding of processes and the importance of clear, concise information to reduce double handling and misdirection of calls. Information sheets have been provided by the Development Services team and distributed to the team as well as stored in an easily accessible location for quick reference when required. The Customer Service team are able to confidently answer queries which will reduce the number of referrals and customer calls.

### Economic Development and Tourism

- Council's International Women's Day event in Barham was a huge success and was very well received.
- Council endorsed the Murray River Council Arts and Culture Strategy to go on public display for a 28-day period.
- Planning is underway for the 2024 Moama Lights and the 2024 Campaspe Murray Business Awards.
- The team are 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.
- The team are developing a new signage style guide, covering all types of tourism signage, to ensure efficiency and uniformity across Council.

### Works

- Barham depot have completed great work on stormwater maintenance.
- Exceptional works has been completed by Barham crew working on the rehabilitation and widening or Deni Barham Road.
- Great progress has been made with Perricoota Road re-sheet, with works scheduled to be completed six (6) months ahead of schedule.
- Upcoming works include continuation of flood restoration works, regional roads and urban street reseals, Vallance Court, Thyra Road railway removal and various kerb, gutter and stormwater and footpaths maintenance and renewals.

Flood restoration works continue to track well with 112 out of 160 damages completed. Reseals contract challenges have been resolved and works are moving forward during March / April.

## **ATTACHMENTS**

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

## 9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

### 9.2.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) DRAFT MINUTES OF MEETING HELD ON THE 26 FEBRUARY 2024

**File Number:** -

**Author:** Sandra Gordon, Manager Governance & Risk

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

#### RECOMMENDATION

That the DRAFT minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on the 26 February 2024 be noted by Council.

#### DISCUSSION

The Audit, Risk and Improvement Committee met on Monday 26 February 2024.

The draft minutes of this meeting are attached. They will be confirmed by the committee at their next meeting which is expected to be held in April 2024.

There were no recommendations made for Council's consideration.

#### ATTACHMENTS

1. Draft Minutes of ARIC meeting - 26 February 2024 [↓](#) 

**MURRAY RIVER COUNCIL Audit Risk & Improvement Committee  
Meeting Minutes**

26 February 2024

**MINUTES OF MURRAY RIVER COUNCIL  
AUDIT RISK & IMPROVEMENT COMMITTEE MEETING  
ADMINISTRATION OFFICES, COUNCIL CHAMBERS, 52 PERRICOOTA ROAD MOAMA  
ON MONDAY, 26 FEBRUARY 2024 AT 4:00 PM**

**1 PRESENT:**

Richard Ham- Chair, Jean Sutherland – Independent Member, Suzanna Barry – Independent Member

Councillor Neil Gorey (videolink), Stephen Fernando – Director Corporate Services, Peter Smith – Interim Chief Financial Officer, Sandra Gordon – Manager Governance and Risk (videolink), Penny Corkill – Centium

Peter Smith was welcomed to the meeting and introduced to those present.

**2 ACKNOWLEDGEMENT OF COUNTRY**

**3 APOLOGIES:**

Nikki Cohen

**4 PREVIOUS MEETING**

**4.1 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

**That the minutes of the Audit Risk & Improvement Committee Meeting held on 9 November 2023 be confirmed.**

MOVED: Jean Sutherland

SECONDED: Suzanna Barry

**4.2 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 DISCLOSURE OF INTEREST**

Nil

**6 STANDARD AGENDA ITEMS**

**6.1 FINANCIAL MATTERS**

**6.1.1 QUARTERLY CREDIT CARD EXPENDITURE - MAYOR AND CEO**

**RECOMMENDATION**

**That the Committee receive the attached quarterly credit card expenditure ending 31 December 2023 for the Mayor and CEO.**

All agreed

Correction in the first table in the report total to read \$2662.43.

**6.1.2 AUDIT OFFICE LETTER - 2023-2024 AUDIT ARRANGEMENTS**

**RECOMMENDATION**

**That The Audit Office letter and the information included within is noted.**

All agreed

**MURRAY RIVER COUNCIL Audit Risk & Improvement Committee  
Meeting Minutes**
**26 February 2024**

The Audit Office has appointed RSD as Council's External Auditors for the 2023-2024 financial year. RSD principal auditors are Nick Bell and Tyson Holt and the Audit Office representative is Lawrissa Chan

RSD as proposing the Interim Audit to be held in April.

**6.1.3 QUARTERLY BUDGET REVIEW - PERIOD ENDED 31 DECEMBER 2023**
**RECOMMENDATION**

**That the Quarterly Budget Review report for the period ended 31 December 2023 be noted.**

All agreed

Points of interest:

- Sale of Land – has been removed from the 2023/2024 figures – as the proposed sales will not be finalised during the accounting period.
- Capital Projects – allowance are included in project costings for contingencies/variations and the appointed Project Manager's time and on-costs are also included.

**6.2 INTERNAL AUDITS**
**6.2.1 INTERNAL AUDITS ACTION TRACKER @ 31 JANUARY 2024**
**RECOMMENDATION**

**That the report as presented be noted**

All agreed

The Committee requested that the older items on the Action Tracker be prioritised for completion.

A number of the staff initially responsible for the actions have left MRC, however their replacements will be tasked with addressing the relevant items.

**6.2.2 INTERNAL AUDIT WORKPLAN - BUSINESS CONTINUITY & EMERGENCY MANAGEMENT**
**RECOMMENDATION**

**That**

- **the Internal Audit Workplan/Scope of Audit AS PRESENTED BE accepted; AND**
- **the management of the 2022 flood event be included in the audit scope.**

All agreed

The Committee requested that the draft report be circulated to the Committee prior to being endorsed by Council – out-of-session circulation, if required, to ensure the timeliness of their review.

**6.3 GOVERNANCE MATTERS**
**6.3.1 INTERNAL AUDIT FRAMEWORK, CHARTER AND TERMS OF REFERENCE**
**RECOMMENDATION**

**That the ARIC recommends that the DRAFT Internal Audit Framework, Internal Audit Charter and Terms of Reference be presented to the March Council Meeting for consideration.**

All agreed

**MURRAY RIVER COUNCIL Audit Risk & Improvement Committee  
Meeting Minutes**

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26 February 2024

Council to forward the Centium review of these documents to the Committee.

**7 OTHER ITEMS**

Nil

**8 CONCLUSION OF MEETING**

THERE BEING NO FURTHER BUSSINESS, THE MEETING CLOSED AT 5.25PM

The Committee held an “in-camera” meeting following the close of this meeting.

THE NEXT MEETING OF MURRAY RIVER COUNCIL AUDIT RISK & IMPROVEMENT COMMITTEE (ARIC) WILL BE HELD AT A DATE TO BE SET IN APRIL TO REVIEW THE DRAFT BUDGET AND THE RATING STRATEGY.

FOLLOWING THAT THE NEXT MEETING OF THE COMMITTEE IS SET DOWN FOR THE 6th MAY 2024.

THESE MINUTES ARE SIGNED AS A TRUE AND ACCURATE RECORD OF THE PROCEEDINGS OF THE AUDIT RISK & IMPROVEMENT COMMITTEE (ARIC) OF THE MURRAY RIVER COUNCIL HELD ON MONDAY, 26 FEBRUARY 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COMMITTEE ON \_\_\_\_\_

..... CHAIR

**9.2.2 FINANCIAL REPORT - UNAUDITED FY 2023/24 PERIOD ENDING 31 MARCH 2024**

**File Number:** -  
**Author:** Stephen Fernando, Director Corporate Services  
**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

That Murray River Council (Council) resolve to receive the Monthly Financial Report for the period to March 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 Act) nor the Local Government (General) Regulation 2021 (the Regulation), 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 summarised 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 - to March 2024** [↓](#) 
2. **Monthly Financial Statements - to March 2024** [↓](#) 



# Monthly Financial Report

Financial Year: 2023-24  
Period Ending: 31 March 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 surplus stood at (\$9.4 Mn) after charging depreciation (What We Set-aside for Asset Renewals) of \$15.3 Mn.

**Table 1: Income & Expenditure Statement:**

	2022/23 Audited	2023/24 Budget	2023/24 YTD Actual	% Variance Bud v Act
What We Levied Our Ratepayers	19,094	21,450	16,224	76%
What We Invoiced our Customers	9,099	8,447	9,743	115%
What We Rcvd. as Grants & Subsidies	21,272	22,947	5,588	24%
What We Rcvd. as Interest from Investment	1,600	2,247	1,266	56%
Our Other Revenue	1,851	2,234	2,191	98%
<b>Our Total Recurrent Earnings</b>	<b>52,916</b>	<b>57,324</b>	<b>35,012</b>	<b>61%</b>
What We Spent on Our Staff	19,436	19,755	14,933	76%
What We Spent on Our Suppliers	23,727	25,393	15,101	59%
<b>Our Total Direct Spend</b>	<b>43,163</b>	<b>45,147</b>	<b>30,034</b>	<b>67%</b>
What We Paid Our Bankers	383	111	41	37%
What We Set-aside for Asset Renewals	23,246	20,344	15,258	75%
<b>Our Operating Surplus/(Deficit)</b>	<b>(13,876)</b>	<b>(8,279)</b>	<b>(10,321)</b>	<b>125%</b>
Our Capital Revenue	33,697	16,686	19,690	118%
Our Capital Expenses / (Gains)	4,800	(1,227)	-	0%
<b>Our Capital Surplus/(Deficit)</b>	<b>28,896</b>	<b>17,913</b>	<b>19,690</b>	<b>110%</b>
<b>Our Net Earnings</b>	<b>15,021</b>	<b>9,635</b>	<b>9,369</b>	<b>97%</b>

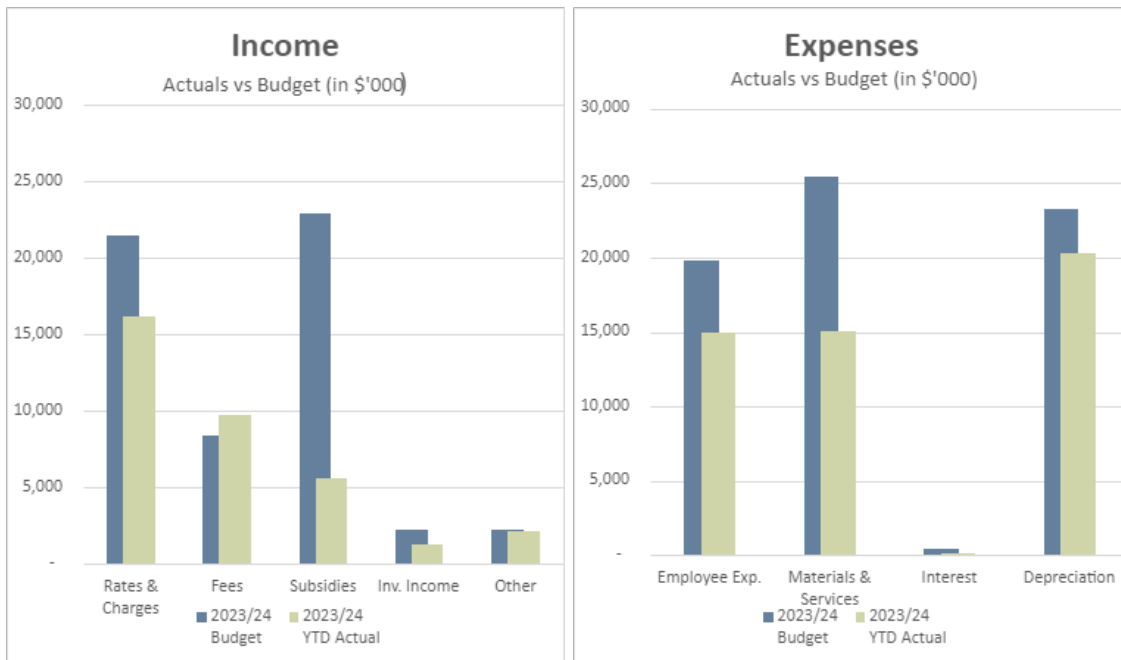
**Monthly Financial Report**  
 FY 2023-24, to 31 March 2024



**Income & Expenditure**

- Operating 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.
- Capital Grants are tracking somewhat ahead of budget.
- 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.



## Monthly Financial Report

FY 2023-24, to 31 March 2024



### COMMUNITY WEALTH

Details the value of resources Council has, to service our community. Net Community wealth at the end of the period stood at \$1.06 Bn.

**Table 2 : Statement of Financial Position**

	2022/23 Audited	2023/24 Budget	2023/24 YTD Actual
<b>What We Own</b>	992,065	955,641	1,015,732
Inventory We Hold	520	666	676
What We are Owed	12,539	10,429	13,397
What We Have in Bank	57,472	44,166	50,790
<b>Our Total Assests</b>	<b>1,062,595</b>	<b>1,010,903</b>	<b>1,080,595</b>
<b>What We Owe Our Suppliers</b>	7,137	6,463	3,905
What We Owe Our Lenders	8,456	2,393	5,494
What We Have Provided for Future Liabilities	10,912	6,678	10,481
<b>Our Total Liabilities</b>	<b>26,505</b>	<b>15,534</b>	<b>19,880</b>
<b>Our Community Wealth</b>	<b>1,036,091</b>	<b>995,369</b>	<b>1,060,715</b>

- 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

Capital spend for the financial year which stood at \$18.5 Mn at the end of February 2024 has progressed to \$20.7 Mn by the end of March 2024, accounting for 47% of the revised capital budget of \$39.2 Mn for the year. The capital budget is currently behind schedule and will likely be further revised during the Q3 budget revision process.

## Monthly Financial Report

FY 2023-24, to 31 March 2024



### LIQUID ASSETS & RESERVES

Shown below are the movements in liquid asset balances and investments for the period ending March 2024.

**Table 3: Movement of Liquid Assets**

DETAILS	JANUARY 2024	FEBRUARY 2024	MARCH 2024
Cash Book Balance B/Fwd	\$6,760,138	\$6,490,906	\$5,741,763
Add income for month	\$2,923,264	\$9,009,582	\$4,686,942
Deduct expenditure for month	\$4,692,496	\$8,758,725	\$6,391,399
<b>CASH AVAILABLE</b>	<b>\$4,990,906</b>	<b>\$6,741,763</b>	<b>\$4,037,307</b>
Redeem/(Purchase) Investments	\$1,500,000	(\$1,000,000)	(\$1,000,000)
<b>CASH BOOK BALANCE</b>	<b>\$6,490,906</b>	<b>\$5,741,763</b>	<b>\$3,037,307</b>
Add on-call account	\$3,818,177	\$3,831,373	\$2,344,159
Add investments - Deposits	\$45,762,449	\$46,762,449	\$47,762,449
Add investments - Shares	\$2,010	\$2,010	\$2,010
<b>CASH POSITION</b>	<b>\$56,073,543</b>	<b>\$56,337,596</b>	<b>\$53,145,924</b>
As per Bank Statements	\$4,004,645	\$4,043,053	\$1,077,406

The breakdown of the reserves by restriction and fund are as below:

**Table 4: Breakdown of Cash & Restricted Assets (Reserves) by Fund**

Funds	General	Water	Sewer	Waste	Total
Unrestricted	(\$5,065,298)	\$2,421,630	\$5,209,957	(\$392,341)	\$2,173,949
Internally Restricted	\$6,551,098	\$3,052,153	\$8,200,060	\$2,487,735	\$20,291,047
Externally Restricted	\$21,118,356	\$3,635,368	\$3,618,150	\$2,309,054	\$30,680,929
<b>Total</b>	<b>\$22,604,157</b>	<b>\$9,109,151</b>	<b>\$17,028,168</b>	<b>\$4,404,448</b>	<b>\$53,145,924</b>

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

Additional details of internally restricted and externally restricted reserves are provided in the following tables.

## Monthly Financial Report

FY 2023-24, to 31 March 2024



**Table 5: Details of Internally Restricted Assets (Reserves)**

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	-	-	-	-	-
Council Contribution - Co Funding Grants	\$207,527	-	-	-	\$207,527
Economic Development	\$42,780	-	-	-	\$42,780
Employee Leave Entitlements	\$1,399,780	-	-	-	\$1,399,780
Heritage Buildings	\$18,495	-	-	-	\$18,495
Infrastructure Works	\$1,247,972	\$3,052,153	\$8,200,060	-	\$12,500,186
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	\$380,318	-	-	-	\$380,318
Software	\$322,485	-	-	-	\$322,485
Stormwater	\$101,145	-	-	-	\$101,145
Waste Management Int	-	-	-	\$2,487,735	\$2,487,735
	<b>\$6,551,098</b>	<b>\$3,052,153</b>	<b>\$8,200,060</b>	<b>\$2,487,735</b>	<b>\$20,291,047</b>

**Table 6: Details of Externally Restricted Assets (Reserves)**

External Reserves	General Fund	Water Fund	Sewer Fund	Waste Fund	Total
Unspent Grants	\$16,411,637	-	-	-	\$16,411,637
Unspent Loan Funds	\$639,394	-	-	-	\$639,394
Section 64/94	\$3,860,864	\$3,421,687	\$3,618,150	-	\$10,900,701
Community Services Ext	\$7,537	-	-	-	\$7,537
Land Management	\$134,638	-	-	-	\$134,638
Water Purchase	-	\$213,681	-	-	\$213,681
Waste Management Ext	-	-	-	\$2,309,054	\$2,309,054
Other	\$64,287	-	-	-	\$64,287
	<b>\$21,118,357</b>	<b>\$3,635,368</b>	<b>\$3,618,150</b>	<b>\$2,309,054</b>	<b>\$30,680,929</b>

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

### INVESTMENTS

As required by Section 212 of the Local Government (General) Regulations 2021 (the Regulation) and Section 625 of the Act, a summary of Council's surplus funds invested, together with an analysis thereof are detailed below.

#### Certification

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.

Stephen Fernando  
Responsible Accounting Officer

## Monthly Financial Report

FY 2023-24, to 31 March 2024

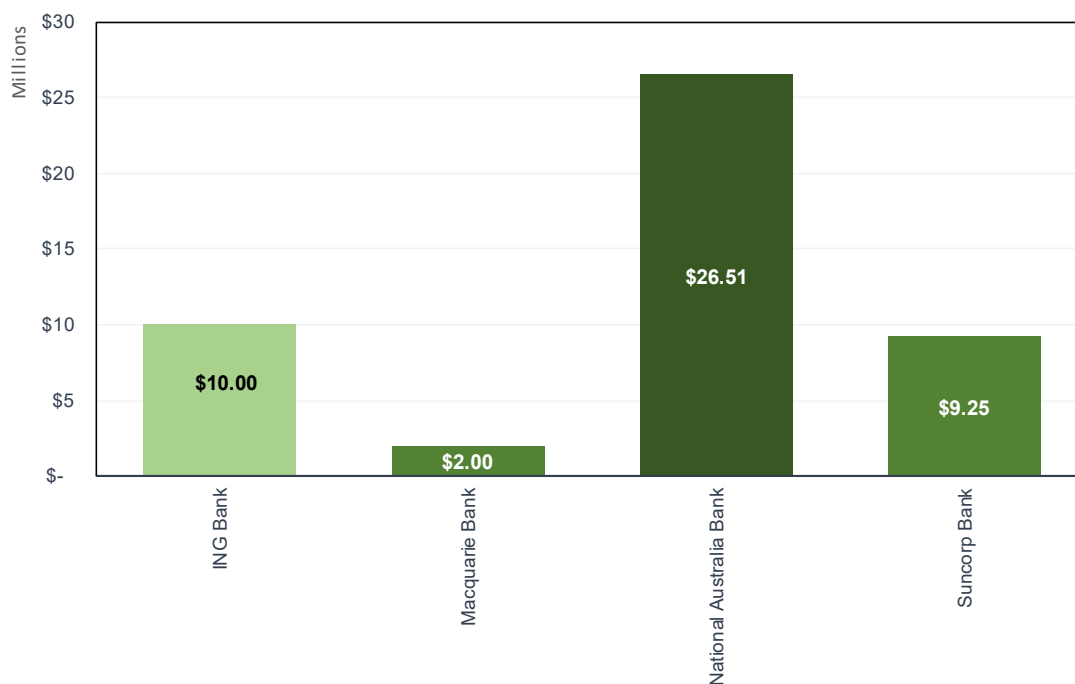


Council's investments are spread across several Australian Deposit Taking Institutions (ADIs) as detailed below.

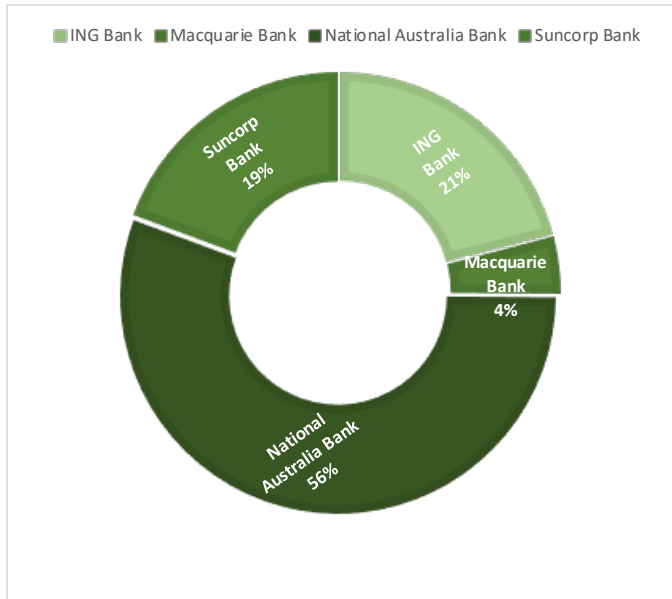
**Table 7: Investments by Deposit Taking Institution**

S&P Rating	Bank / ADI	Policy Limit by Credit Rating	Current Portfolio Concentration	Current Investment Total	Institutional Policy Limit	Institutional Holding
AA-	National Australia Bank	100%	56%	\$26,512,449	60%	56%
A+	Macquarie Bank	90%	24%	\$2,000,000	25%	4%
A	Suncorp Bank	90%	21%	\$9,250,000	25%	19%
	ING Bank	90%	21%	\$10,000,000	25%	21%
			<b>100%</b>	<b>\$47,762,449</b>		<b>100%</b>

**Investments by Bank ADI**



Monthly Financial Report  
FY 2023-24, to 31 March 2024



**Legend**  
 ■ AA-  
 ■ A+  
 ■ A

**Reference MRC Policy**  
 POL 203 Investment Policy  
 All investments are governed under MRC POL 203 - Investment Policy

The investment ratings of the investments and the returns thereon are detailed below.

**Table 8: Analysis of Risk Ratings and Returns**

Interest Rates	AA-	A+	A	Total
from 4.76% to 5.00%	\$1,500,000	\$2,500,000	-	\$4,000,000
from 5.01% to 5.25%	\$16,250,000	\$6,750,000	\$9,000,000	\$32,000,000
from 5.26% to 5.50%	\$8,262,449	\$2,500,000	\$1,000,000	\$11,762,449
	<b>\$26,012,449</b>	<b>\$11,750,000</b>	<b>\$10,000,000</b>	<b>\$47,762,449</b>

Monthly Financial Report  
 FY 2023-24, to 31 March 2024





## Monthly Financial Report

FY 2023-24, to 31 March 2024



The maturity profile of the investments are as follows.

**Table 9: Maturity Profile**

Maturity Dates	AA-	A+	A	Total
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	-	\$1,500,000	\$1,500,000	\$3,000,000
February 2025	-	\$1,750,000	-	\$1,750,000
March 2025	\$1,500,000	-	\$2,500,000	\$4,000,000
	<b>\$26,012,449</b>	<b>\$11,750,000</b>	<b>\$10,000,000</b>	<b>\$47,762,449</b>

The portfolio is well invested in reasonable interest rates and the maturity profile varies according to planned cashflow 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 regulations and Council's Investment Policy.

The current investment strategy is to only invest in ADI's that are rated above BBB+ as per S&P's long term credit ratings, even though the Investment Policy permits some investments in ADIs with lower ratings.

## Murray River Council

### Income Statement

for the year ended 30 June 2024

from period 01 July to 31 March

CY Budget	\$'000	Notes	CY Actual YTD	PY Actual Audited
	<b>Income from continuing operations</b>			
21,450	Rates and annual charges	B2-1	16,224	19,094
8,447	User charges and fees	B2-2	9,743	9,099
1,812	Other revenue	B2-3	964	1,565
22,947	Grants and contributions provided for operating purposes	B2-4	5,588	21,272
16,686	Grants and contributions provided for capital purposes	B2-4	19,690	33,697
2,247	Interest and investment income	B2-5	1,266	1,600
422	Other income	B2-6	412	286
	Net gain from the disposal of assets	B4-1	815	
<b>74,010</b>	<b>Total income from continuing operations</b>		<b>54,702</b>	<b>86,612</b>
	<b>Expenses from continuing operations</b>			
19,755	Employee benefits and on-costs	B3-1	14,933	19,436
24,065	Materials and services	B3-2	14,348	22,666
111	Borrowing costs	B3-3	41	383
	Depreciation, amortisation and impairment for non-	B3-4		
20,344	financial assets		15,258	23,246
1,328	Other expenses	B3-5	753	1,061
(1,227)	Net losses from the disposal of assets	B4-1		4,800
<b>64,375</b>	<b>Total expenses from continuing operations</b>		<b>45,333</b>	<b>71,592</b>
<b>9,635</b>	<b>Operating result from continuing operations</b>		<b>9,369</b>	<b>15,021</b>
<b>9,635</b>	<b>Net operating result for the year attributable to Council</b>		<b>9,369</b>	<b>15,021</b>
	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>			
<b>(7,052)</b>			<b>(10,321)</b>	<b>(18,676)</b>

## Murray River Council

## Statement of Financial Position

for the year ended 30 June 2024

from period 01 July to 31 March

CY Budget	\$'000	Notes	CY Actual YTD	PY Actual Audited
<b>ASSETS</b>				
<b>Current assets</b>				
4,174	Cash and cash equivalents	C1-1	1,688	8,600
39,677	Investments	C1-2	48,813	48,612
10,429	Receivables	C1-4	13,397	12,539
666	Inventories	C1-5	676	520
316	Other	C1-11	289	260
<u>55,262</u>	<b>Total current assets</b>		<u>64,863</u>	<u>70,530</u>
<b>Non-current assets</b>				
2	Investments	C1-2	2	2
880	Receivables	C1-4	483	483
626	Inventories	C1-5	315	315
947,037	Infrastructure, property, plant and equipment	C1-8	1,004,385	980,864
7,097	Intangible Assets	C1-10	10,547	10,401
	Investments accounted for using the equity method	D2-2		
<u>955,641</u>	<b>Total non-current assets</b>		<u>1,015,732</u>	<u>992,065</u>
<u>1,010,903</u>	<b>Total assets</b>		<u>1,080,595</u>	<u>1,062,595</u>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
6,463	Payables	C3-1	3,905	7,137
	Contract liabilities	C3-2	3,341	5,269
192	Lease liabilities	C2-1	44	184
395	Borrowings	C3-3	66	476
3,839	Employee benefit provisions	C3-4	3,262	3,686
	Provisions	C3-5	95	102
<u>10,888</u>	<b>Total current liabilities</b>		<u>10,713</u>	<u>16,853</u>
<b>Non-current liabilities</b>				
384	Lease liabilities	C2-1	354	354
1,422	Borrowings	C3-3	1,689	2,173
402	Employee benefit provisions	C3-4	512	512
2,438	Provisions	C3-5	6,612	6,612
<u>4,646</u>	<b>Total non-current liabilities</b>		<u>9,167</u>	<u>9,652</u>
<u>15,534</u>	<b>Total liabilities</b>		<u>19,880</u>	<u>26,505</u>
<u>995,369</u>	<b>Net assets</b>		<u>1,060,715</u>	<u>1,036,091</u>

## Murray River Council

### Statement of Financial Position

for the year ended 30 June 2024

from period 01 July to 31 March

CY Budget	\$'000	Notes	CY Actual YTD	PY Actual Audited
<b>EQUITY</b>				
1,427	Current years surplus		24,627	15,021
743,152	Accumulated surplus		745,732	730,583
250,790	IPPE revaluation reserve		290,356	290,487
<u>995,369</u>	<b>Council equity interest</b>		<u>1,060,715</u>	<u>1,036,091</u>
<u>995,369</u>	<b>Total equity</b>		<u>1,060,715</u>	<u>1,036,091</u>

**9.2.3 KPW LAWYERS HOMES OUT WEST VEHICLE**

**File Number:** -

**Author:** Peter Arthur, Interim Financial Controller

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

**RECOMMENDATION**

That Murray River Council (Council) resolve:

1. to transfer the ownership of vehicle asset number 3000340 a Ford Focus, registration number EBF48T, to KPW Lawyers, and
2. that the value to be placed on the registration transfer form be \$16,000, and
3. the aforesaid transfer of ownership be conditional to Council being reimbursed for all outstanding registration and insurance cost incurred on the vehicle.

**BACKGROUND**

In May 2019 KPW Lawyers contacted Council to see if it was prepared to auspice a grant obtained from HV McKay charitable trust to purchase a vehicle for the purposes of providing access to legal services in the Southern Riverina Area by KPW Lawyers.

Council agreed to the request and entered into an agreement with KPW Lawyers. The conditions of the agreement were that Council purchase the vehicle from the grant funds (\$25,000) and be held as an asset of Council. The agreement included that KPW Lawyers would be responsible for the day-to-day management and garaging of the vehicle, further that all costs, such as, registration, insurance, maintenance, fuel, and any taxation liability would be funded out of the remainder of the grant (after purchase of the vehicle) and any costs exceeding the balance of the grant would be funded by KPW Lawyers.

**DISCUSSION**

Some time ago KPW Lawyers contacted Council requesting Council consider transferring the ownership of the vehicle over to them, to make the management of the vehicle more efficient and they may continue the legal services.

The agreement also stated that when the vehicle reaches 80,000 km that the parties will determine whether the vehicle will be used as a trade in on a replacement vehicle or sold at auction with the proceeds go to purchase a replacement vehicle.

The vehicle has currently got 38,354 km on the odometer and if Council was to agree to transfer the registration as requested then it would need to obtain a valuation for the purposes of stamp duty to be paid on transfer. An estimate has been provided from Pickles and due to the low kms the estimated value is between \$16,000 & \$17,000. The current written down value of the vehicle in Council's asset register is \$13,566.28.

Council has been invoicing KPW Lawyers for insurance and registration costs of the vehicle and such amounts have always been paid. Unfortunately invoicing stopped from June 2021 and a reconciliation indicates that Council has incurred \$2,125.24 in costs that haven't been invoiced.

KPW Lawyers have been advised of the invoicing situation and requested that *"if Council is able to not have these costs reimbursed by KPW it would be money that could be spent on maintaining the car and continuing service delivery to places like Griffith."*

**STRATEGIC IMPLICATIONS**

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

4.11 - Facilitate and advocate for accessible health and wellbeing services based on local community needs - Community Health and Wellbeing Services including; Mental Health Services Health Services Aged Care Special care (disability housing / assisted living).

**BUDGETARY IMPLICATIONS**

If KPW Lawyers are not invoiced \$2,125.24 of Council funds would be foregone. transfer of the vehicle at no cost to KPW Lawyers will result in a notional loss on the disposal of the vehicle of around \$12,500 which will be recorded in the income statement for 2023-24.

**POLICY IMPLICATIONS**

Nil.

**LEGISLATIVE IMPLICATIONS**

Local Government Act 1993.

**RISK ANALYSIS**

- **What can happen?**  
Council retains ownership of the vehicle.
- **How can it happen?**  
As above
- **What are the consequences of the event happening?**  
Continued staff administration costs of registering and insuring vehicle and invoicing of Council's costs. Ongoing depreciation costs.
- **What is the likelihood of the event happening?**  
Unavoidable if vehicle is retained.
- **Adequacy of existing controls?**  
History of invoicing - Poor
- **Treatment options to mitigate the risk?**  
Disposal of the vehicle

**CONCLUSION**

Contact has been made with Henry Partners, trustees of the HV McKay Charitable Trust, seeking advice on whether they see any issues with having the vehicle transferred to KPW Lawyers. The trust has indicated that there would be no issues from their end for such a transfer.

Given that this not a core function of Council and that Council only auspiced the grant to purchase the vehicle, it is recommended that the ownership of the vehicle be transferred to KPW Lawyers at no cost but that they be invoiced for all the outstanding costs incurred by Council on the vehicle.

**ATTACHMENTS**

1. **Reply - HV McKay Charitable Trustees**  

**Peter Arthur**

---

**From:** Kate Raidal <Kraidal@henrypartners.com.au>  
**Sent:** Wednesday, 13 March 2024 1:57 PM  
**To:** Peter Arthur; Admin  
**Cc:** Peter Smith; Stephen Fernando  
**Subject:** RE: Grant - Homes Out West and KPW Lawyers - Ford Focus EBF48T

You don't often get email from kraidal@henrypartners.com.au. [Learn why this is important](#)

Good afternoon Peter,

There is no issue from H V McKay Charitable Trust regarding the transfer.

Thanks,

**Kate Raidal**  
Henry Partners  
Chartered Accountants  
105-111 High Street  
PO Box 509  
Mansfield Vic 3724

T: 03 5775 3170

F: 03 5775 3081



MANSFIELD YEA ALEXANDRA

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**From:** Peter Arthur <parthur@murrayriver.nsw.gov.au>  
**Sent:** Wednesday, March 13, 2024 1:54 PM  
**To:** Admin <admin@henrypartners.com.au>  
**Cc:** Peter Smith <psmith1@murrayriver.nsw.gov.au>; Stephen Fernando <sfernando@murrayriver.nsw.gov.au>  
**Subject:** Grant - Homes Out West and KPW Lawyers - Ford Focus EBF48T

You don't often get email from parthur@murrayriver.nsw.gov.au. [Learn why this is important](#)

**EXTERNAL EMAIL WARNING:** This email is from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Kate

KPW Lawyers (KPW) secure a \$25,000 grant from HV McKay charitable trust in 2019 to provide legal aid services in the Southern Riverina Area.

KPW then contacted Murray River Council to ask whether they were willing to auspice the grant to purchase a vehicle which Council agreed to do.

The vehicle has been purchased and is registered in Council name but is garage with KPW in Albury who are cover all the registration, insurance, running and maintenance cost of the vehicle. Council has recently received a letter from KPW asking if Council would transfer the vehicle registration into their firm's name in order to make the management of the car more efficient.

As HV McKay charitable trust provide the grant in the first place Council is seeking your advice as to whether you see any issues with KPW request before Council is in the position to make a decision?

Regards  
Peter



Peter Arthur | Interim Financial Controller  
Murray River Council  
20 Tualka Terrace Moulamein, NSW 2733  
PO Box 906, Moama, NSW 2731  
m 0429 142 813  
1300 087 004 | [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)



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**9.2.4 POWER PURCHASE AGREEMENT - DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

**File Number:** -  
**Author:** Stephen Fernando, Director Corporate Services  
**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

That Murray River Council (Council) delegate to its Chief Executive Officer (CEO) the necessary delegations to enable the CEO to negotiate, enter into, and sign one or more Power Purchase Agreements, with a total contract value not exceeding Twelve Million Dollars (\$12,000,000)

**BACKGROUND**

Since deregulation of the electricity retailing, consumers must select an electricity retailer, from several available, and then pick a plan under which the electricity supply is made and paid for. For larger customers such as Murray River Council (Council) it provides the opportunity to negotiate specific terms for the supply of electricity, either individually, or as a group of consumers (e.g. through a Joint Organisation (JO))

**DISCUSSION**

Currently Council has entered into three types of Power Purchase Agreements as follows:

- Large Metered Sites (LMS) - PPA with Shell Energy
- Unmetered Sites (UMS) - PPA with Shell Energy
- Small Metered Sites (SMS) - PPA with AGL

All of the above agreements are due to expire at the end for the 2024 calendar year, and as such, Council needs to engage in a procurement process to ensure PPAs are in place from 1 Jan 2025 onwards.

PPA have a multiple of factors that need to be considered and decided upon including:

- Source of Energy Generation: Non-renewable vs renewable sources of energy, or a given combination of the two)
- Period of Contract: Longer periods of the contract provides the suppliers with more certainty and can result in a better pricing deal. However, the longer the contract period, the more uncertainty on the comparison between the contracted price and the likely future market prices. After locking into a long-term contract, if the prices rise more than envisaged in the contract, the buyer stands to gain, while the opposite will result in a opportunity loss for the buyer.
- Price:

Council is currently exploring two joint procurement opportunities as follows:

- Procurement being managed by the Hunter Joint Organisation (Hunter JO) titled "Powering Tomorrow Regional Councils NSW PPA", which includes the members of the Riverina & Murray Joint Organisation (RAMJO), of which Council is a member.
- Procurement process initiated by Local Government Procurement (an entity of LG NSW).

While Council still has the option to decide which process to be affiliated with, depending on timelines, Council will be required to make a firm commitment to one or the other. While Council also

has the option of directly negotiating its own PPAs, that option is not being recommended, due to the complex nature of PPAs and the lack of scale on volumes consumed by Council on its own.

Once the process is underway, decisions on whether or not to accept a proposal, depending on the factors identified previously, but predominantly driven by price, will need to be made within a short period of time.

Council's current annual spend on electricity for each of the PPA is approximately as follows:

LMS PPA with Shell Energy	\$ 350,000
UMS PPA with Shell Energy	\$ 100,000
SMS PPA with AGL	\$ 750,000
Total Annual Spend (Approximate)	\$1,200,000

The proposed PPAs could range from contracts of 2-3 years up to 10 years, depending on the relative pricing for given durations.

The existing financial delegations to the Chief Executive Officer (CEO), is not adequate for the CEO to sign off on a PPA, especially if the duration of the agreement is for several years. Given the nature of the negotiations, and the need for timely responses, a specific purpose delegation is required to ensure that Council can make the best use of the available PPA options.

## 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

Will depend on the exact responses received for the tenders. Electricity is a constant budget item in Council's annual budget.

## POLICY IMPLICATIONS

Nil.

## LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

Local Government (General) Regulations 2021.

## RISK ANALYSIS

- **What can happen?**
  1. Council is unable to establish its PPAs by December 2024.
  2. Council enters into a multiyear PPA and subsequent to that price movements are adverse to Council's interest.
- **How can it happen?**
  1. Council is not able to negotiate acceptable terms.
  2. Market electricity prices come down after Council locks into a multiyear agreement.
- **What are the consequences of the event happening?**
  1. Potentially higher prices to pay on a month-to-month contract.
  2. Council having to incur higher electricity costs than otherwise it would have.
- **What is the likelihood of the event happening?**
  1. Unlikely

2. Possible

- **Adequacy of existing controls?**

1. Adequate

2. Adequate

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

1. Start the process early and set about the process in a structured manner.

2. Obtain expert advice.

### **CONCLUSION**

Given the significance of the procurement, and the nature of the procurement process for PPAs, the flexibility of a specific purpose delegation to the CEO is required to ensure that Council can take advantage of the best terms available.

### **ATTACHMENTS**

**Nil**



**9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 ECHUCA-MOAMA FLOOD STUDY FINAL ADOPTION**

**File Number:** -  
**Author:** Jack Bond, Director Infrastructure  
**Authoriser:** Terry Dodds, Chief Executive Officer

**RECOMMENDATION**

1. To consider submissions following formal community consultation; and
2. To seek adoption of the Final Draft Echuca Moama Flood Study Report.

**BACKGROUND**

As reported to the October 2023 Council meeting, Campaspe Shire and Murray River Councils were allocated funding by their respective State Governments to conduct flood studies to update flood information for Echuca and Moama respectively focussing on the urban and growth areas affected by riverine flooding. The North Central Catchment Management Authority (NCCMA) was also allocated funding for a flood study of the Torrumbarry section of the Murray River to establish the value of levee banks in that area. In November 2017 both councils and the NCCMA resolved to undertake a joint flood study involving the Murray River from Barmah to downstream of Torrumbarry together with the lower reaches of the Goulburn and Campaspe Rivers.

The Project comprises two components:

1. The Flood Study which models behaviour of the flood plain in its current state of development under the standard 'design' events (i.e. 20%, 10%, 5%, 2%, 1%, 0.5% and 0.2% Annual Exceedance Probability events and Probable Maximum Flood event) in terms of extents, depths and risks posed by those events, and
2. The Flood Plain Risk Management Plan which will investigate various mitigation options including physical works, development controls and flood warning systems and provide important intelligence for responding agencies.

The project was divided into the upper Echuca Moama section to be followed by the Torrumbarry section owing to the size and run times for the computer model. The Torrumbarry component has recommenced now the upstream section is complete.

Consideration of the draft Echuca Moama Flood Study Report was deferred in October 2022 as it coincided with the highest level recorded at the Echuca Wharf since the 1867 and 1870 events. It resulted in serious flooding around and within Echuca - Moama and stress and hardship for many residents but provided the community with a far greater understanding and appreciation of the potential extent and risk of flooding from this river system. Whilst a significant event, it was still 0.5m below the statistically derived 1% Annual Exceedance Probability (100 Year ARI) event employed for development regulation. As recently experienced at Rochester and Lismore NSW and Echuca in 1870, flood levels can and do exceed the 1% AEP event although it is generally rare and very infrequent.

The Echuca Moama flood model was subsequently calibrated to include the 2022 event for which far more data is available than the previous major flood in 1993. Design events and hazard mapping were also updated and the report reviewed to take account of this latest information.

## DISCUSSION

Twenty written submissions and additional comments from the three drop-in sessions were received. The issues raised in these submissions relevant to the study are summarised in Appendix F of the final draft report together with recommendations and/or advice on how those issues have been responded to.

In summary, most submissions relate to information about the 2022 flood or required by responders to floods, works undertaken during the 2022 event and mitigation works the community would like to see implemented. These are more relevant and will be considered as part of the Flood Risk Management Plan which has commenced.

The key relevant issues related to the flood study report as exhibited are:

1. *Technical question about how the statistical analysis of past flood levels accounted for the missing years of records when assessing those records to determine the various 'design' flood levels at the wharf.* The wharf gauge records were assessed in accordance with Australian Rainfall and Runoff guidelines and industry best practice to account for these gaps. Further explanation has been included in the report. Ultimately, the Annual Exceedance Probability (AEP) flows in the Goulburn and Campaspe Rivers were employed to set the AEP levels at the Echuca wharf gauge rather than statistical analysis of historical flood levels at the wharf. The two methods provide slightly different levels at the wharf gauge for the design events between 10% and 50% AEP but are consistent for floods of 1% AEP and greater.
2. *Need to adjust the fringe of the areas mapped as being 'inundated' to accord with actual ground levels.* The LiDAR survey particularly north of Perricoota Rd in Moama predates some of the more recently developed areas that have been filled. Fresh LiDAR survey has been taken for these areas and the model grid size reduced in other areas so the mapping more accurately reflects the boundaries of inundated areas.
3. *Accuracy of east Moama levee locations and heights.* These have been reviewed, resurveyed where required and adjusted.
4. *How can the 2022 event be classed as just above a 5% Annual Exceedance Probability (AEP) event (i.e. 20 Yr) when it is the largest in 150 years?* Flood events are based on probability and don't occur regularly at a frequency that reflects the long-term average. In addition, events in the range of 10% (10 Yr) to 2% (50 Yr) AEP are more difficult to classify due to the nature of the river system as it spills and fills 'Lake Kanyapella'. Different recognised classification methods result in different frequencies for floods in that range. But most importantly the 1% AEP level employed for development control and more severe flood levels and extents are consistent and unaffected.
5. *How can the 2022 Goulburn River flood at Shepparton be assessed as a '1 in 80 year' flood yet at Echuca a '1 in 20 year' event?* The Echuca Moama event was in the range of 1 in 25 to a 1 in 40 year event. At Shepparton, flooding is dependent on the peak flow in the Goulburn River whereas at Echuca Moama it is dependent on the total volume of flood water entering 'Lake Kanyapella', not peak flows. In 2022, almost 50% of the Goulburn River flow at Shepparton broke out and travelled north of Lock Garry toward Barmah. As that flow was upstream of the Murray River choke between the Bama and Madowla Park sandhills it could not enter Lake Kanyapella quickly enough to have much effect on its level.

6. *Claim that flood levels east of Moama are greater than in the previously adopted SKM report whereas the SKM levels closely matched observed levels at that location and should be relied on rather than the new study.* The SKM report did not model the 2022 event and was based on a water gradient along the river and extrapolating those levels out across the flood plain. The current computer model is far more accurate and models flows both along the river and independently out across and along the flood plain once they leave the river. In east Moama flows depart the Murray to the north just downstream of the Bama sandhills into Lake Kanyapella. They travel in a westerly direction around the northern perimeter before heading south to re-join the Murray just upstream of Moama. Water following this course is at a higher level than that opposite in the Murray which largely explains the level difference. The levels produced by the model closely match all of the surveyed 2022 flood marks east of Moama.

### Options

Council may disregard and not adopt the report and associated mapping. In doing so Council may be exposed in having disregarded the best available information relating to flood risk available to it and not extending an appropriate duty of care to the community. This option is not recommended.

Council may adopt the report with or without modification. Council will need to clearly articulate why it has determined to vary the report prior to adoption if it elects that course of action. Alternatively, Council may, after considering the summary of submissions, adopt the report as presented. This is the recommended course of action.

### External consultation

- Murray River Council Officers,
- North Central Catchment Management Authority
- Goulburn Broken Catchment Management Authority
- NSW Department Climate Change, Energy, the Environment and Water
- NSW and Vic State Emergency Services
- Vic Department Energy Environment and Climate Change

### Community Engagement

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework. Extensive community consultation was undertaken over a 5 year period in preparing this report. Consultation involved:

- Appointment of a Community Reference Committee comprising representatives from the State Emergency Service (Vic & NSW State and local), Goulburn Murray Water, Bureau of Meteorology, DELWP (Flood Plain Unit, Forestry & Parks), NCCMA, GBCMA, Yorta Yorta Nations, Moama Land Council, Rural Roads Victoria, Transport for NSW, NSW Department of Planning and Environment (Flood Plain Management Unit), NSW Forestry, Murray River and Gannawarra Shire Councils, the Vic and NSW urban and rural communities which met approximately 10 times over the five year period to provide community feedback during the study's development,
- Meetings with stakeholders from Torrumbarry, Moama East and many individuals from the Echuca Moama area,
- An extensive program during the report's four-week exhibition period in November 2024 that included press releases, advertisements, on-line presentation of the mapping and report together with 'have your say' pages, three x one-on-one drop-in sessions and

availability of hard copies including summaries and response boxes at the Echuca Library and Murray River Council office.

### STRATEGIC IMPLICATIONS

1. Strategic Theme 1: A Place of Environmental Sensitivity

1.3 - Protect, enhance and sustain the natural environment - Integrated Water Cycle Management.

### BUDGETARY IMPLICATIONS

This study is funded from existing grant funds and Council budget allocations. There are no financial or resource implications in adopting this report.

### POLICY IMPLICATIONS

Nil.

### LEGISLATIVE IMPLICATIONS

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

The Echuca Moama Torrumbarry Flood Study Project is being undertaken in accordance with the overarching governance principles embodied in Section 9 of the *Local Government Act 2020* including:

- Compliance with relevant laws,
- Giving priority to achieving the best outcomes for the community and future generations,
- Considering economic, social and environmental sustainability and climate change risks,
- Engaging in strategic planning,
- Collaboration with neighbouring councils,
- Taking regional and State plans into account, and
- Ensuring transparency of Council's decisions in relation to flood plain management

### RISK ANALYSIS

- **What can happen?**
- The EMFS not developed in terms of the NSW Floodplain Development Manual (2023) which incorporates the NSW Government's Flood Prone Land Policy failure for which will result in MRC not being protected from liability in respect of development of flood liable land for the purposes of section 733 of the *Local Government Act 1993*.
- **How can it happen?**
- Not delivering the EMFS in accordance with the NSW Floodplain Development Manual (2023) which incorporates the NSW Government's Flood Prone Land Policy.
- **What are the consequences of the event happening?**  
High to Extreme
- **What is the likelihood of the event happening?**  
Low, if the EMFS is delivered per the NSW Floodplain Development Manual (2023).



- **Adequacy of existing controls?**

EMFS has been developed by appropriately qualified consultants with the oversight of the PCG which received advice from flood experts at DPIE, DELWP and NCCMA, and has been deemed fit for purpose.

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

As noted above. Development of the EMFS in accordance with the NSW Floodplain Development Manual (2005) in line with NSW Government's Flood Prone Land Policy the purpose of section 733 of the Local Government Act 1993

## CONCLUSION

In summary the final draft Echuca Moama Flood Study Report is considered to accurately reflect the flood levels, extents and risks associated with flooding of the Murray, Goulburn and Campaspe Rivers' system at locations around the Echuca Moama area under current topographical and development conditions for wide a range of 'design' flood events. It is considered to provide a sound basis for the second component of this project – the Flood Plain Risk Management Study

It is important to recognise that no two floods behave in exactly the same manner even though they may rise to the same maximum height at a given location. This is especially the case at Echuca Moama. Here there are three separate rivers involved subject to an almost infinite combination of flows and timing.

## ATTACHMENTS

1. **Final Draft - EMFS Report (under separate cover)** 
2. **Appendix F - Submission Responses**  



**WATER TECHNOLOGY**  
WATER, COASTAL & ENVIRONMENTAL CONSULTANTS

APPENDIX F  
RESPONSES TO SUBMISSIONS ON DRAFT ECHUCA MOAMA  
FLOOD STUDY REPORT





No.	Submission	Comment
1	62 Redman St was not flooded in 2022 as shown on mapping Mapping is very pixelated and not sufficiently accurate	Scale of model prevents accurate delineation at a lot scale. The final mapping for planning purposes will have edges smoothed to match terrain, and should improve definition of flood extents.
2	Campaspe Esplanade should have been sandbagged from Butcher St all the way to the cemetery so water not forced onto downstream properties.	Comment about management of emergency works, not related to modelling. Flood emergency and intelligence management is part of the later stage of the study.
3	SES and first responders need more than predicted level at wharf as flood levels vary between the rivers at Echuca	Comment about management of emergency works, not related to modelling. Flood emergency and intelligence management is part of the later stage of the study.
4	Details of approx. 20 additional flood marks with embedded time, date and georeferenced details provided. (Note subsequently surveyed)	Additional levels added in calibration section.
5	Campaspe Shire urban drainage system records require updating to accurately reflect configurations.	Comment about management of works, not related to modelling. Flood emergency and intelligence management is part of the later stage of the study.
6	PMF flood levels require review as properties in Echuca East are above that level yet shown flooded	Floor levels and individual pads for dwellings aren't within Lidar, so these levels would not be represented. The levels shown on mapping relate to the surrounding terrain, which are likely lower, therefore shown as flooded. As a part of the study floor level survey was captured for buildings within the approximately 5% AEP flood extent and they will be compared to flood levels in the model for property specific assessment in the next phase of the study.
7	Extent of flooding along depression between Tindarra Resort and Rich River Golf Club requires review to take into account as-built levels of the new subdivisions.	Already considered and information of new terrain has been sent through. Modelling has been updated.



No.	Submission	Comment
8	Request for proper consultation before installing temporary works in future floods	Comment about management of emergency works, not related to modelling. Flood emergency and intelligence management is part of the later stage of the study.
9	Report requires correction to state 1993 sandbag levee followed the same line as the 2022 temporary earth levee. i.e. east end of Pakenham St and north end of Moama St outside 1993 levee. (See Photos Sub14 / Issue 20)	Noted and updated.
10	Property in McColl Rd Rochester shown as dry on maps but was knee deep during Flood.	Boundary of mapping was Waranga Western Channel. Property is on south side of channel, so is not considered within this study.
11	Will works include extension of the levee bank along Pakenham St to Moama St and south to the water treatment plant to protect residences outside of the temporary levee in 2022	Suggestion for next stage of project that can be looked at.
12	Flood mapping shows flooding of properties in Hermitage Dve, Moama that did not flood. Filling during development not taken into account	Already considered and new lidar flown in 2024 to capture the area. Modelling has been updated.
13	Suggest a levee along the Tindarra river bank either permanent or temporary would mitigate flooding of the properties along the depression to the Golf Club	Suggestion for next stage of project. Also, model was updated with new lidar flown in 2024 that included recent residential development and now indicates that most properties and the Golf Club are not inundated in 1% AEP event.
14	Believes 2022 event was 40 Yr event yet nowhere near entering properties in Maidensmith Drive which inundated in modelled 50 Yr event flood. Suggests level differences require review.	Only rear of properties inundated in 50Y event. The level difference at the breakout location between 2022 event and lowest ground level is only 0.1 m. As soon as the breakout at this location occurs, flow reaches the rear of those properties as they are in a depression that is lower. So, the 2022 event was only just short of inundating the Maidensmith Drive area, which aligns with its placement between a 20Y and 50Y event. The 50Y model does not include a temporary levee, which was built in the 2022 event, although it thankfully was not reached.



No.	Submission	Comment
15	<p>Link provided to MDBA Study re: improving flows through the Barmah choke.</p> <p>Suggest incorporate the proposed Murray River Trail through the Banyule Forest into a levee and summer fire break.</p> <p>Suggest using former 19<sup>th</sup> C railway spur lines into levees – locations unknown</p>	Suggestion for next stage of project that can be considered.
16	Rural levees installed after 1993 changed the flow of water in Old Deniliquin Road area which incorrectly represented in Study. Water came west along Webb Rd, then north to Black Bridge.	Rural levees were included in the study, and the modelled flow in the area in the lead up to the peak did occur as stated in the comment in addition to flows from the north. Text in the report has been amended to better explain the flow direction.
17	Recommend second railway bridge at Webb Rd / Milgate Rd to enable post flood drainage.	Suggestion for next stage of project that can be considered.
18	2022 flood photos and survey supplied of property at 114 Chanter St showing lower-level water than modelled. Query of accuracy of flood model.	Photo and survey indicate level of about 95.1m AHD whereas model estimate is 95.2m AHD. The model accuracy is within a reasonable range that is typical of a flood modelling standard.
19	Request permanent multi-purpose levee / fire break / cycle/walk/running track with removeable gates through Banyule Forest behind all houses between the bridge and water treatment plant. Path to form part of the 'Murray River Adventure Trail'.	Suggestion for next stage of project that can be looked at.
20	Request for flood levels at Tindarra breakaway that leads to the new developments and Rich River Golf Club in 1%AEP event	Suggestion for next stage of project and already a priority for Council.
21	As above. Added advantage of restricting illegal 4WD activity in Banyule Forest.	Suggestion for next stage of project that can be looked at.



No.	Submission	Comment
22	Model classifies 2022 as just above 5% event yet highest in 150 years. This makes little mathematical sense	The 5% AEP is the probability of the event occurring in any given year and is based on statistical analysis for the Flood Frequency methodologies set out in Australian Rainfall and Runoff. It does not correlate with how many times a certain flood occurs in a set period of time. There is just under 160 years of record, and the 2022 event is the third highest on record. The SKM Flood Study from 1997 set the 5% AEP level as 94.85, with the current study level set at 94.88 m AHD. It would be anticipated that the revised flood level would be higher than the previous given that additional larger events in the last 25 years has been added to the historical annual series.
23	Pre 2022 event, highest 4 events around 95.7m. i.e., 95.7 reached approx. once every 40 years. 2022 event at 94.97 must be greater than 20-year event. Setting 5% AEP at 95.7 is not supported by historical data and will adversely affect insurance etc.	See response for submission #22.
24	Report does not include sufficient information on flow velocities which is critical to hazard assessment and for people to relate their observations to.	Velocity maps have been provided in the Appendix. Critical locations can be tabulated for specific values, however greater detail than that cannot be provided across the whole study area in this report. Digital GIS deliverables are made available to the authorities and they are able to query velocities at any point in the model area.



No.	Submission	Comment
25	2016 flood modelling shows Old Deniliquin Road inundated which did not occur. Dysons school bus operated along it throughout the flood. This should be corrected to give the community confidence in the results	Figure 3-32 identifies the area as not being observed as inundated although the model did show some inundation, although other areas were matching well. The calibration work completed prior to the 2022 event set the foundations for the final model, which was further improved with the additional information gathered in the 2022 event. 2016 event had a very limited amount of calibration data available and a large portion of the Barmah gauge on the Murray River was missing. Therefore the calibration of the 2016 event was not treated with the same weighting as the 1993 and 2022 calibration events.
26	0.5% AEP modelling shows flood level above the levee crest at Holmes Rd yet not overtopping it. No mention in report of need for temporary works. Where else are there temporary works involved?	There are a number of locations along the Moama town levee, such as Chanter Street, that are below the crest level along the levee. These locations are known and are topped up during a flood event as part of Council's flood response plan and therefore included in the design modelling.
27	Presented data indicates the water gradient in this part of the floodplain is increasing at a faster rate than at the Echuca gauge, as floods move up the AEP scale. This seems illogical as the flooding extends over a much greater area in east Moama than at the wharf so the level increases should be less in east Moama. See supplied Table of levels.	As demonstrated by the longsections in Figure 5-14, the water gradients are flat within the Kanyapella basin, then steepening past Echuca Wharf. The profiles for each design event are consistent and are shown along the Murray River centreline.
28	Explain why 2022 peak water level at intersection of Old Barmah and Old Deniliquin Roads is 95.55m when where it originates from at Horseshoe Lagoon is only 95.5m. Assume flows along Old Barmah Rd to Old Deni Rd then south to Chanter St.	Water originates from much further north toward Barmah flowing around the perimeter of the Kanyapella bowl and south along the railway line. Refer to Section 5.2 – Design Flood Behaviour that explains this.



No.	Submission	Comment
29	House floor levels in Kooyong Park are set at 95.92. (0.3 above pad levels. 2% AEP mapping shows these houses inundated – some by 0.5m, others by 1.0m when 2% AEP level at that location is 95.71m	Kooyong Park levee was included in the model using as constructed survey. The earthworks within the levee were not updated in the LiDAR. The model does not take into consideration building footprints. This can be represented in greater detailing during the floodplain risk management plan phase.
30	Modelled depths prior to 2022 event varies significantly to post 2022 update for 5%, 2% and 1% AEP events. How can this occur if model previously finalised and reviewed?	Inclusion of the 2022 event forced us to change the hydrology with the third largest event on record. This update resulted in no change in the 1% AEP event flood level at Echuca Wharf and minor increases for smaller events.
31	How can 2022 event recalibration result in 2022 level being assessed as 5% AEP event when previous calibrations considered to be robust suggested the 2022 event was a much rarer event.	See response for submission #22.
32	The GBCMA assessed the Goulburn flows at Shepparton and McCoys Bridge 1 in 80 year AEP (sic) ARI. How is flooding at Moama assessed as a 1 in 20 ARI when it is primarily determined by the Goulburn River. Even allowing for the Lock Garry breach, the difference is considered to be too great to mathematically justify.	Between Shepparton and Echuca lies the large floodplain storage of the Kanyapella Basin. This results in flood levels at Echuca and Moama driven more by volume than peak flow. This makes it difficult to compare a single historical event to a design event because the volume in the hydrograph may vary. Added to this, in 2022 there was a significant number of levee breaches to the northern floodplain, which results in water being attenuated behind the Bama sand hills.
33	P156 of report states 5% AEP at Kooyong Park is lower than 1993 flood yet modelling shows the higher 2022 flood as a 5% AEP flood.	Amended in the report to 2022 event.





No.	Submission	Comment
34	P56 Sec 5.5.2 of report re: Kooyong Park Levee states ' <i>the assumed floor level of 95.92 m AHD is just below the current 1% AEP flood level.</i> ' This is incorrect as: current 1% AEP flood level at this location is 95.50 m AHD (see SKM Table A, and current study data showing 1% AEP is 95.88 at this location – still below the floor levels.	The current study is the level that should be applied. The floor level is just above the flood level, so the wording has been amended.
35	The existing ratified SKM Moama flood study when applied to the 2022 event proved itself to be exceptionally accurate around the east of Moama. The levels it predicted corresponded almost exactly to the 'actual' 2022 event levels shared as part of the new flood study. Why replace an accurate proven predictive tool with an unproven one.	The SKM Moama Echuca Flood Study made no predictions regarding the 2022 event. The calibration of the 2022 event in this latest study proved to be accurate through Echuca and Moama.
36	Providing dated flood photographs at 114 Chanter St with site survey plan showing less flooding than model suggests	Photo and survey indicate level of about 95.0 to 95.1m AHD whereas model indicates 95.2m AHD. Scale of model prevents accurate delineation at a lot scale. The final mapping for planning purposes will have edges smoothed to match terrain, and should improve definition of flood extents.
37	Seeking landowner details further south along Campaspe River for further 2022 Campaspe River flood data	Noted and can be considered once additional photos are received.
38	Rutley Crescent flooded in 2022 event yet is shown dry in model and modelled flooding extent in Fehring Lane is too great and deep	Investigated and deemed to be stormwater within Rutley Crescent, not riverine flooding. Additional ground survey around Fehring Lane was obtained and re-run in model to determine whether recent changes in topography were not originally captured in the model. However the calibration results were similar in the area.
39	Photos supplied of 2012 and 2022 flood on Campaspe at south of Echuca	These were considered and compared to calibration results.



No.	Submission	Comment
40	Need to protect houses outside of the temporary levee along Goulburn Road	Suggestion for next stage of project that can be looked at.
41	Restrictions in UFZ need relaxing to permit private flood protection works and sheds	Suggestion for next stage of project that can be looked at.
42	Building restrictions should be same in flood zones as other areas	Suggestion for next stage of project that can be looked at.
43	Request for assistance to reinstate retaining wall adjacent Campaspe River	Not relevant to the study, however Council has noted the request.
44	Please explain the differences between the Echuca Gauge water level AMS in the WMA Water hydrology report and the one provided by Watertech. This will potentially be the historical record so should be accurate even if it doesn't impact the FFA.	The only difference between the Annual Series in the WMA and WT FFA, is that the level used by WMA for 1993 was incorrect (too low) and this was updated in the WT analysis. Also, the WT analysis extended the period of the Annual Series to 2023.
45	The annual series does not seem to account for the missing years of data in the record (it includes 124 records and no prior information – full record (1865 to 2023 should be 158 years).	There are 34 years of missing data. They are largely due to the fact that the Bureau did not consider them flood years, so did not record a peak flow for that year of the annual series.  The missing data from 1970 onward was checked against a modelled timeseries of flow available from MDBA for river operations. All missing years except for 1996 were low flow years.
46	Show the impact of/sensitivity test the lower censoring threshold (and justification for the current proposed ~90.43m) in the FFA analysis	The sensitivity testing of censoring did not create any significant differences.
47	Show the impact of Bayesian (used by WMA Water) vs LH moments fit in the FFA analysis	Using Bayesian in Flike resulted in 1% AEP design levels 0.5 m higher than the WMA estimate.  LH moments seemed to provide a far better fit.



No.	Submission	Comment
48	Show the impact of LPIII (used by WMAWater) vs GEV in the FFA analysis	LPIII tended to produce higher design levels than GEV, see below examples.
49	<p>Concern that 2 key base assumptions that underpin the whole new flood model are not accurate. These assumptions the models' current maps are based on are:</p> <ul style="list-style-type: none"> <li>■ the 2022 flood was only equivalent to a 1 in 20 year event and</li> <li>■ the 'flood planning level' at the Echuca gauge needs to be increased from 95.34 to approximately 95.50.</li> </ul> <p>Submitter undertook their own analysis indicating:</p> <ul style="list-style-type: none"> <li>■ Extensive annual peak data at the Echuca gauge is available for the last 65 years. The 2022 event was the highest flood peak in this whole period.</li> <li>■ The 2022 flood event was the highest at the Echuca gauge in 152 years.</li> <li>■ Binomial distribution models calculate the 2022 flood event was a 1 in 35 year event (AEP of 2.90%). This is the result of probability analysis of an event being greater than or equal to the 94.97 level reached in 2022.</li> <li>■ Goulburn River flood levels are a key driver of flooding in Moama. The 2022 flood event for the Goulburn River at Shepparton was a 1 in 80 year event (AEP of 1.25%).</li> <li>■ Statistically the data provided gives little mathematical support for the new model increasing the 1 in 100 flood planning height above the current 95.34 AHD level at the Echuca gauge.</li> </ul>	<p>Review of the flood frequency analysis has confirmed the 1% AEP level at the wharf has been calculated correctly. For events less than the 2% AEP event the levels do vary depending on which of the industry standard methods are employed. The 2022 event lands within the range of about a 4% AEP to 2% AEP which are the error bounds within which the frequency assigned to that event lie. The submitters assessment of 2022 event being a 1 in 35 year event is not unreasonable as it lies within that range. Critically though the 1% AEP and greater level events on which development controls are based are consistent and unaffected by the calculation method.</p> <p>The AEP is the probability of the event occurring in any given year and is based on statistical analysis for the Flood Frequency methodologies set out in Australian Rainfall and Runoff. It does not correlate with how many times a certain flood occurs in a set period of time.</p> <p>Section 11.4 of the Murray Development Control Plan 2012 which states: "<i>Flood Planning Area 1 (FPA1) is defined as land considered to be subject to inundation in a 1 in 200 year ARI flood within the area to which the Moama Floodplain Management Study 1999 applies (see Figure 11.1). The flood level that determines the extent of FPA1 is the height of 95.58 metres AHD measured at the Echuca Wharf.</i>" The level of 95.58 compares to the 0.5% estimate in the SKM report of 95.6m AHD and 95.7m AHD in the current Water Technology report.</p>

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

That the DRAFT minutes of the Mid Murray Local Emergency Management Committee (incorporating Edward River Council & Murray River Council) together with the Mid Murray Local Rescue Committee held on 22 February 2024 be received and the information noted by the Council.

**DISCUSSION**

The Murray River Council and Edward River Council joint Local Emergency Management Committee (LEMC) is now known as the Mid Murray Local Emergency Management Committee.

A new format of the Mid Murray Local Emergency Management Plan is under development with the expectation that this will be endorsed at the June 2024 meeting for subsequent submission to the Regional Emergency Management Committee for adoption.

February 2024 saw the reintroduction of the Local Rescue Committee which includes representation from MRC, ERC, NSW Police, SES, Fire and Rescue NSW and the RFS. This committee is to be chaired by the Local Emergency Operations Controller (LEOCON) for the area and is to comprise senior representatives of emergency service organisations operating in the area. These meetings will be held at the conclusion of each Mid Murray LEMC meeting.

The draft minutes of the Mid Murray LEMC meeting and the Mid Murray Local Rescue Committee meeting held on 22 February are attached for noting.

**ATTACHMENTS**

1. **DRAFT Joint LEMC Minutes**  
2. **DRAFT Joint Local Rescue Committee Minutes**  



## Minutes

<b>Meeting title</b>	Joint Murray River Council & Edward River Council Local Emergency Management Committee		
<b>Date</b>	Thursday 22 February 2024	<b>Time</b>	2.00pm – 3.30pm
<b>Location</b>	Microsoft Teams / MRC Council Chambers		
<b>Attendees</b>	Mark Dalzell – Edward River Council – <i>Chair</i> Andrew McCurdy - Forestry Dave Buchtman – Disaster Welfare Services Elisa Ward – NSW Dept of Education Jacinta Goodear – Edward River Council Kimberley Beer – Local Land Services Kim Halse – Campaspe Shire Council Linda Searle – Local Land Services Paul Hugget – NSW Police Ricki Thompson – Murray River Council Sarah Scott – Services Australia Scott Fullerton – REMO Scott McLennan – SES Stewart Alexander – Fire & Rescue NSW Tom Wivell – TfNSW		
<b>Apologies</b>	Jack Bond – MRC Terry Dodds – MRC Garry Armstrong – LLS Paul Smith – NSW Police Steve Hompes – REMO Jodi Lees – Murray River Council Mick Lalor – NSW National Parks & Wildlife Service Gerard James – RFS Tony Whitehorn – RFS Denise Garner – NSW Health Luke Sharrock – Marine Rescue NSW		

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**This meeting will be recorded**

**ACKNOWLEDGEMENT OF COUNTRY**

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

- | <b>No.</b> | <b>Description</b>  |
|------------|---|
| 1.         | <p><b>Minutes of previous meeting</b></p> <p>1.1 Minutes of previous meeting of the Joint MRC / ERC Local Emergency Management Committee meeting of 19 October 2023</p> <p>Moved: Sarah Scott<br/>Seconded: Dave Buchtman</p>   |
| 2.         | <p><b>Prevention, Preparation and Planning (Action items):</b></p> <p>2.1 Provide LLS with ERC CMG's and LEMP - completed</p> <p>2.2 Mid Murray LEMP (Part 1) – DRAFT V#1 (Combined ERC/MRC)</p> <p>As discussed at the October 2023 LEMC meeting, attached to the meeting papers the first draft of the Mid Murray LEMP was circulated for review and comment.</p> <p>Committee members are asked to send through any changes via email with the view of submitting the updated LEMP to the Joint June 2024 meeting for endorsement. This will then be submitted to the REMC for adoption.</p> <p><b>Action: Update title to “Mid Murray LEMP incorporating MRC &amp; ERC”.<br/>Infrastructure information to be moved to the restricted section<br/>Education facilities list to be updated</b></p> |
| 3.         | <p><b>Response (Standing Items):</b></p> <p>3.1 Agency Reports – for noting (maximum 5 mins each)</p> <p>3.1.1 Ambulance NSW – no representative</p> <p>3.1.2 Ambulance Victoria – no representative</p> <p>3.1.3 Campaspe Shire Council – after action review underway following on from the January 2024 flood event.</p> <p>3.1.4 NSW Department of Education – report will be circulated with the minutes. 17 schools in the area currently operational. Deniliquin public school resumed operating this term after being affected by the flooding.</p>   |

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ERC looking to undertake an investigation / option study re drainage issues which will include a community consultation with those affected.

**ACTION: Include NSW Dept of Education in this investigation. (ERC)**

- 3.1.5 Disaster Welfare Services – transitioned to Homes NSW as of 1 January 2024. From administration perspective, Homes NSW will be a division under the Department of Communities and Justice (DCJ). Locally Deborah Kennedy has been appointed as District WelFAC for the Murrumbidgee District. Thank you to Leisel for the work she performed across both LGA's during the flood event of 2022/2023. Undertaking more staff training and looking at additional staff education re evacuations.
- 3.1.6 Edward River Council – localised flood event in Deniliquin November 2023, over 24 hr period had 135ml of rain received, up to 200ml in western area of town (up to 100ml in a 6 hour period). Deniliquin is used to and set up for riverine flood with the levee and this caused some issues. Would like to say thank you to the SES for their assistance. Council has resolved to undertake a study from this event to capture all information and will consult with other agencies as part of this study. Firebreaks completed, one remaining near Moulamein required to be done.
- 3.1.7 Essential Energy – no representative
- 3.1.8 Fire & Rescue NSW – report will be circulated with the minutes. Ethanol fire early November in Moama, good effort by RFS and F&RNSW to prevent larger fire developing. A few days later there was a storage facility fire at Moama which impacted several units. Aircraft crash near Moulamein involving a crop duster with minor injuries. Two vehicle crashes on Monday 19 February with one vehicle totally destroyed by fire in Deniliquin and a serious car crash in Echuca (supporting Vic Emergency Services). Provided support to NSW Police at the Southern 80 event that claimed the life of one of the participants. Acknowledging Moama Fire Captain Graeme Teasdale for 50 years of service with Fire & Rescue NSW.
- 3.1.9 Forestry NSW – Koondrook Perricoota Forest open to public, still flood effected in some areas, some areas still inaccessible, solid fuel fire ban in place. Significant recruitment drive underway. BAU.
- 3.1.10 Local Land Services – report will be circulated with the minutes. Updating the bio-security and animal transport accident CMG's.
- 3.1.11 Marine Rescue NSW – three vessels now available at the unit. Have undertaken 2 river searches over the last 2 months and undertook approximately 12 call outs.
- 3.1.12 Murray River Council – conducted the first internal meeting of the Local Flood Risk Management group to review requirements in the event of a flood event. Incident at Stoney Crossing Road which unfortunately resulted in 2 deaths.
- 3.1.13~NEMA – no representative





- 3.1.14 NSW Health – Representatives from Health attended the discussion exercise for the Play on the Plains Festival on 21 February. A meeting with the medical provider for CONFEST Easter event has been conducted with a copy of the medical plan to be provided. Health will be conducting Incident Control System training based on AIIMS in Deniliquin on 9 April 2024.
- 3.1.15 NSW National Parks & Wildlife – Works are progressing with the fire trail maintenance throughout the national parks. One of the bridges in Millewa was deliberately set on fire and needs replacing. Works at the 5 Mile tiers are planned to commence as soon as the river drops.
- 3.1.16 NSW Police – no update
- 3.1.17 Reconstruction Authority NSW – Renee Nicholls replacement for Paul Marshall. The agency report will be circulated with the minutes. With NSW Recovery Plan looked to be launched mid-2024, working with pre recovery planning.
- 3.1.18 Riverina Murray REMO report – Fire ants were confirmed in Wardell (South of Ballina) Fire Ant IMT being established to manage. EM training scheduled for Griffith on 6 & 7 March, Albury on 17 & 18 April, Wagga on 8 & 9 May and Deniliquin on 5 & 6 June. Griffith training may not proceed due to low numbers. Joe Casser will be taking up the position of Region Commander and REOCON from 29 January 2024. RAMJO Rediplan Workshops are being held across the region in coming months.
- 3.1.19 NSW Rural Fire Service (RFS) – no representative
- 3.1.20 Services Australia – recruiting drive underway.
- 3.1.21 State Emergency Service – report will be circulated with the minutes. Weather outlook indicates that El Nino is now weakening with March to May rainfall to be below median with the temperature above median. All SES vehicles are now connected to the government radio network (VaaN). Introducing new height safety kits with most teams showing improvement when working at heights. SES will be conducting a flood boat operator course in Barham and have more members that have now completed road crash rescue training and chainsaw courses. Over the reporting period there has been approximately 117 incidents with the majority of those in Deniliquin. Recruitment is underway with a recruitment campaign being launched on 6 March in Wagga. Waiting on information from MRC regarding the placement of the cache's at Moulamein and Picnic Point. Tri-State research project looking at Communication activities during 2022,2023, 2024 flood events, this is being conducted by RMIT and Monash University, further information is expected to be released next week which will be shared with Councils.

**Action: MRC to provide update re cache's for Moulamein & Picnic Point.**

**ERC to provide signed documentation related to moving into the shed**





3.1.22 Transport for NSW – report will be circulated with the minutes. Tom Wivell is replacing Paul Billingham on this committee. Hazard reduction continuing around state road network, continuing with internal recruitment for TLO's.

3.1.23 Others - Nil

*Insp Paul Hugget joined the meeting here at 2.37pm*

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

Nil

5. **General / New Business:**

5.1 State Emergency Management Plan received and circulated, the Regional Emergency Management Plan is now under review and expected to go to the Regional Emergency Management meeting in March.

5.2 Stoney Creek Crossing event and fatigue management – if a Council Road, it is Council's responsibility to undertake traffic control / management. Council is reviewing fatigue management and how to address going forward.

6. **Next MRC LEMC meeting:**

Thursday 20 June 2024

7. **Meeting closed:**

Meeting closed at 2.47pm



## Minutes

<b>Meeting title</b>	<b>Mid Murray Local Rescue Committee</b> (Incorporating Murray River Council & Edward River Council)		
<b>Date</b>	Thursday 22 February 2022	<b>Time</b>	2.50pm – 3.30pm
<b>Location</b>	Microsoft Teams / MRC Council Chambers		
<b>Attendees</b>	Mark Dalzell – Edward River Council – <i>Chair</i> Jacinta Goodear – Edward River Council Karen Buckley – Murray River Council Paul Hugget – NSW Police Ricki Thompson – Murray River Council Scott Fullerton – REMO Scott McLennan - SES Frank Finlay – Fire and Rescue NSW		
<b>Apologies</b>	Jack Bond – Murray River Council Steve Hompes – REMO Tony Whitehorn – RFS Gerard James - RFS		

**This meeting will be recorded**

### **ACKNOWLEDGEMENT OF COUNTRY**

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

<b>No.</b>	<b>Description</b>
1.	<b>Declarations of Interest</b> Nil
2.	<b>Minutes of previous meeting</b> 2.1 Nil
3.	<b>Business Arising</b> 3.1 Incidents requiring road closure

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Recommended if road closure required following an incident, that the closure will be for a minimum of 24 hours. Need to ensure staff involved are not affected by fatigue and provide appropriate support.

3.2 Body recovery on Murray River and Edward River

This is a function of NSW Police to undertake body recovery, NSW SES has the capability to assist, the responsibility sits with NSW Police.

3.3 Crime scene site coordination

Support agencies involved with assistance at a crime scene are not to be in the immediate vicinity of the incident and are to wait at the outer perimeter to wait for direction.

SES Urban Search & Rescue, Vertical Search & Rescue and Road Crash Rescue training ensures open communication and dialogue to ensure that when attending an operational situation that they are aware of the protocol.

NSW Police to provide a cheat sheet to be made available for support agencies to share with their staff in order to understand the requirements onsite.

4. **Emergency Incidents**

4.1 Southern 80

The event after action review has been delayed, date to be confirmed. The Joint LEMC is to be kept informed and to be engaged in any future events with the Southern 80 emergency management plan to come to this group for consideration.

4.2 Deniliquin Ute Muster

The Joint LEMC is to be kept informed and to be engaged in any future Deniliquin Ute Muster events and receive the planning and related documentation for consideration.

**Southern 80 and Deniliquin Ute Muster to be added to the Joint LEMC agenda**

5. **General Business**

5.1 SRB Legislative requirements

NSW SES working through SRB legislative requirements to meet in water and on water obligations.

5.2 Fire and Rescue NSW

Currently updating rescue equipment within the rescue units. Planning for training later in year to keep staff up to date.

5. **Next Meeting**

Thursday 20 June 2024

6. **Meeting closed:**

Meeting closed at 3.15pm

**9.3.3 2024 MURRAY DARLING ASSOCIATION ANNUAL GENERAL MEETING**

**File Number:** -  
**Author:** Jan Donald, Executive Administration Officer  
**Authoriser:** Jack Bond, Director Infrastructure

**RECOMMENDATION**

That Council consider any Submission of Motions to the 2024 Murray Darling Association Annual General Meeting scheduled for 10 July 2024.

**BACKGROUND**

The 2024 Murray Darling Association National Conference and Annual General Meeting will be held in Tamworth between 8-11 July 2024 with the AGM being held on 10 July.

**DISCUSSION**

The Murray Darling Association provides effective representation of local government and communities at State and Federal level in the management of Basin resources by exchanging information, facilitating debate, and seeking to influence government policy.

Motions resolved at the National Conference and AGM form the foundations of the MDA's leadership and advocacy work for the year and years ahead.

Council is invited to begin considering and consulting with your regions on prospective motions for the AGM. These motions are a unique opportunity to elevate your region's issues, challenges, and opportunities.

Call for Motions are now open and will be accepted up to Thursday 30 May 2024.

**STRATEGIC IMPLICATIONS**

1. Strategic Theme 1: A Place of Environmental Sensitivity
- 1.3 - Protect, enhance and sustain the natural environment - Integrated Water Cycle Management.

**BUDGETARY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil.

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

- **What can happen?**  
Nil
- **How can it happen?**  
Nil
- **What are the consequences of the event happening?**

Nil

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

Nil

- **Adequacy of existing controls?**

Nil

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

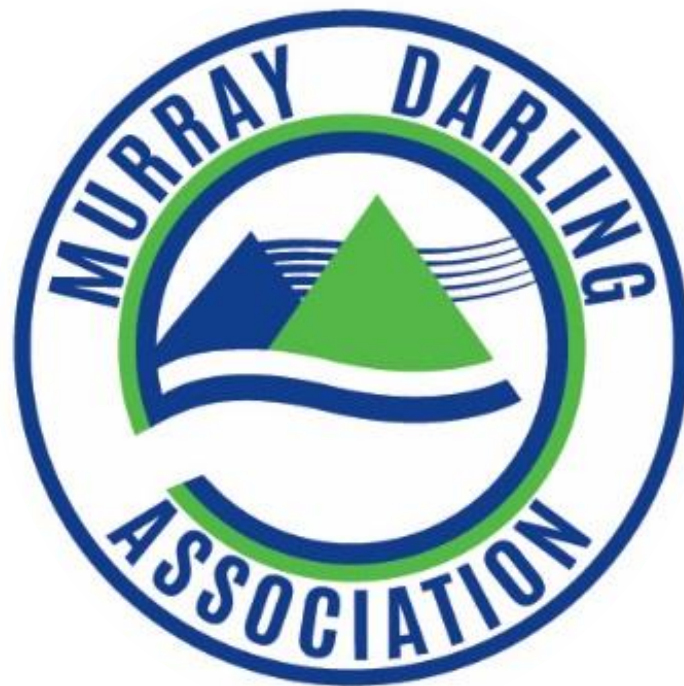
No risk to consider.

## **CONCLUSION**

That Council consider any Submission of Motions to the 2024 Murray Darling Association Annual General Meeting scheduled for 10 July 2024 and meet the required deadline for said submission/s as outlined in the attached Guide.

## **ATTACHMENTS**

1. **MDA National Guide for making a Submission** [↓](#) 



**Guide:  
Submission of Motions  
2024 National Conference  
& Annual General Meeting**

Tamworth | 8 – 11 July 2024

**Murray Darling Association Inc.  
Contact: Mark Lamb  
Chief Executive Officer**



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## Context

The purpose of the MDA is to provide effective representation of local government and communities at state and federal level in the management of Basin resources by exchanging information, facilitating debate, and seeking to influence government policy.

Motions resolved at the National Conference and AGM form the foundations of the MDA’s leadership and advocacy work for the year and years ahead.

We invite you to begin considering and consulting with your regions on prospective motions for the AGM. These motions are a unique opportunity to elevate your region’s issues, challenges, and opportunities.

You are encouraged to engage all member councils within your region in the development of your region’s motions before submitting them to the MDA.

Motions should be supported by a resolution at a region meeting before being put to the Board for final approval before the AGM.

Where multiple motions are received that are similar in intent, the MDA executive will liaise with proposing regions to identify opportunities to integrate into single motions.

## Key Dates

Call for Motions open: **28 February 2024**

Accepting of Motions closes: **30 May 2024**

2024 National Conference: **8 – 11 July 2024**

2024 AGM: **10 July 2024**

## How to submit a motion

- 1) Consult with your region about the proposed motion at your next Region Meeting.
- 2) Use the attached template to write your motion, adding any supporting information such as region meeting resolutions.
- 3) Submit your motion to [t.phillips@mda.asn.au](mailto:t.phillips@mda.asn.au) no later than 30 May 2024.

**The final Agenda and Meeting Papers will be distributed at least 14 days prior to the 2024 AGM.**



## Motion Template

**Motion #**      **Region # - [Proposing Council]**

---

**Motion:**      *Clear instruction / directive / call for action*

---

**Objective:**

- *What is your motion trying to achieve?*
- *Who would benefit from your motion?*

**Key Arguments:**

- *What is the current context/issue?*
- *What are the risks of this motion doesn't get up?*
- *What is the broader benefit to Basin communities if this motion is successful?*





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

Nil

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

### 9.5.1 MOAMA LIONS COMMUNITY VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF LOAN REPAYMENTS

**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

#### RECOMMENDATION

That Council does not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 10 & 12 Council Street Moama to Moama Lions Community Village Committee of Management.

#### BACKGROUND

At a Special Meeting held on Monday 3 July 2023, the Moama Lions Community Village Committee of Management unanimously agreed that the loan for the construction of new units at 10 & 12 Council Street Moama be returned to Council as the Committee determined that the project is not viable.

On 26 September 2023 Council resolve to accommodate the request made by the Moama Lions Community Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 10 & 12 Council Street Moama.

The loan has now been terminated and all funds returned to the bank.

#### DISCUSSION

The Moama Lions Community Village Committee of Management (*'the Committee'*) is a Committee of Council established under Section 355 of the Local Government Act 1998. Functions of the committee include but are not limited to the collection of revenue from tenants which should be used to offset outgoing expenses such as rates. The funds managed by the Section 355 Committee are funds of Council.

At its October meeting in 2020, Council resolved (Resolution 111020): to agree to borrow \$500,000 to construct six retirement units at 10 & 12 Council Street Moama on land already acquired for the purpose.

Brandrick Architects were appointed for the design development, planning approval and construction documentation for up to eight new units at 10 & 12 Council Street Moama.

In August 2022 Consent was approved to Brandrick Architects for the construction of eight independent living units for the purposes of seniors housing subject to Deferred Commencement Provisions pertaining to the consolidation of 10 & 12 Council Street November from the War Street Road Reserve closure.

Council officers sought quotes from highly skilled project managers to oversee the project. Only one quote was received, and it was confirmed that the original budget for construction of the new units was unlikely to cover the entire build. Council officers recommended a staged construction plan and obtaining a QS report to establish how many units the available funds would cover.

At a Special Meeting held on Monday 3 July 2023, the Moama Lions Community Village Committee of Management unanimously agreed that the loan for the construction of new units at 10 & 12 Council Street Moama be returned to Council as the Committee determined that the project is not viable at the current time.

The Committee thanked Council for the work done to date preparing documents and plans.

On 26 September 2023 Council resolve to accommodate the request made by the Moama Lions Community Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 10 & 12 Council Street Moama.

The loan has now been terminated and all funds returned to the bank.

The Committee of Management have written to Council to seek reimbursement of loan repayments (\$58,558.62).

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

Council officers have diligently fulfilled their obligations in obtaining the loan and servicing the loan by way of monthly invoicing and reporting to the Committee of Management.

### **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**

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

### **POLICY IMPLICATIONS**

Nil.

### **LEGISLATIVE IMPLICATIONS**

### **RISK ANALYSIS**

- **What can happen?**

Reputational risk to Council due to unforeseen increase in inflation

- **How can it happen?**

Overseeing, either directly or via a 355 Committee, a Village of this type is not council's core business.

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

Reputational damage.

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

High

- **Adequacy of existing controls?**

Adequate

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

The Committee wrote to Council and asked Council to obtain a loan for the purpose of constructing new units.

As the committee does not intend to go ahead with the construction of new units, it does not make sense to continue to maintain the loan and as such the loan has been terminated.

**CONCLUSION**

The Committee of Management have written to Council to seek reimbursement of loan repayments.

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

Council officers have diligently fulfilled their obligations in obtaining the loan and servicing the loan by way of monthly invoicing and reporting to the Committee of Management.

Council should not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 10 & 12 Council Street Moama to Moama Lions Community Village Committee of Management.

**ATTACHMENTS**

1. **Request for Reimbursement of loan repayments - Moama Lions Community Village Committee of Management - Confidential**

**9.5.2 SECTION 355 COMMITTEE MEETING MINUTES AS AT MARCH 2024**

**File Number:** -

**Author:** Karen Buckley, Manager of Local Connections

**Authoriser:** Sarah Ryan, Director Community & Economic Development

**RECOMMENDATION**

That Council receive and note the March 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, financial management (compliance with LG Act) and 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?**

Low to moderate, but awareness is improving.

- **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 School of Arts Hall Committee**

Two (2) Salto fobs have been issued to the committee to enable access to external toilets during evening events.

### **Koraleigh Hall & Recreation Reserve Committee**

Rec Reserve Storage Shed: Had been repaired and fixed by Koraleigh community members but then the MRC demolished the shed without the knowledge or consultation of the community or Rec Reserve Committee. Luke Keogh advised that the shed would be replaced. A smaller ( 4m x 3m ) secure shed with concrete floor would be adequate and the Rec Reserve would contribute some funds towards the new shed.

Karen gave update of progress of all electricity a/c into MRC for bulk purchase. Relevant committees to pay user costs- so no service fees. Still not finalised.

Karen presented Koraleigh Hall and Rec Reserve Draft Management Agreement Document. Committee to revise and bring ideas to next meeting.

Social tennis going well with good attendance including players and spectators from a large area: Koraleigh, Goodnight, Noorong, Nyah/Nyah West, Tooleybuc and Swan Hill. BBQ provided. Season extended due to new light installations.

Peter reported that MRC: Glen Hagley did an excellent job cleaning up beside the tennis courts where the new Community Centre will be positioned. Using a backhoe he removed dead tree stumps and branches and pulled up old posts around the oval.

### **Mathoura Hall Committee**

Hall Façade; There has been no response or acknowledgement to either of the letters to Council about the need to upgrade the front facade of the Hall. Ian to follow up.

2. Kitchen Lino; Ian obtained 2 quotes, one for lino and one for artificial boards. It was agreed to have the flooring company representative inspect the existing lino in an effort to try and match as close as possible to the existing. Ian to arrange.

### **Murray Downs Park Reserve Committee**

Volunteer hours for march, including Clean up Australia working bee – 141hrs.

Community Garden Report: In summation, having the added projects as a result of receipt of the last Community Grant of \$3,000.00 has injected more enthusiasm into the group who are eager to meet more often with some new volunteers as well, and the new garden area is fenced, but is still to have water extended to it. The new "Day Yard" in the chook pen is almost completed, and the new Garden shed purchased, and will be in place by the end of this month.

Boat ramp underway. BH met with MRC, and they are expecting to have this completed mid-June 2024. Will need additional works to remove the vegetation. Walking path is in and being used by residents.

### **Wakool Memorial Hall Committee**

MRC Community Grant- Fridge and Freezer have arrived and have been used for 2 functions.

## **ATTACHMENTS**

1. **Barham School of Arts meeting minutes March 2024** [!\[\]\(91353dea0600335a09362f69ea4eac2b\_img.jpg\) !\[\]\(8ac20398c2287d97d8335789f07d6827\_img.jpg\)](#)
2. **Koraleigh Hall & Recreation reserve Committee meeting minutes March 2024** [!\[\]\(daca9a4d00e9f19f8f336b2402f4e0ae\_img.jpg\) !\[\]\(45520d641a7f77c65284f8c2646200ab\_img.jpg\)](#)
3. **Mathoura Hall Committee meeting minutes March 2024** [!\[\]\(ec8bf3176ceebe46a0857c99d258cdb7\_img.jpg\) !\[\]\(e9357a27c6d60212afd13b0a9d5a3f3d\_img.jpg\)](#)
4. **Murray Downs Riverside Park Committee meeting minutes March 2024** [!\[\]\(4496b8af0327b6b92c36d1ca50c7a324\_img.jpg\) !\[\]\(bc1f8e8b73d97c24c57029d7bde3bbdb\_img.jpg\)](#)
5. **Wakool Memorial Hall Committee meeting minutes March 2024** [!\[\]\(d414db279b56ca575ec3484e2de4c527\_img.jpg\) !\[\]\(26e7aafe18c86c54124397f181dbd281\_img.jpg\)](#)

**SECTION 355 LGA BARHAM SCHOOL OF ARTS HALL REPORT:****MEETING OF 11/03/2024**

**Meeting commenced about 8.06 pm.**

**PRESENT:** *CHAIR:* T Barker. *Also present:* J Boyd, B Campbell, G Minnis, P Williamson, R Millar, A Millar, C Webster, D Agelakis, B Rash, A Mathers, J Whelan.

**APOLOGIES:** K Buckley, N Gorey, R Daws, C Pye, J Pye, G Barker, G Webster, G Cook, J Griffin, L Sheldrick.

**John Boyd\*** He has been speaking to David Dundee re door locks to toilets, hall and reception room. They are to be replaced with electronic entry fobs. Two fobs will be assigned to the Lions Club.

**Toilets-** Close at 5pm. But now we have fobs and can open as required.

**RiverDaze-** He and son Paul had to repair the evaporative air conditioner prior to the Festival. After RiverDaze the power was turned off for the stove which created a slight problem he had to rectify.

**Dance Group-**They are preparing a list of what they need in the Hall. Mirrors to walls /s previously mentioned.

**Financial Report: Not available at time of meeting.**

**Meeting Finished: 8. 14 pm.**





## Koraleigh Hall and Rec. Reserve Committee Meeting Minutes

<b>Date/time of meeting</b>	20/03/2024 7.03 pm
<b>Location of meeting</b>	Koraleigh Rec. Reserve
<b>Attendees</b>	Brian Hoare Cassie Andrews Mary Hoare Liam Hoare Peter Thompson Jim Crowe
<b>Apologies</b>	Bev Thompson Vern Andrews Sandra Andrews Travis Andrews
<b>Guests</b>	Greater Wakool Ward: Cr Ann Crowe MRC Manager Local Connections: Karen Buckley
<b>Approval of Previous Minutes</b>	Moved: Cassie Andrews Seconded: Brian Hoare

### Business arising from previous minutes

- \* New flagpole at Rec Reserve: committee to find costs of new pole.
- \* Rec Reserve Storage Shed: Had been repaired and fixed by Koraleigh community members but then the MRC demolished the shed without the knowledge or consultation of the community or Rec Reserve Committee. Luke Keogh advised that the shed would be replaced. A smaller ( 4m x 3m ) secure shed with concrete floor would be adequate and the Rec Reserve would contribute some funds towards the new shed.
- \* Key Boxes: Rec Reserve and Hall change of code- 2733.
- \* David Dundee investigating best hot water service: gas or electric. Karen Buckley to follow up. Is electricity upgrade to Rec Reserve needed? Is it possible? Cost?
- \* Committee to get electrician to upgrade/repair/change power points as OH&S concern. Liam to organise.
- \* Winlab - after completion of EIS there could be more finances to share with community. However, no set time frame, maybe April-May?
- \* Community Centre: Integra sent update of plans. Back to Integra for windows etc. Need MRC feedback and consultation with community.
- \* More information needed for conversion of Koraleigh Hall to the Community/Council. Need a future direction from MRC.

Moved: Mary Hoare

Seconded: Liam Hoare

<b>Treasurers Report</b>	<ul style="list-style-type: none"><li>* Hall a/c balance \$10,762.33 Interest +0.06 Hall Hire +60</li> <li>* Rec Reserve a/c balance \$9,964.36 Interest +0.05</li></ul> Moved: Cassie Andrews Seconded: Peter Thompson
<b>Email Correspondence</b>	<ul style="list-style-type: none"><li>* Financial Assistance Program: Community Xmas Gathering</li> <li>* AEC: September 14, Local Government Elections</li></ul> Moved: Cassie Andrews Seconded: Brian Hoare

<b>General Business</b>	<ul style="list-style-type: none"> <li>* Fire extinguishers have been tested and tagged, MRC organised with Echuca/ Deniliquin. Need other electrical Equipment to be tagged.</li> <li>* Karen gave update of progress of all electricity a/c into MRC for bulk purchase. Relevant committees to pay user costs- so no service fees. Still not finalised.</li> <li>* Karen presented Koraleigh Hall and Rec Reserve Draft Management Agreement Document. Committee to revise and bring ideas to next meeting.</li> <li>* Social tennis going well with good attendance including players and spectators from a large area: Koraleigh, Goodnight, Noorong, Nyah/Nyah West, Tooleybuc and Swan Hill. BBQ provided. Season extended due to new light installations</li> <li>* Peter reported that MRC: Glen Hagley did an excellent job cleaning up beside the tennis courts where the new Community Centre will be positioned. Using a back hoe he removed dead tree stumps and branches and pulled up old posts around the oval.</li> </ul>
<b>Meeting Closed</b>	8.20 pm
<b>Next Meeting</b>	Date: Wednesday 17th April 2024 Time: 7pm Venue: Koraleigh Rec Reserve

# MURRAY SHIRE HALL COMMITTEE

## Minutes of Meeting Held on 4<sup>th</sup> March 2023

**Present;** Ian Fisher, Mathoura Men's Shed Inc. and Citizen Representative  
Betty Murphy, Mathoura Retirement Village and Citizen Representative  
Heidi Glenn, Mathoura Recreation Reserve and Mathoura Fire Brigade  
Bronwyn Eddy, Mathoura RSL  
Allison McKean, Mathoura Public School

**Apologies;** Cr Tom Weyrich, Karen Buckley

**Minutes of Previous Meeting;** Moved Bronwyn, seconded Heidi, that the Minutes of the last meeting held on the 4<sup>th</sup> December 2022 are true and correct. Carried.

**Business Arising;**

1. Replacement Trestle; Ian has purchased a trestle.
2. Hall Façade; There has been no response or acknowledgement to either of the letters to Council about the need to upgrade the front facade of the Hall. Ian to follow up.
3. Stage Curtains; Ian showed photos of stage curtains at the Avoca Hall and quotations for similar curtains. Agreed to take no action at the moment, and Ian to obtain revised quotes.

**Treasurers Report;** There has been no change to the bank balance of \$11,747.76. Moved Heidi that the Treasurers Report be accepted, Carried

**Correspondence;**

1. Email to Karen enclosing the Minutes of the last meeting.
2. Thank You letter to Margaret Watson on behalf of the Committee for her involvement and assistance with the Hall Committee over many years.
3. Email to members, Cr Tom Weyrich and Karen advising of Meeting on 4<sup>th</sup> March 2024.

**General Business;**

1. Section 355 Committee vs Friends of the Hall; There has been no follow up from Karen as agreed at the last meeting. Heidi, however provided a summary of the requirements for becoming an Incorporated committee should we chose to become a Friends of the Hall Committee. It is possible, providing we have a constitution, statement of objectives, a Public Officer, and submit and pay our registration and annual reports. It was agreed to take no action at this time.

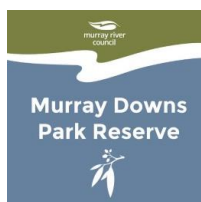
2. Kitchen Lino; Ian obtained 2 quotes, one for lino and one for artificial boards. It was agreed to have the flooring company representative inspect the existing lino in an effort to try and match as close as possible to the existing.

3 Hall Bookings; Mathoura RSL have booked the Hall for Anzac Day Cleaning arranged for Monday 22<sup>nd</sup> April.

Mathoura Football Netball Club, have booked the Hall for Saturday 22<sup>nd</sup> June. Council yet to advise.

**Next Meeting and AGM;** Monday 3<sup>rd</sup> June 2024

**Meeting Closed;** 4.47pm



### Agenda of MRC Section 355 Murray Downs Park Reserve

Held at Murray Downs Fire Shed, Murray Downs Drive, Murray Downs NSW 2734

On Wednesday 27<sup>th</sup> March 2024 at 6.00pm

**Present:** Brenten Hogan, Johanna Hulland, Ken Smith, Glenys Smith, Brendan Yu

**Apologies:** Karen Buckley, Ann Crowe

1. **Opening Meeting:** Brenten Hogan
2. **Confirmation of previous minutes**  
**Moved:** Ken Smith  
**Seconded:** Glenys Smith
3. **President's Report**  
 See general business items
4. **Treasurer's Report**  
 Emailed through to committee by Johanna Hullands  
 Ken Smith to follow up on can funds  
 KS received \$172.00 for Autumn 2024 petty cash  
**Moved:** Glenys  
**Seconded:** Brenten Hogan
5. **Correspondence in**  
 Email in from Karen Buckley apologies for not being able to make the AGM in 2023.
6. **Correspondence out**  
 Nil
7. **Volunteer hours:**

Item	Hours
Fowl care	15
Extension to chicken pen	28.5
Watering	15.25
Harvesting	1.5
Extensions to Garden area	46.5
Maintenance	2
Toolbox talk	2
Weeding	3.75
Administration	3.5
Recycling	5
Composting	1
Clean Up Australia working bee	17.5
Total hours	141.5

**Moved:** Johanna Hullands

**Seconded:** Brendan Yu

**8. Community Garden Report:**

In summation, having the added projects as a result of receipt of the last Community Grant of \$3,000.00 has injected more enthusiasm into the group who are eager to meet more often with some new Volunteers as well, and the new Garden area is fenced, but is still to have water extended to it.

The new "Day Yard" in the chook pen is almost completed, and the new Garden shed purchased, and will be in place by the end of this month.

**Moved:** Ken Smith

**Seconded:** Johanna Hulland

**9. Business Arising from last meeting:****Agenda Items****1. Boat Ramp update**

Boat ramp underway.

BH met with MRC and they are expecting to have this completed mid-June 2024

Will need additional works to remove the vegetation

**2. Park update**

Walking path is in and being used by residents

**3. Grants**

\$3,000 MRC Community Grant 2023-24 which is due by 4.00pm 3<sup>rd</sup> April 2024 Committee wish to apply for this grant. Ken to let Brendan know what they would like to apply for.

\$75,000 NSW Places to Roam Community Garden Grant due by 7.00pm 29<sup>th</sup> March 2024 Committee do not wish to apply for this grant.

**4. General Business**

Glenys – Question about the public liability insurance update – Brendan to email Karen Burke for update

**Next Meeting:** Wednesday 17<sup>th</sup> April 2024

**Meeting closed:** 7.00pm



Appendix

Checks: 3, 2.50, 5.50, 1.00, 2.00, 2.00, 2.00, 1.50  
 Chicken Xmasmas: 18.00, 5.00, 22.00, 2.00, 2.00  
 Watering: 2.30, 5.50, 1.00, 2.00, 1.00, 1.00, 1.00, 1.00, 1.00  
 Harvesting: 1.50, 1.50  
 Garden Xmasmas: 4.00, 1.00, 2.00, 1.00, 1.00, 1.00, 1.00, 1.00, 1.00  
 Maintenance: 2.00

Smoke: 1.50, 1.50, 1.50, 1.50, 2.00  
 Weeding: 1.50, 1.50, 2.00, 1.20, 3.20, 1.50, 3.75  
 Administration: 5.00, 2.00, 3.50  
 Recycling: 1.40, 5.00  
 Composting: 1.00

MONTHLY VOLUNTEER TIME SPENT AT MURRAY DOWNS COMMUNITY GARDEN: Clean Up 17, 50 17.5

DATE	NAME	HOURS	SIGN IN TIME	SIGN OUT TIME	REASON
12-2-24	PETER MARTIN	1.5	9.00	10.30	CHOOK PEN EXTENSIONS
12-2-24	ROD CARROLL	1.5	9.00	10.30	CHOOK PEN EXTENSIONS
12-2-24	PAUL O'LOUGHLIN	1.5	9.00	10.30	CHOOK PEN EXTENSIONS
12-2-24	Ken O'Leary	4.5	12.00	4.30	
13/2/24	Ken O'Leary	6	8.00	2.00	Checks, Chooks
14/2/24	Ken O'Leary	5.0	8.15	3.45	Checks
15/2/24	Ken O'Leary	5.0	9.15	9.45	Checks
16-2-24	Ken Smith	2.50	8.30	11.00	CHOOK PEN EXTENSIONS, Weeding, Harvesting
16-2-24	Neil Seelock	2.5	8.30	11.00	CHOOKS, CHOOK PEN EXTENSIONS
16-2-24	ROD CARROLL	2.0	9.00	11.00	CHOOK PEN EXTENSIONS, Smoke
16-2-24	Paul O'LOUGHLIN	2.0	9.00	11.00	CHOOK PEN EXTENSIONS, Weeding
17/2/24	Ken O'Leary	1.5	9.00	10.30	Checks, Weeding, Harvesting
		2.0	2.00	4.00	Garden Extensions
	Peter Martin	2.0	2.00	4.00	
18/2/24	Ken O'Leary	5.0	9.00	9.30	Checks

22-X VOLUNTEER hours TEAM 13/2/24 to 18/2/24 = 141.50  
 EGG MONEY TO MEMBER \$77.10



**Wakool Memorial Hall Meeting****11<sup>th</sup> March 2024 7.00pm Wakool Memorial Hall**

President Ian Troy welcomed everyone and declared meeting opened at 7.01pm

**Present:** Ian Troy, Alana Lester, Irene Coote, Dennis Gleeson, Brian Pilcher, Darryl Coote**Apologies:** June Lowry, Karen Buckley**Correspondence Inward:**9<sup>th</sup> March 2024 – NAB Bank statements downloaded, printed and provided to Irene.11<sup>th</sup> March 2024 – Email from Karen Buckley, apologies for tonight's meeting.**Outward:**17<sup>th</sup> Jan 2024 – Invoice to Progress for Australia Day Hall Hire.26<sup>th</sup> Feb 2024 – Email to Karen Buckley advising of meeting change of date.Minutes from last meeting read by and moved by Alana Flight. 2<sup>nd</sup> Irene Coote**Business Arising:****Elgas** - Leave 1 big gas bottle and get 2 x swap and go for backups. Ian to organise when he gets time.**Drain Issue** – Fixed by Border Plumbing. Bill of \$313.89 has been paid.**MRC Community Grant-** Frodge and Freezer have arrived and have been used for 2 functions. Wakool Progress are storing meat in the freezer for the Sheep Races.**Grant Opportunities** – Alana in discussion with Shire. They will let us know if they are aware of any grants coming up.**Red Bin Lid-** Lid has been fixed/replaced by shire. Bin at the BBQ hasn't been replaced.**Gardener Letter-**hasn't been written as explained by Ian.**Financial Report****Previous balance \$13,749.63****Deposited - \$480.00**

AG Adams Funerals \$165.00

I Troy Hall Hire \$165.00

Wakool Progress Assoc Aust Day \$150.00

**BALANCE \$13,559.17 as at 11<sup>th</sup> March 2024**Moved Irene Coote 2<sup>nd</sup> Alana Lester**Expenses - \$670.46**

Border Plumbing \$313.89

Origin \$310.02

Bakker and Glenn \$46.55

**General Business****New Hot Water-** David Dundee advised an electrician was coming to measure up and look at installing new hot water services in the kitchen and HACC Office. They will advise us when they are moving forward with the instal.**White Ants** – Hall has been recently sprayed for white ants.

Meeting Closed at 7.29pm

**Next Meeting Monday the 3<sup>rd</sup> June 2024 at 7pm.**

**9.5.3 CADWELL HALL COMMITTEE AGM**

**File Number:** -

**Author:** Karen Buckley, Manager of Local Connections

**Authoriser:** Sarah Ryan, Director Community & Economic Development

**RECOMMENDATION**

That Council

1. Revoke existing members of the Caldwell Hall Committee of Management and
  - (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the May 2023 AGM.

**BACKGROUND**

At its Section 355 Annual General Meeting of the Caldwell Hall Management Committee, Elections were held to elect all committee positions and office bearers.

**DISCUSSION**

Present at this meeting were:

Barb Goudie, Jamie McKindlay, Tim Garden, David Martin, Don Hearn, Penni Douglas-Garden, Geoff Wise & Jo Hearn.

A block election was held with all positions filled as per previous year:

President: Jamie McKindlay,

Vice President: Tim Garden,

Secretary/Treasurer: Barb Goudie

Committee members: Jo Hearn, Penni Douglas Garden, David Martin, Don Hearn

**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 committee financial transactions is low.

**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?**

Council & Committee 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.

Council has a responsibility to provide requisite support and guidance to committees to ensure they understand their responsibilities and have necessary skills and capacity to fulfill obligations.

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

Several 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

- **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.

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 and risk mitigation.

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

Advice of committee members has been received and Council should endorse Caldwell Hall Committee of Management, new committee members nominated at the May 2023 AGM.

## ATTACHMENTS

1. **Calwell Hall Committee of Management AGM minues. May 2023** [↓](#) 

**Minutes of the Caldwell Hall Management Committee Meeting Held on the 15.05.2023 5pm incorporating AGM****Present:**

- Barb Goudie, Jamie McKindlay, Tim Garden, David Martin, Don Hearn, Penni Douglas-Garden, G Wise & Jo Hearn.

**Apologies:**

- NIL

**Minutes of the Previous Meeting:**

- Minutes of the previous meeting were read and accepted by Jo and Penni CRD

**Inward Correspondence:**

- Council regarding Section 355 Committee Members Details
- Quotes from ACROSS Electrical and Maintenance

**Outward Correspondence:**

- Thankyou letter to the Fire brigade for their support of the Hall Curtains

**Financial Report:**

- Balance of account is \$5473.60 income and expenditure as attached
- No invoice from FoSH yet
- Moved Barb Seconded Tim. CRD

**General Business:**

- FoSH- Thanks Don for all your help on the night of the function and your work before the night. Hall sold out in less than 3 weeks and no advertising; Caldwell is a FoSH favourite. Great team effort from all Committee members. FoSH will come again, P & C did 90 meals.
- Do we want another event? Jo doing research
- Heaters- Geoff spoke on Tiva heaters. Geoff to speak to Sarah Ryan. Barb to speak to Adrian Cross re heaters. Need to reverse fans and block whirly birds.
- Damaged signs reported to Council
- Thursday is the Perricoota Road Sheeting info day between 2-6pm
- Closing the CCC account. Barb to advertise in the Windy Pelican and then we can transfer the funds if no objections.

**Election of Office Bearers:**

Barb Goudie moved a block re-election for the Office bearers and committee members, 2nd Geoff Wise CRD.

President Jamie McKindlay, Vice President Tim Garden, Secretary/Treasurer Barb Goudie.  
Committee members Jo Hearn, Penni Douglas Garden, David Martin, Don Hearn and Geoff Wise  
from Council

Meeting Finished 5.40pm

**9.5.4 MOULAMEIN CENTENARY RESERVE - COMMITTEE DISSOLVED**

**File Number:** -

**Author:** Karen Buckley, Acting Manager Community Services

**Authoriser:** Sarah Ryan, Director Community & Economic Development

**RECOMMENDATION**

That Council

1. Revoke existing members of the Moulamein Centenary Reserve Committee of Management;
2. Dissolve the Moulamein Centenary Reserve Committee of management pursuant to Section 355 of the Local Government Act 1993;
3. Hold the balance of funds in a reserve pending a further report to Council.

**BACKGROUND**

Over recent years the Moulamein Centenary Reserve has struggled to form a committee and has been unable to meet quorum requirements to hold meetings. As such, the Moulamein Centenary Reserve Committee of Management have resolved to request dissolution of the committee.

On the 11<sup>th</sup> of March 2024 the Committee wrote to Council requesting the dissolution of the Section 355 Moulamein Centenary Reserve Committee – effective immediately.

The Moulamein Centenary Reserve has one User Group – Moulamein Race Club. The Race Club maintains the racetrack and associated buildings including the new pavilion and surrounding lawn area. By way of a User Group Agreement negotiated between the Race Club and Council this will remain the case.

Bookings for the casual use of the Pavilion will be managed by Council.

**DISCUSSION**

Council may dissolve a committee where a vote of at least 75% of members entitled to vote is achieved. This must then be adopted by Council.

All assets and funds of the Committee will, after payment of all expenses and liabilities, be handed over to Council. The Secretary or Treasurer must forward all records (minutes, correspondence, financial records) to the Council immediately following the dissolution.

Council should consider holding the balance of funds in a reserve pending a future report to Council regarding the current Reserve site and risk mitigation options.

**STRATEGIC IMPLICATIONS**

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

5.7 - Continue to develop strong and resilient communities - Development of a resilient economy.

**BUDGETARY IMPLICATIONS**

Scope of committee financial transactions low.

**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?**  
Committee fails to meet its obligations.
- **How can it happen?**  
Asset is no longer fit for purpose.
- **What are the consequences of the event happening?**
- Several 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.
- **What is the likelihood of the event happening?**  
Likely
- **Adequacy of existing controls?**  
Moderate
- **Treatment options to mitigate the risk?**  
Accept dissolution of Committee

**CONCLUSION**

Council should resolve to dissolve the Moulamein Centenary Reserve Committee of Management.

Council should consider holding the balance of funds in a reserve pending a future report to Council regarding the current Reserve site and risk mitigation options.

**ATTACHMENTS**

1. **Letter - Moulamein Centenary Reserve Committee** [↓](#) 



Moulamein Centenary Reserve 355 Committee  
PO Box 11  
Moulamein NSW 2733

President: Jason Mathers

Secretary: Katarni McGlashan

11 March 2024

Murray River Council  
Private Bag 40  
Moulamein NSW 2733

Attn Mr Luke Keogh - Manager Parks & Open Spaces

Dear Luke

**Dissolve 355 Committee - Moulamein Centenary Reserve Barham Road Moulamein.  
(Moulamein Race Track and Polocrosse Grounds)**

The representatives of Moulamein Centenary Reserve 355 Committee request Council to dissolve the Committee effective immediately. Meeting the 'Committee Quorum' and legislative responsibilities has become an onerous task which our members are unable to comply to.

Yours faithfully



Katarni McGlashan

Secretary

Moulamein Centenary Reserve 355 Committee

**9.5.5 MOAMA LIONS COMMUNITY VILLAGE MANAGEMENT COMMITTEE - REQUEST FOR REIMBURSEMENT OF RATES**

**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

**RECOMMENDATION**

That Council approve reimbursement of rates paid on the vacant land at 10 & 12 Council Street Moama to Moama Lions Community Village Committee of Management.

**BACKGROUND**

At a Special Meeting held on Monday 3 July 2023, the Moama Lions Community Village Committee of Management unanimously agreed that the loan for the construction of new units at 10 & 12 Council Street Moama be returned to Council as the Committee determined that the project is not viable.

On 26 September 2023 Council resolve to accommodate the request made by the Moama Lions Community Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 10 & 12 Council Street Moama.

The loan has now been terminated and all funds returned to the bank.

**DISCUSSION**

of Council established under Section 355 of the Local Government Act 1998. Functions of the committee include but are not limited to the collection of revenue from tenants which should be used to offset outgoing expenses such as rates. The funds managed by the Section 355 Committee are funds of Council.

At its October meeting in 2020, Council resolved (Resolution 111020): to agree to borrow \$500,000 to construct six retirement units at 10 & 12 Council Street Moama on land already acquired for the purpose.

Brandrick Architects were appointed for the design development, planning approval and construction documentation for up to eight new units at 10 & 12 Council Street Moama.

In August 2022 Consent was approved to Brandrick Architects for the construction of eight independent living units for the purposes of seniors housing subject to Deferred Commencement Provisions pertaining to the consolidation of 10 & 12 Council Street November from the War Street Road Reserve closure.

Council officers sought quotes from highly skilled project managers to oversee the project. Only one quote was received, and it was confirmed that the original budget for construction of the new units was unlikely to cover the entire build. Council officers recommended a staged construction plan and obtaining a QS report to establish how many units the available funds would cover.

At a Special Meeting held on Monday 3 July 2023, the Moama Lions Community Village Committee of Management unanimously agreed that the loan for the construction of new units at 10 & 12 Council Street Moama be returned to Council as the Committee determined that the project is not viable at the current time.

The Committee thanked Council for the work done to date preparing documents and plans.

On 26 September 2023 Council resolve to accommodate the request made by the Moama Lions Community Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 10 & 12 Council Street Moama.

The loan has now been terminated and all funds returned to the bank.

Council is currently engaged in reviewing its section 355 committees of Council to determine whether the various committees in place should continue, and, for those committees that will continue, put in place codes of conduct, terms of reference and guidelines to ensure better performance and clearer delineation of responsibilities moving forward. This work is ongoing.

As the Committee is not a not a public benevolent institution or public charity the Committee is not exempt from payment of rates at the village under section 556(1)(h) of the Local Government Act.

Council should note that the rates imposed on the vacant land were imposed in error and should therefore rectify this error by rescinding the incorrectly imposed rates and making the appropriate adjustments.

The total rates paid on the vacant land by the Committee is \$9,643.05.

### **STRATEGIC IMPLICATIONS**

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

4.3 - Develop community led strategy with a focus on social connections / social fabric and a sense of belonging - Health and Wellbeing program options for all residents.

### **BUDGETARY IMPLICATIONS**

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

### **POLICY IMPLICATIONS**

Nil.

### **LEGISLATIVE IMPLICATIONS**

### **RISK ANALYSIS**

- **What can happen?**  
Reputational risk to Council
  
- **How can it happen?**  
Overseeing, either directly or via a 355 Committee, a Village of this type is not council's core business.
  
- **What are the consequences of the event happening?**  
Reputational damage.
  
- **What is the likelihood of the event happening?**  
Likely
  
- **Adequacy of existing controls?**  
Adequate
  
- **Treatment options to mitigate the risk?**  
Council employs a Chief Legal Counsel who will provide general advice on various matters including reputational risk.

**CONCLUSION**

The committee has diligently fulfilled its obligations using tenant fees to pay rates associated with the property and now that the loan has been terminated and the construction of new units is not going ahead, the Committee have requested a reimbursement of the funds in the committees account that were used to pay rates on the vacant land.

Council should note that the rates imposed on the vacant land were imposed in error and should therefore rectify this error by rescinding the incorrectly imposed rates and making the appropriate adjustments.

**ATTACHMENTS**

1. **Moama Lions Request for Reimbursement - Confidential**

**9.5.6 MATHOURA RETIREMENT VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF RATES**

**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

**RECOMMENDATION**

That Council approve reimbursement of rates paid on the vacant land at 12 Mathoura Street, Mathoura to the Mathoura Retirement Village Committee of Management.

**BACKGROUND**

At its Meeting held on Wednesday 2 November 2022 the Mathoura Retirement Village Committee of Management unanimously agreed that the loan for the construction of new units at 12 Mathoura Street Mathoura be returned to Council as the Committee determined that the project is not viable.

On 26 September 2023 Council resolved to accommodate the request made by the Mathoura Retirement Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 12 Mathoura Street Mathoura.

The loan has now been terminated and all funds returned to the bank.

**DISCUSSION**

The Mathoura Retirement Village Committee of Management (*the Committee*) is a Committee of Council established under Section 355 of the Local Government Act 1998. Functions of the committee include but are not limited to the collection of revenue from tenants which should be used to offset outgoing expenses such as rates. The funds managed by the Section 355 Committee are funds of Council.

The Village is a registered retirement village under the Retirement Villages Act 1999.

The Committee wrote to Council in September 2020 to request the possibility of Council obtaining a low interest loan to enable the construction of two new housing units. The letter stated that the cost of the development would be in the vicinity of \$400,000 and the Committee would contribute \$175,000 to the project.

At its October meeting in 2020, Council resolved (Resolution 111020): to agree to borrow \$225,000 to construct two retirement units in Mathoura Street Mathoura on land already acquired for the purpose.

In November 2022, Council officers posted on Tenderlink the Tender for Contract MRC-2209 for construction of 2 new housing units at Mathoura. Council sought a fixed lump sum price for the works. At the close of the tender the cost for delivery of the project exceeded the available budget. A subsequent targeted tender process was undertaken and confirmed that there is not sufficient funding available for the project to proceed.

At its November 2022 meeting, by unanimous agreement, the Committee decided that the loan for construction of new units would be returned to council. Further it was noted that the committee do not have the skills or qualifications to supervise this type of capital works project.

The loan has now been terminated and all funds returned to the bank.

Council is currently engaged in reviewing its section 355 committees of Council to determine whether the various committees in place should continue, and, for those committees that will continue, put in

place codes of conduct, terms of reference and guidelines to ensure better performance and clearer delineation of responsibilities moving forward. This work is ongoing.

As the Committee is not a not a public benevolent institution or public charity the Committee is not exempt from payment rates under section 556(1)(h) of the Local Government Act.

Council should note that the rates imposed on the vacant land were imposed in error and should therefore rectify this error by rescinding the incorrectly imposed rates and making the appropriate adjustments.

The total rates paid on the vacant land by the Committee is \$7,316.80:

2019/2020 - \$1,170.65

2020/2021 - \$1,253.73

2021/2022 - \$3,638.69

2022/2023 - \$1,253.73

### **STRATEGIC IMPLICATIONS**

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

4.3 - Develop community led strategy with a focus on social connections / social fabric and a sense of belonging - Health and Wellbeing program options for all residents.

### **BUDGETARY IMPLICATIONS**

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

### **POLICY IMPLICATIONS**

Nil.

### **LEGISLATIVE IMPLICATIONS**

### **RISK ANALYSIS**

- **What can happen?**  
Reputational risk to Council
- **How can it happen?**  
Overseeing, either directly or via a 355 Committee, a Village of this type is not council's core business.
- **What are the consequences of the event happening?**  
Reputational damage.
- **What is the likelihood of the event happening?**  
Likely
- **Adequacy of existing controls?**  
Adequate
- **Treatment options to mitigate the risk?**  
Council has recently employed a Chief Legal Counsel who will provide general advice on various matters including reputational risk.

**CONCLUSION**

The committee has diligently fulfilled its obligations using tenant fees to pay rates associated with the property and now that the loan has been terminated and the construction of new units is not going ahead, the Committee have requested a reimbursement of the funds in the committees account that were used to pay rates on the vacant land.

Council should note that the rates imposed on the vacant land were imposed in error and should therefore rectify this error by rescinding the incorrectly imposed rates and making the appropriate adjustments.

**ATTACHMENTS**

- 1. Rate reimbursement - Confidential**
- 2. Mathoura Retirement Village Committee of Management - Request for Reimbursement - Confidential**

**9.5.7 2024 MOAMA LIGHTS - MRC RISK MANAGEMENT FRAMEWORK**

**File Number:** -

**Author:** Beck Hayward, Manager Economic Development

**Authoriser:** Sarah Ryan, Director Community & Economic Development

**RECOMMENDATION**

That Council receive and note the report concerning the 2024 Moama Lights event being evaluated within Council's Risk Management Framework.

**BACKGROUND**

Following Murray River Council's Risk Management Policy, we have undertaken a comprehensive review of the proposed 2024 Moama Lights event utilising Council's Risk Management Framework. This framework, an integral component of Council's risk management strategy, underscores our commitment to informed decision-making and proactive risk management.

To undertake this evaluation **Council's risk assessment template was used** to consider the overall risks associated with hosting such an event. Please note a separate Risk Management Plan has been developed for the safety of the event itself. This process relates to the risk to Council of running the event. As outlined in Council's Risk Management Framework, our objective is not risk avoidance, but rather informed risk-taking, fostering an environment that encourages creativity and innovation while maximising gains and minimising potential losses.

Murray River Council's vision for risk management is rooted in proactive and transparent practices, guided by frameworks grounded in best practices. This approach enables us to manage risk effectively, efficiently, and consistently within the parameters of our available resources.

The assessment of risks related to the 2024 Moama Lights event falls within the category of Project Risks, one of the key areas of risk consideration identified by Council. Categorising risks across strategic, operational, and project domains facilitates comprehensive risk identification, reporting, and assessment across all aspects of our operations.

To aid in this process, Council (workshop with Councillors) has established a framework for categorising risks, enabling a structured approach to risk identification and management. This framework encompasses key areas such as assets, environment, financial, legal/regulatory, political, reputation, technology, and workforce/public safety, ensuring a holistic view of potential risks.

Council acknowledges that risk is inherent in nearly every activity we undertake. Council's Risk Appetite Statement defines the level and type of risk we are willing to accept in pursuit of our goals and objectives. This statement serves as a guiding principle for staff, empowering them to make informed decisions and effectively manage risks in alignment with Council's strategic direction.

In this report, we present the findings of our risk assessment for the 2024 Moama Lights event, highlighting key risks and mitigation strategies to ensure its successful execution while safeguarding the interests of our community and stakeholders.



## DISCUSSION

A risk assessment of the 2024 Moama Lights event, established that the primary risk to Council is of a financial nature. **Council's baseline risk appetite statement underscores a conservative to moderate stance regarding financial risks, indicating a prudent approach to fiscal management. However, it also highlights Council's willingness to embrace risks associated with improving efficiency, reducing costs, and generating additional sources of income.**

Utilising Council's risk matrix, a standardised tool for assessing and managing risks, we evaluated the potential consequences and likelihood of occurrence for the identified risks. The main concern identified was the possibility of the event generating less income than the expenditure required to run it, resulting in a financial loss. This risk is primarily associated with the sale of fewer tickets and receiving less sponsorship income than budgeted for. Additionally, the potential for unforeseen expenses, such as site works due to damage during bump-in or adverse weather conditions, was considered.

Despite these risks, both were classified as low on the risk matrix, falling below Council's risk appetite threshold of conservative to moderate. Furthermore, considering Council's willingness to embrace risks aimed at generating additional income, as well as maintaining and enhancing community service levels, it can be inferred that the risks associated with the Moama Lights event are within Council's risk appetite.

It's important to recognise the significant economic and social benefits that the Moama Lights event brings to the region. Not only does it contribute to the local economy through tourism and hospitality, but it also enhances community engagement and fosters a sense of pride and identity.

Considering the above factors, it is reasonable to determine that the Moama Lights event aligns with Council's risk appetite. Prudent risk management practices, including ongoing monitoring and mitigation strategies, will be employed to lessen the likelihood of any potential negative outcomes and deliver a successful event, safeguarding Council's financial interests.

## STRATEGIC IMPLICATIONS

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

5.10 - Promote and grow tourism across the region - Growing Tourism across the LGA.

## BUDGETARY IMPLICATIONS

Council has budgeted to run the 2024 Moama Lights event. This report outlines that the financial risk of running Moama Lights is within Council's risk appetite, according to the Risk Management Framework.

## POLICY IMPLICATIONS

Nil.

## LEGISLATIVE IMPLICATIONS

## RISK ANALYSIS

- **What can happen?**  
The event runs at a loss.
- **How can it happen?**

Fewer tickets are sold and less sponsorship income is generated than budgeted for.

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

The event may go over budget.

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

Possible

- **Adequacy of existing controls?**

Adequate

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

Reduction in expenses wherever possible. Seeking an increase in sponsorship income. Significant promotion of the event to increase ticket sales.

## CONCLUSION

The 2024 Moama Lights event has been assessed in line with Murray River Council's Risk Management Policy and Framework.

Utilising Council's risk assessment tools, we have evaluated potential risks associated with the event, particularly focusing on the possibility of financial loss due to lower-than-expected revenue and unforeseen expenses. Despite these concerns, our analysis indicates that these risks fall within Council's risk appetite.

Given the significant economic and social benefits that the Moama Lights event offers to the region, we believe it aligns with Council's strategic objectives.

Proactive risk management will be employed to lessen the likelihood of any potential negative outcomes and deliver a successful event, safeguarding Council's financial interests.

## ATTACHMENTS

1. **MRC Risk Assessment Tool - 2024 Moama Lights** [↓](#) 





PROJECT RISK ASSESSMENT			
Project Title	2024 MOAMA LIGHTS EVENT		
Program Name	n/a		
Business Area	Economic Development	Proposal Author	Beck Hayward
Business Unit Manager	Beck Hayward	Project Number	n/a
Date	1-Apr-24	Release	Draft
Purpose			



Project Justification Risk Assessment (Background Information) [This table is a summary of the Corporate Risk Management Policy only and should not be relied on in isolation \(see CTL/17/35\)](#)

<b>Service Delivery</b>	<ul style="list-style-type: none"> <li>Total loss of supply to a &lt;30 customers for 5 or more days.</li> <li>Failure likely to impact 50 users for ≥ 5 days.</li> <li>Impacts &lt;50 users at any one time.</li> <li>ICT event that impacts customers</li> </ul>	<ul style="list-style-type: none"> <li>Total loss of supply to a 30 to 50 customers for 5 or more days.</li> <li>Failure likely to impact 50 to 100 users for ≥ 5 days.</li> <li>Impacts 50 to 150 users at any one time.</li> <li>ICT event that impacts water delivery to 30 to 50 users.</li> </ul>	<ul style="list-style-type: none"> <li>Total loss of supply to a 50 to 100 customers for 5 or more days.</li> <li>Failure likely to impact 100 to 100 users for ≥ 5 days.</li> <li>Impacts 150 to 300 users at any one time.</li> <li>ICT event that impacts water delivery to 50 to 100 users.</li> </ul>	<ul style="list-style-type: none"> <li>Total loss of supply to a 100 to 200 customers for 5 or more days.</li> <li>Failure likely to impact 200 to 300 users for ≥ 5 days.</li> <li>Impacts 300 to 500 users at any one time.</li> <li>ICT event that impacts water delivery to 100 to 200 users.</li> </ul>	<ul style="list-style-type: none"> <li>Total loss of supply to a District for 5 or more days.</li> <li>Failure likely to impact &gt; 300 users for ≥ 5 days.</li> <li>Impacts ≥ 500 users at any one time.</li> <li>ICT event that impacts water delivery to ≥ 200 users.</li> </ul>
<b>Financial</b>	< \$1m loss	\$1m to \$4m	\$4m to \$8m	\$8m to \$12m	> \$12m
<b>Individual Safety</b>	<ul style="list-style-type: none"> <li>LTI with long term hospitalisation and recovery.</li> <li>Multiple permanent injuries or a single fatality, not caused by negligence.</li> </ul>	<ul style="list-style-type: none"> <li>LTI with long term hospitalisation and recovery.</li> <li>Multiple permanent injuries or a single fatality, not caused by negligence.</li> </ul>	<ul style="list-style-type: none"> <li>LTI with long term hospitalisation and recovery.</li> <li>Multiple permanent injuries or a single fatality, not caused by negligence.</li> </ul>	<ul style="list-style-type: none"> <li>LTI with long term hospitalisation and recovery.</li> <li>Multiple permanent injuries or a single fatality, not caused by negligence.</li> </ul>	<ul style="list-style-type: none"> <li>Negligence causing a fatality or permanent serious injury.</li> <li>Multiple casualties not caused by negligence</li> </ul>
<b>Compliance</b>	No breach of Legal or Regulatory Obligations detected, however improvements to the manner in which compliance is attained can be made.	Partial breach of Legal or Regulatory Obligations recorded in MRC's.	Single breach of Legal or Regulatory Obligations  Corporate Risk issues corrective actions notice.	Single breach or multiple breaches of Legal and Regulatory Obligations  Regulator issues a corrective notice on MRC	Multiple breaches of SoO requirements.  Prolonged breaches of multiple Legal and Regulatory Obligations.  Potential loss of operating licence
<b>Credibility</b>	Internal dissent /isolated external criticism against MRC.  No external impact to reputation.	Criticism from local community segment resulting in negative local press coverage.	Criticism from Stakeholders, involving local community public reactions.	Substantial active criticism from key Stakeholders, Resulting in national media coverage	Local and national public outrage resulting in loss of key stakeholder support for MRC.  External intervention required

		<p>Impacts to the environment that:</p> <ul style="list-style-type: none"> <li>• Are non-compliant with permit/approval where no species or cultural heritage has been damaged and/or</li> <li>• Are within the immediate area of the source of impact; and/or</li> <li>• Impair natural ecosystem function or commercial productivity of land across 10m<sup>2</sup>; and/or</li> <li>• Cause no human illness / effects requiring medical treatment; and/or</li> <li>• Have no detectable effect on waterways; and/or</li> <li>• Do not require third party involvement</li> </ul>		<p>Impacts to the environment that:</p> <ul style="list-style-type: none"> <li>• Are non-compliant with permit/approval where indigenous species have been damaged, that has the potential to cost the organisation &lt;\$5000 in offsets and/or</li> <li>• Are non-compliant with Cultural Heritage legislation and damage 1 item of cultural heritage and/or</li> <li>• Are within the immediate area of the source of impact; and/or</li> <li>• Impair natural ecosystem function or commercial productivity of land across 10m<sup>2</sup> – 100m<sup>2</sup>; and/or</li> <li>• Cause human illness / effects that require one person to require medical treatment.</li> <li>• Cause localised impact effects on waterways with impact detectable less than 1 km downstream; and/or</li> <li>• Require third party (e.g. EPA, DELWP, AAV or other parties) notification.</li> </ul>		<p>Impacts to the environment that:</p> <ul style="list-style-type: none"> <li>• Are non-compliant with permit/approval where indigenous species have been damaged, that has the potential to cost the organisation \$20000 in offsets and/or</li> <li>• Are non-compliant with Cultural Heritage legislation and damage multiple items of cultural heritage and/or</li> <li>• Extends beyond the immediate area of the source of impact (however still within the local area); and/or</li> <li>• Impair natural ecosystem function or commercial productivity of land across 100m<sup>2</sup> – 10000m<sup>2</sup>; and/or</li> <li>• Cause a single hospitalisation or local area human health effects requiring medical treatment or resulting in reversible impairment.; and/or</li> <li>• Have major impact on waterways with impact detectable between 1 to 10 km downstream; and/or</li> <li>• Require Minimal third party (e.g.</li> </ul>		<p>Impacts to the environment that:</p> <ul style="list-style-type: none"> <li>• Are non-compliant with permit/approval where indigenous species have been damaged, that has the potential to cost the organisation &lt; \$100000 in offsets and/or</li> <li>• Extend regionally; and/or</li> <li>• Impair natural ecosystem function or commercial productivity of land across 10000m<sup>2</sup> – 50000m<sup>2</sup>; and/or</li> <li>• Cause human fatality or local area human health effects requiring multiple hospitalisations and/or permanent disabling effects on human health in one person; and/or</li> <li>• Have significant impact on aquatic biota and town water supplies with impact detectable between 10 and 100 km downstream – remediation and clean-up activities required; and/or</li> <li>• Require third party (e.g. EPA, DELWP, AAV or other parties) involvement necessary.</li> </ul>		<p>Impacts to the biological or physical environment that:</p> <ul style="list-style-type: none"> <li>• Damage indigenous species that have the potential to cost the organisation &gt; \$100000 in offsets and/or</li> <li>• MRC is prosecuted under the Aboriginal Heritage Act.</li> <li>• Extend nationally; and/or</li> <li>• Impair natural ecosystem function or commercial productivity of land across &gt; 50,000m<sup>2</sup>; and/or</li> <li>• Cause multiple human fatalities, or regional human health effects requiring multiple hospitalisation, and/or permanent disabling effects on human health in more than one person; and/or</li> <li>• Have catastrophic adverse effects on aquatic life and town supplies with impact detectable more than 100 km downstream – extensive remediation and clean-up activities and mitigation measures required; and/or</li> <li>• Require extensive third party</li> </ul>			
		SCORE		1		2		3		4		5	
Mathematical Probability	Description	Insignificant	Minor	Moderate	Major	Severe							
Event has occurred is expected to occur once a year or more frequently	Almost Certain (5)	Low	Medium	Significant	Extreme	Extreme							
The event would probably occur once every 2-8 years	Likely (4)	Low	Medium	Significant	Significant	Extreme							
The event would probably occur once every 9-20 years	Possible (3)	Low	Medium	Medium	Significant	Significant							
The event would probably occur once every 21-40 years	Unlikely (2)	Low	Low	Medium	Medium	Significant							
No recorded history of the event occurring at MRC and may only occur once in event 41-100 years	Rare (1)	Low	Low	Medium	Medium	Medium							

← Click + to show background information from the Enterprise Risk Management Framework.

Section 1: Before and After Project Risks (Reasons for Undertaking Project)

Current Risks related to the Assets/Situation
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Event / Activity / Situation	Cause of Event (The Problem)	Outcome of Event	Current Control Situation	Current Control Owner	Current Risk Situation			
					Risk	Consequence	Likelihood	Risk Rating
Less than budgeted income.	Less than the required number of tickets are sold.	Not enough income to cover expenses.	Reduction in expenses wherever possible. Seeking increase in sponsorship income. Significant promotion of the event to increase ticket sales.	Eco Dev (event organiser)	Financial	Insignificant	Likely	Low
Expenditure totals more than budgeted.	Unforeseen, significant expenditure is required (e.g. site works are required).	Not enough income to cover expenses.	Reduction in expenses wherever possible. Seeking an increase in sponsorship income. Significant promotion of the event to increase ticket sales.	Eco Dev (event organiser)	Financial	Insignificant	Likely	Low

Section 2: Risks and Control Measures During Project Implementation

Risks Associated with Project Implementation										
Activity / Issue	Concern	Risk Owner	Current Risk Situation			Risk control measures	Control Measure Owner	Post Control Measures Risk Situation		
			Consequence	Likelihood	Risk Rating			Consequence	Likelihood	Risk Rating
Cost Risk	Less than the required number of tickets are sold	Eco Dev (event organiser)	Insignificant	Likely	Low	Reduction in expenses wherever possible. Seeking an increase in sponsorship income. Significant promotion of the event to increase ticket sales.	Eco Dev (event organiser)	Insignificant	Likely	Low
Cost Risk	Unforeseen, significant expenditure is required.	Eco Dev (event organiser)	Insignificant	Possible	Low	Reduction in expenses wherever possible. Seeking an increase in sponsorship income.	Eco Dev (event organiser)	Insignificant	Likely	Low





**9.5.8 MATHOURA RETIREMENT VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF LOAN REPAYMENTS**

**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

**RECOMMENDATION**

That Council does not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 12 Mathoura Street, Mathoura to Mathoura Retirement Village Committee of Management.

**BACKGROUND**

At its Meeting held on Wednesday 2 November 2022 the Mathoura Retirement Village Committee of Management unanimously agreed that the loan for the construction of new units at 12 Mathoura Street Mathoura be returned to Council as the Committee determined that the project is not viable.

On 26 September 2023 Council resolved to accommodate the request made by the Mathoura Retirement Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 12 Mathoura Street Mathoura.

The loan has now been terminated and all funds returned to the bank.

**DISCUSSION**

The Mathoura Retirement Village Committee of Management (*the Committee*) is a Committee of Council established under Section 355 of the Local Government Act 1998. Functions of the committee include but are not limited to the collection of revenue from tenants which should be used to offset outgoing expenses such as rates. The funds managed by the Section 355 Committee are funds of Council.

The Village is a registered retirement village under the Retirement Villages Act 1999.

The Committee wrote to Council in September 2020 to request the possibility of Council obtaining a low interest loan to enable the construction of two new housing units. The letter stated that the cost of the development would be in the vicinity of \$400,000 and the Committee would contribute \$175,000 to the project.

At its October meeting in 2020, Council resolved (Resolution 111020): to agree to borrow \$225,000 to construct two retirement units in Mathoura Street Mathoura on land already acquired for the purpose.

In November 2022, Council officers posted on Tenderlink the Tender for Contract MRC-2209 for construction of 2 new housing units at Mathoura. Council sought a fixed lump sum price for the works. At the close of the tender the cost for delivery of the project exceeded the available budget. A subsequent targeted tender process was undertaken and confirmed that there is not sufficient funding available for the project to proceed.

At its November 2022 meeting, by unanimous agreement, the Committee decided that the loan for construction of the new units would be returned to council. Further it was noted that the committee do not have the skills or qualifications to supervise this type of capital works project.

On 26 September 2023 Council resolved to accommodate the request made by the Mathoura Retirement Village Committee of Management to return the monies advanced by Council for the construction of additional housing units at 12 Mathoura Street Mathoura.

The loan has now been terminated and all funds returned to the bank.

The Committee have made by way of loan repayments to Council a total of \$28,196.15 (\$24,530.34 principal repayment and \$3,665.81 interest repayment). Council has invoiced the Committee for a further \$41,492.15 (\$36,734.85 principal repayment and \$4,57.30) however the committee has not made any repayment since April 2022.

The Committee of Management have written to Council to seek reimbursement of loan repayments.

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

Council officers have diligently fulfilled their obligations in obtaining the loan and servicing the loan by way of monthly invoicing and reporting to the Committee of Management.

### **STRATEGIC IMPLICATIONS**

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

4.3 - Develop community led strategy with a focus on social connections / social fabric and a sense of belonging - Health and Wellbeing program options for all residents.

### **BUDGETARY IMPLICATIONS**

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

### **POLICY IMPLICATIONS**

Nil.

### **LEGISLATIVE IMPLICATIONS**

### **RISK ANALYSIS**

- **What can happen?**

Reputational risk to Council due to unforeseen increase in inflation

- **How can it happen?**

Overseeing, either directly or via a 355 Committee, a Village of this type is not council's core business.

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

Reputational damage

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

High

- **Adequacy of existing controls?**

Adequate

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

The Committee wrote to Council and asked Council to obtain a loan or the purpose of constructing new units.

As the committee does not intend to go ahead with the construction of new units, it does not make sense to continue to maintain the loan and as such the loan has been terminated.

**CONCLUSION**

The Committee of Management have written to Council to seek reimbursement of loan repayments.

Ultimately it would be an accounting exercise if Council determined that the Committee was required to make repayments from funds it held in the Committees account. The funds managed by the Section 355 Committee are funds of Council.

Council officers have diligently fulfilled their obligations in obtaining the loan and servicing the loan by way of monthly invoicing and reporting to the Committee of Management.

Council should not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 12 Mathoura Street, Mathoura to Mathoura Retirement Village Committee of Management.

**ATTACHMENTS**

- 1. Mathoura Retirement Village Committee of Management - Request for reimbursement of loan repayments - Confidential**

9.5.9	MOAMA	LIGHTS	-	CORPORATE	SPONSORSHIP
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**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

### RECOMMENDATION

That Council resolve to:

1. Rescind Resolution 301123 to not renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to terminate the agreement, and:
  - (a) Council contributes the required funding (reallocating from Darts) and runs the 2024 event.
2. Renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to negotiate the terms of a renewed agreement and the sign the contract documents.

### BACKGROUND

In November 2023 Council resolved (Resolution 301123) to not renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to terminate the agreement, and to contribute the required funding (reallocating from Darts).

At the time of the above resolution the community of Moulamein were strongly opposed to the proximity of the Draft Route for the proposed VNI West project as it was close to the township of Moulamein and would impact up to 20 high value landholders in the region.

Council officers recently met with members of Moulamein Community Development Inc and believe that **there has been a shift in community sentiment with the revised final draft route moving 7km north of the township of Moulamein and impacting only 2 or 3 landholders.**

For this reason, the Council should consider delegating authority to the CEO to seek a renewed corporate sponsorship agreement with Transgrid to offset the costs associated with delivering the 2024 Moama Lights event.

### DISCUSSION

In 2021, Council resolved to appoint a creative and production partner to design and present the Moama Lights event annually. Mandylights were the successful contractor appointed to create and produce Moama Lights for a five-year term from 2022 through to 2026. It was always a risk that demand for tickets could be less than the event budget however the event has proved to be hugely successful with locals and visitors alike returning year on year.

Staff are well underway organising the 2024 event, which will be held **5 July – 28 July 2024**. The last weekend of the 2024 event will be held at the same time as the Echuca Moama Winter Blues Festival, bringing benefits to both events and opportunities for the events to collaborate.

Due to the devastating impacts of the COVID-19 pandemic, the October 2022 flood event and the cancellation of the Moama Lights 2023 event due to unprecedented high-water levels on the Murray, the 2024 event will provide a welcome economic impact to our local community.

Moama Lights is a not-for-profit event, with all funds raised through sponsorships and the sale of entry tickets reinvested into the costs associated with delivery of this major event. With the

devastating cancellation of the 2023 Moama Lights and the additional costs incurred during bump out, the event fund will not offset the costs of delivering the event in 2024.

### **Transgrid sponsorship**

Transgrid runs a corporate sponsorship program, which promotes diversity and inclusion to drive sustainable change through communities in NSW and ACT. Transgrid support is tied to four key pillars including social wellbeing, cultural heritage, environment, and education. These pillars are aligned with the values of the Moama Lights event.

Transgrid has partnered with Murray River Council for the 2022 and 2023 Moama Lights events with generous financial sponsorship to offset the costs of delivering the event. The 2023 Transgrid Corporate Sponsorship Agreement for Moama Lights provides for an extension for a further term of one year. Transgrid have advised Council that it wishes to renew this Agreement for a further term of one year.

Council support is requested to partner with Transgrid to enable delivery of the 2024 Moama Lights event. The council should consider the significant benefits Moama Lights brings to the region, including social benefits, economic benefits and exposure of the destination to new markets. The 2021 and 2022 events combined generated **in excess of \$18M in economic activity** to the local economy, as well as significant marketing exposure for the destination.

In November 2023 Council resolved (Resolution 301123) to not renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to terminate the agreement, and to contribute the required funding (reallocating from Darts).

**At the time of the above resolution the community of Moulamein were strongly opposed to the proximity of the Draft Route for the proposed VNI West project as it was close to the township of Moulamein and would impact up to 20 high value landholders in the region.**

**Council officers recently met with members of Moulamein Community Development Inc and believe that there has been a shift in community sentiment with the revised final draft route moving 7km north of the township of Moulamein and impacting only 2 or 3 landholders.**

**For this reason, the Council should consider delegating authority to the CEO to seek a renewed corporate sponsorship agreement with Transgrid to offset the costs associated with delivering the 2024 Moama Lights event.**

### **STRATEGIC IMPLICATIONS**

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

5.10 - Promote and grow tourism across the region - Growing Tourism across the LGA.

### **BUDGETARY IMPLICATIONS**

The cancellation of the 2023 event after just three (of fifteen) nights meant a significant loss of revenue (ticket sales and merchandise sales) and it also meant increased costs (emergency works to evacuate the site urgently, as well as site re-establishment costs) were incurred. This impacted on the event's ability to cover costs, as well as generate funds to be put towards future events.

Moama Lights is a not-for-profit event, with all funds raised through the sale of entry tickets reinvested into the costs associated with delivery of this major event.

A projected budget has been set for 2024, which looks to break even if the same event partner financial support as previous years, can be achieved.

With the cancellation of the 2024 Australian Darts Open these funds can be saved from Council's operational budget in line with Sustainable MRC.

### **POLICY IMPLICATIONS**

Nil.

## LEGISLATIVE IMPLICATIONS

### RISK ANALYSIS

- **What can happen?**  
Moama Lights is susceptible to natural disasters, extreme weather and pandemics which can disrupt the event.
- **How can it happen?**  
Extreme and unpredictable weather events
- **What are the consequences of the event happening?**  
Reduction in ticket sales
- **What is the likelihood of the event happening?**  
Unlikely
- **Adequacy of existing controls?**  
Adequate, the event is an all-weather event, except in extreme events.
- **Treatment options to mitigate the risk?**  
Preparation for various scenarios

### CONCLUSION

It was extremely unfortunate that the 2023 Moama Lights event had to be cut short due to unprecedented and unpredictable high-water levels of the Murray River.

The opening weekend (which was sold out) ran very smoothly and there were strong ticket sales including a sell out for the beginning of the second weekend of the festival.

There was significant media interest and an enormous increase in the value of earned media year on year.

It is likely the entire 2023 event would have sold out. This is a fantastic result for an event in its third year.

Following the event's cancellation, the overwhelming feedback from locals and visitors alike was disappointment, however there was significant enthusiasm for the 2024 event.

Council should consider the significant benefits Moama Lights brings to the region, including social benefits, economic benefits, and exposure of the destination to new markets.

Council should also consider the operating deficit being experienced by Council and its ability to restore long-term financial sustainability. To restore long term financial sustainability, Council will need to review its current commitment to service levels across our community. Without continued financial support from our event partners, Council may not be able to continue to deliver the Moama Lights event.

In November 2023 Council resolved (Resolution 301123) to not renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to terminate the agreement, and to contribute the required funding (reallocating from Darts).

At the time of the above resolution the community of Moulamein were strongly opposed to the proximity of the Draft Route for the proposed VNI West project as it was close to the township of Moulamein and would impact up to 20 high value landholders in the region.

Council officers recently met with members of Moulamein Community Development Inc and believe that there has been a shift in community sentiment with the revised final draft route moving 7km north of the township of Moulamein and impacting only 2 or 3 landholders.

For this reason, the Council should consider delegating authority to the CEO to seek a renewed corporate sponsorship agreement with Transgrid to offset the costs associated with delivering the 2024 Moama Lights event.

**ATTACHMENTS**

**Nil**

**9.5.10 DRAFT SOUTHERN RIVERINA REGIONAL DROUGHT RESILIENCE PLAN**

**File Number:** -

**Author:** Sarah Ryan, Director Community & Economic Development

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

**RECOMMENDATION**

That Council:

1. Endorses the Draft Southern Riverina Regional Drought Resilience Plan;
2. Places the Draft Southern Riverina Regional Drought Resilience Plan on public exhibition for a period of 28 days; and
3. Receives a further report regarding the Draft Southern Riverina Regional Drought Resilience Plan at the June 2024 Council meeting.

**BACKGROUND**

Murray River Council, along with Berrigan Shire, Edward River and Federation Councils have been working in partnership to develop and deliver a Regional Drought Resilience Plan ('the Draft Plan') for the Southern Riverina area.

The project was jointly funded by the Australian Government and the NSW Government under the Future Drought Fund.

The objectives of the Draft Plan are to capture relevant information for the region, including how drought events impact the region, and actions that the whole community, including local, state and federal governments, can undertake to improve resilience.

The Draft Plan highlights not only the synergies between our four communities but the fact our Councils are often called upon to assist each other in time of crises and as such this plan is our ongoing commitment to that collaboration.

Contributions from a board range of community and stakeholders including community organisations, First Nations, businesses, service industries, producers and volunteers were instrumental in the co-design of the Draft Plan.

**DISCUSSION**

Drought is expected and will continue to impact the Southern Riverina into the future. Drought affects all aspects of the community, resulting in major social, economic and environmental impacts. Murray River Council recognises the importance of preparing for and developing a robust community in good times to lessen the impact of drought and accelerate the recovery period. The Draft Plan looks at how the whole of our four communities can benefit from working together to strengthen resilience.

The purpose of the Draft Plan is to help support our region to better plan for, and become more resilient to, the impacts of drought over time. Resilience is important in rural and regional communities. It reinforces the connectedness of community members and their ability to manage through seasonal conditions (that create uncertainty and present a challenge to their businesses and way of life). The Draft Plan has been co-designed between the four Councils and our respective communities in a collaborative, partnership approach that has drawn on the experience and input of those who live and work in our region.



The Draft Plan provides an opportunity to identify actions that will directly assist the region to strengthen social economic and environmental resilience, supporting communities in future droughts. It builds on the wealth of effort research and planning, that has been, and continues to be delivered in drought.

The Draft Plan presents: historical and predicted impacts of drought in each region; an evidence based, triple bottom line strategy to mitigate or adapt to future drought impacts; and a prioritised list of actions and pathways to build drought resilience, specific to the region and addresses the needs of the community.

The Future Drought Fund seeks to enhance the public good by building drought resilience in Australia's agricultural sector, the agricultural landscape and communities. The intent of its eight interrelated foundational programs is to have an innovative and profitable farming sector, a sustainable natural environment and adaptable rural, regional and remote communities, all with increased resilience to the impacts of drought and climate change.

The Draft Plan has been provided to Council for review prior to being adopted. This review period will include a public consultation period in order to obtain feedback from the community, as well by councillors and staff through the councillor briefing and council meeting processes. Discussion with other partners and stakeholders for this project has noted that the review and consultation process will be undertaken during April and May, thus allowing the councils to adopt the plan at their respective June meetings. Council officers agree with this proposed schedule and request that Council endorses the draft plan in order to commence the consultation process. A copy of the draft Southern Riverina Regional Drought Resilience Plan is included in Attachment 1.

## **STRATEGIC IMPLICATIONS**

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

5.7 - Continue to develop strong and resilient communities - Development of a resilient economy.

## **BUDGETARY IMPLICATIONS**

There are no financial implications regarding the plan at this stage. Implementation of the actions highlighted on the plan may require funding and resources as part of future Operational Plans.

## **POLICY IMPLICATIONS**

Nil.

## **LEGISLATIVE IMPLICATIONS**

## **RISK ANALYSIS**

- **What can happen?**

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

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

- **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 Plan.

- **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

With recent drought and flood events, Murray River Council, Berrigan Shire, Edward River and Federation Councils acknowledge the need to prepare our communities for our changing climate conditions. The final Draft version of the Southern Riverina Regional Drought Resilience Plan outlines the work we need to take as a larger community to become more resilient to that change and more adaptable to the climate conditions we face.

Drought does not respect Local Government boundaries, and we believe working as a cohesive team will respect the similarity and difference of experience. It will also provide a cost-effective solution to addressing this pressing climate change issue without the need for duplication of effort.

Through adoption of the Draft Plan the Council commits to investing in the identified outcomes, suitable metrics to capture progress and reporting on progress at regular intervals.

A further report will be presented to Council regarding public feedback on the Draft Southern Riverina Regional Drought Resilience Plan.

## ATTACHMENTS

1. **Final Draft Southern Riverina Regional Drought Resilience Plan (under separate cover)**



## 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:

- Ministerial response to Helen Dalton MP regarding Policing in Mathoura – 3 Apr 2024
- Submission to NSW Productivity Commission Review of Local Water Utility Funding options – 8 Apr 2024
- Thank you letter from Murray Irrigation Limited for letter of support – 13 Mar 2024

#### OUTGOING CORRESPONDENCE:

- Response to Helen Dalton MP office regarding Moulamein constituent concerns letter dated 11 March 2024 – 20 Mar 2024
- Response to survey request from Deputy Secretary in regards to written notification for parking fines issued – 10 Apr 2024

#### ATTACHMENTS

1. Ministerial response - Dalton MP - F20246962 [↓](#) 
2. Response to Helen Dalton MP office letter dated 11 March 2024 [↓](#) 
3. Response to submission made to the NSW Productivity Commission's Review of Local Water Utility Funding Options T Dodds [↓](#) 
4. Thank You Letter - Support for Funding Application - New Building Precinct Deniliquin - Murray Irrigation [↓](#) 
5. Signed letter TD regarding parking survey 10 Apr 24 [↓](#) 

**The Hon Yasmin Catley MP**

Minister for Police and Counter-terrorism  
Minister for the Hunter



Ref: MINS-522608304-3614  
F/2024/6962

Mrs Helen Dalton MP  
Member for Murray  
Suite G13  
104-110 Banna Avenue  
GRIFFITH NSW 2680

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

---

Dear Mrs Dalton,

Thank you for your correspondence on behalf of your local constituents regarding the police presence in Mathoura.

Your representation has been forwarded to the NSW Police Force's (NSWPF) Southern Region and Murray River Police District (PD) who will use the information provided as intelligence.

The NSWPF advises that while Mathoura Police Station is not a 24-hour police station, it is used for local crime prevention operations. The Mathoura sector also receives a 24/7 policing response from the Murray River PD to support the local resources.

In relation to the vacancy referred to in your correspondence, I am advised that the recruitment process has been finalised for a full-time police officer at Mathoura Police Station with an expected start date in mid-April 2024.

I understand that the NSWPF allocates officers based on operational requirements which provide for an efficient use of available resources. These local resources are supplemented by specialist Police including highway patrol, major crime squads and covert resources, which are managed centrally but can be deployed across boundaries to meet changing community needs and respond to changing crime patterns and emerging issues.

Please be assured that the NSWPF aims to ensure there are an adequate number of on-duty police officers to focus on reducing levels of antisocial behaviour and the community perception and fear of crime. Police officers patrol hotspots for poor driving, crime and antisocial behaviour.

Should members of the Mathoura community wish to further discuss local crime matters, please encourage them to contact the Crime Prevention Officer at the Murray River PD on (02) 6023 9299.

Thank you for writing about this matter.

Sincerely,



**Yasmin Catley MP**

Minister for Police and Counter-terrorism  
Minister for the Hunter

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6100  
[nsw.gov.au/ministercatley](http://nsw.gov.au/ministercatley)



Murray River Council  
PO Box 906  
Moama NSW 2731  
p 1300 087 004  
e [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au)  
w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

20 March 2024

Helen Dalton MP  
Member for Murray  
228 Cres  
Deniliquin NSW 2710  
Email: [murray@parliament.nsw.gov.au](mailto:murray@parliament.nsw.gov.au)

Dear Helen

RE: Letter dated 11 March 2024 Ref: HD09598

In response to your letter requesting clarification on concerns sent to you by a constituent who resides in Moulamein, please find attached an email sent to your office on January 19 and a letter of response to (Moulamein Community Development Inc). Both responses were sent by MRC's Director of Community and Economic Development, Sarah Ryan, and address most of the items raised in your letter.

However, to address each line separately, I have included the following for each statement made.

- the Council is planning to demolish the Moulamein wharf after Easter and it will not be replaced.

In response to this, there has been a preliminary structural assessment report completed and it has been found that the wharf is currently in such disrepair that the structure should be removed as it is currently beyond repair (foundations and footing failure) and is a safety concern (noting it is not heritage listed). Council has acted and erected public safety fencing on the land side of the existing structure to prevent public access where practical. Council is waiting for Cat D funding (DRFA) to be finalised and announced to enable a detailed engineering report of the structure to be completed. Once this occurs a report will be prepared for Council to discuss the options going forward for the Moulamein Wharf.

The letter to MCDI suggested the below as a course of action:

'Given the independent report to remove the structure, Council would like the Heritage Village Committee to consider dismantling the wharf and repurposing the timber (or the structure itself) at the Heritage Village in an effort to hold on to the historic value for the community.'

- Council plans to close the public toilets at the Recreation reserve and also in Howard Park.

Document ID:

At no point has there been any specific discussion regarding the closure of public toilets within the Moulamein township. Again, in the response to MCDI, in regards to the long-term financial sustainability of Council, Sarah Ryan advised the below, in item 4 of the letter:

'One of many services' Council will be investigating is a reduction in the number of public amenities that we service and maintain. Which facilities in which town centres are unknown. We understand some of the decisions Council must make will not be popular, but we cannot sustain all of Councils services at their current level.'

- 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.

In an email response to Helen's office by Director Sarah Ryan, you will see that she addresses this concern regarding the closure of Moulamein's Business Centre. I would like to draw attention to the comment in the email:

'Council understands that the community relies on the banking facility in Moulamein and other services such as Service NSW (regos/licences) and Council. Council doesn't intend on closing the business service centre however, we do need to investigate a possible reduction in the number of days/hours of face-to-face customer service.'

Council understands that there is a lot of misinformation out in the Moulamein community in relation to these matters and have attempted to provide factual information to the media, especially in relation to the Moulamein Wharf.

Council will continue to work with the Moulamein community once we are in a position to with more information regarding these matters.

Yours sincerely

Handwritten signature of Terry Dodds in black ink, with the initials 'PSM' written below it.

Terry Dodds  
CEO  
Murray River Council






# Response to Helen Dalton MP office letter dated 11 March 2024

Final Audit Report

2024-03-20

Created:	2024-03-20
By:	Lindy Leyonhjelm (lleyonhjelm@murrayriver.nsw.gov.au)
Status:	Signed
Transaction ID:	CBJCHBCAABAABqwtusywdqphm9CK_r1lmy71fpkantW

## "Response to Helen Dalton MP office letter dated 11 March 2024" History

-  Document created by Lindy Leyonhjelm (lleyonhjelm@murrayriver.nsw.gov.au)  
2024-03-20 - 0:28:25 AM GMT
-  Document emailed to Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au) for signature  
2024-03-20 - 0:28:29 AM GMT
-  Email viewed by Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au)  
2024-03-20 - 0:29:50 AM GMT
-  Document e-signed by Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au)  
Signature Date: 2024-03-20 - 0:30:21 AM GMT - Time Source: server
-  Agreement completed.  
2024-03-20 - 0:30:21 AM GMT



**From:** LWU Review <[LWUReview@treasury.nsw.gov.au](mailto:LWUReview@treasury.nsw.gov.au)>  
**Sent:** Monday, April 8, 2024 1:29 PM  
**To:** Terry Dodds PSM <[tdodds@murrayriver.nsw.gov.au](mailto:tdodds@murrayriver.nsw.gov.au)>  
**Cc:** [admin@nswcountrymayors.com.au](mailto:admin@nswcountrymayors.com.au); [chiefexecutive@lgnsw.org.au](mailto:chiefexecutive@lgnsw.org.au); LWU Review <[LWUReview@treasury.nsw.gov.au](mailto:LWUReview@treasury.nsw.gov.au)>  
**Subject:** RE: Murray River Council - Submission into alternative funding models for Local Water Utilities

Dear Terry,

Thank you for your submission to the NSW Productivity Commission's Review of Local Water Utility Funding Options.

The Commission appreciates the time and effort that went into preparing your submission. Public input is crucial to ensure the review considers a diverse range of perspectives and ideas to inform potential reforms.

The Commission is undertaking extensive consultation and engagement with stakeholders to gain a comprehensive understanding of the issues facing local water utilities. Submissions, like yours, provide valuable insights into ways to improve the sustainability and performance of LWUs to better serve regional communities.

*If you have requested that your submission be confidential or redacted, we will be in touch to confirm your preferred approach.*

Kind regards,

**Office of the Productivity Commission**  
Secretariat

**E** [ProductivityFeedback@treasury.nsw.gov.au](mailto:ProductivityFeedback@treasury.nsw.gov.au)  
**W** [productivity.nsw.gov.au](http://productivity.nsw.gov.au)



Treasury

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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

**From:** Terry Dodds PSM <[tdodds@murrayriver.nsw.gov.au](mailto:tdodds@murrayriver.nsw.gov.au)>  
**Sent:** Tuesday, March 19, 2024 5:05 PM  
**To:** LWU Review <[LWUReview@treasury.nsw.gov.au](mailto:LWUReview@treasury.nsw.gov.au)>  
**Cc:** [admin@nswcountrymayors.com.au](mailto:admin@nswcountrymayors.com.au); [chiefexecutive@lgnsw.org.au](mailto:chiefexecutive@lgnsw.org.au)  
**Subject:** Murray River Council - Submission into alternative funding models for Local Water Utilities

You don't often get email from [tdodds@murrayriver.nsw.gov.au](mailto:tdodds@murrayriver.nsw.gov.au). [Learn why this is important](#)



[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]

Dear Sir/Madame

Please find attached Murray River Council's submission into alternative funding models for Local Water Utilities.

Yours faithfully

Terry Dodds PSM

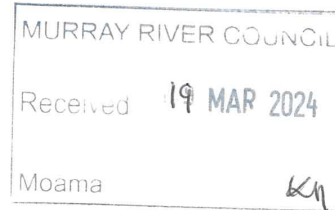
"If you want to build a ship, don't drum up people to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea."  
Antoine de Saint-Exupery



Terry Dodds PSM | Chief Executive Officer  
Murray River Council  
Moama, NSW 2731  
PO Box 906, Moama, NSW 2731  
m 0417 425 948  
1300 087 004 | [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)



Murray River Council  
PO Box 906  
Moama NSW 2731  
admin@murrayriver.nsw.gov.au  
13/03/2024



Wednesday 13 March 2024

Dear Sarah,

**RE: Letter of Support - Murray Irrigation Limited New Building Precinct**

On behalf of Murray Irrigation Limited, I am writing to thank you for supporting the company's recent application for funding, through the Federal Government's Regional Precincts and partnerships Program (RPPP), to develop a new building precinct in Deniliquin.

This proposed building precinct is poised to be a transformative development for local businesses and industries operating in Deniliquin and across the Southern Riverina.

Having Murray River Council's demonstrated support for this important initiative has been enormously helping to our funding application, and we very much appreciate your assistance.

I look forward to updating you on the outcome of this application in due course.

Yours Sincerely,

A handwritten signature in black ink that reads "Ron Mc" followed by a horizontal line.

Ron McCalman  
CEO



Murray River Council  
PO Box 906  
Moama NSW 2731  
p 1300 087 004  
e [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au)  
w [www.murrayriver.nsw.gov.au](http://www.murrayriver.nsw.gov.au)

10 April 2024

Client Advisory & Support  
Revenue NSW  
Email: [businesspartners@revenue.nsw.gov.au](mailto:businesspartners@revenue.nsw.gov.au)

Dear Client Advisory & Support,

**RE: Correspondence from Deputy Secretary in relation to recent media release**

I write in relation to Deputy Secretary Scott Johnston's correspondence regarding written notification when issuing parking fines.

Murray River Council do not currently have paid parking, however Officers have undertaken the requested survey. Regarding the Ministers request that councils provide some form of standardised, preprinted card noting that a fine has been issued is considered sensible. Should Murray River Council introduce paid parking the suggested approach would be implemented for the reasons outlined in your letter.

Should you have any questions in relation to this matter please contact Brian Holmes, Manager Waste and Compliance on 1300 087 004.

Yours sincerely

A handwritten signature in black ink, appearing to read "Terry Doods", with the initials "PSM" printed below it.

PSM

Terry Doods  
Chief Executive Officer

Document ID:






# Sigend letter RTD regardin parking survey 10 Apr 24

Final Audit Report

2024-04-10

Created:	2024-04-10
By:	Lindy Leyonhjelm (lleyonhjelm@murrayriver.nsw.gov.au)
Status:	Signed
Transaction ID:	CBJCHBCAABAACgSI_AGwwBhx2LkL-QCIHYCOhNSbvCd

## "Sigend letter RTD regardin parking survey 10 Apr 24" History

-  Document created by Lindy Leyonhjelm (lleyonhjelm@murrayriver.nsw.gov.au)  
2024-04-10 - 4:06:13 AM GMT
-  Document emailed to Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au) for signature  
2024-04-10 - 4:06:16 AM GMT
-  Email viewed by Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au)  
2024-04-10 - 4:06:38 AM GMT
-  Document e-signed by Terry Dodds PSM (tdodds@murrayriver.nsw.gov.au)  
Signature Date: 2024-04-10 - 4:07:01 AM GMT - Time Source: server
-  Agreement completed.  
2024-04-10 - 4:07:01 AM GMT



## 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 March 2024 through to 31 March 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:

- 4 Mar: Meeting with CEO Moama
- 4 Mar: Meeting with Friends of Botanic Gardens
- 7 Mar: Meeting with CEO, Crs Wise & Nicholas regarding agistment for cattle from Vic bushfire area
- 10 Mar: Echuca Races Presidents Function- Echuca
- 11 Mar: Meeting with Stephen Blackadder Associates
- 11 Mar: CEO KPI discussion and review
- 12 Mar: Monthly Councillor workshop – Moama (Budget briefing)
- 13 Mar: Meeting with CEO
- 15 Mar: Meeting with Campaspe Shire Mayor Rob Amos
- 18 Mar: Meeting with CEO
- 21 Mar: Travel to Sydney for country Mayors Association and pre meeting dinner
- 22 Mar: Country Mayors Association meeting Sydney and travel to Moama
- 25 Mar: Meeting with CEO
- 25 Mar: Online LGNSW Taxation considerations for Councillors training
- 26 Mar: Council Pre-briefing and Council meeting

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

- 11 Mar: CEO KPI discussion and review - Moama
- 12 Mar: Monthly Councillor workshop – Moama
- 25 Mar: Council Pre-briefing and Council meeting

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

**Councillor Ann Crowe** reported on his attendance at the following meetings and functions:

- 20 Mar: Koraleigh Rec Reserve Meeting
- 26 Mar: Council Pre-briefing and Council meeting

**Councillor Crowe** also attended the following meetings and functions in during the month of February:

- 20 Feb: Councillor workshop – budget revenue, fees & charges online
- 21 Feb: International Women’s Day – running sheet briefing
- 21 Feb: Koraleigh Hall Rec Reservice meeting – Koraleigh

**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:

- 7 Mar: Meeting at Moulamein with community members
- 14 Mar: Meeting with MIL at Deniliquin with CEO

## **ATTACHMENTS**

**Nil**

**10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE****10.1 NOTICE OF MOTION - THAT POLICY # 101 CODE OF MEETING PRACTICE BE AMENDED AT SECTION 5.11**

**File Number:** -

I, Councillor Ann Crowe, give notice that at the next Ordinary Meeting of Council to be held on 23 April 2024, I intend to move the following motion:

**MOTION**

That Policy # 101 Code of Meeting Practice be amended at Section 5.11 "Giving notice of business to be considered at Council meeting" by adding the following sentence: "The Notice of Motion must include a separate rationale sufficient that councillors, staff and the general public understand the reason for its submission"

**RATIONALE**

Section 2 Objectives of the Council's Code of Meeting Practice states that councillors must be informed so that decisions are based on relevant, quality information. If there is no rationale in the Notice of Motion councillors can only guess the reason for it. By knowing the reason councillors can prepare themselves properly for an informed debate. Another Section 2 objective relates to trust and states that the community has confidence that councillors and staff act ethically and make decisions in the interest of the whole community.

I commend this Notice of Motion to Council.

**ATTACHMENTS**

**Nil**

**10.2 NOTICE OF MOTION - COUNCIL GIVES AN UPDATE ON THE DELIVERY OF THE MOULAMEIN MAIN STREET REDEVELOPMENT PROJECT, INCLUDING THE TIMELINES INVOLVED AND COMMUNITY ENGAGEMENT.**

**File Number:** -

I, Councillor Neil Gorey, give notice that at the next Ordinary Meeting of Council to be held on 23 April 2024, I intend to move the following motion:

**MOTION**

That Murray River Council gives an update on the delivery of the Moulamein Main Street Redevelopment Project, including the timelines involved and community engagement. Following the meeting, a media release to be issued, updating the community on this project.

**RATIONALE**

Although at the March meeting of Council, a motion was passing approving the Moulamein Main Street Redevelopment Plan, there remains uncertainty and confusion regarding the future development of the town. The Moulamein community have had to undergo many challenges in recent years, including effects of water buybacks, and the downsizing of staff in the Moulamein Council Office, as a result of the council merger and natural attrition.

Currently, the Moulamein community have been challenged with the Transgrid energy project which has been a source of many frustrations and concerns for this community. With this type of environment, it is understandable that a community can become frustrated and stressed, underlying the importance of carrying out meaningful consultation and communication within the community.

I commend this Notice of Motion to Council.

**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 Outsourced IT Services Contract Renewal**

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.

**11.2 Mayoral Minute - Chief Executive Officer Annual Performance Review 2023/24**

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 Sale of Mathoura Line Road Land (Lot 3, DP 813704) - Proposal for Option to Purchase Land**

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

**11.4 Notice of Motion - That a 24-month extension be given to the Mortgagee in terms of their obligations under contract with MRC for purchasing and development of land in Moama Business Park**

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**