# REPORTS TO MURRUMBIDGEE COUNCIL MEETING TO BE HELD TUESDAY 22 AUGUST 2023

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General Manager R. K. MyRae Mayor

# ACKNOWLEDGEMENT OF COUNTRY

We pay respect to the traditional custodians of the lands and waters of Murrumbidgee Local Government Area, and to all Aboriginal Elders, past and present and emerging. We are committed to honouring the continuing connection that First Australians hold to Murrumbidgee's land, waters and community, as one of the oldest living cultures in human history.

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# RECORDING & WEBCASTING OF MEETING

In the spirit of open, accessible and transparent Government, and to ensure this meeting is open to the public, this Council meeting is being recorded and livestreamed to the Murrumbidgee Council facebook page. A recording will also be placed on Council's website following the meeting.

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# OFFICERS' REPORTS FOR CONSIDERATION

ITEM NO: 1 - GENERAL MANAGER'S MONTHLY REPORT

Council Meeting: 22 August 2023
Report Date: 10 August 2023
Author: General Manager

File #: SC218

Approval: General Manager

# **BACKGROUND**

To provide information generally relating to past and future actions of the General Manager, along with specific action items being dealt with.

#### RECOMMENDATION

The information contained in the General Manager's Monthly Report be noted, and Council approve annual leave for Mr John Scarce General Manager from 18 to 22 September 2023 (inclusive).

1. Rural Farm Gate Waste and Recycling Collection

The survey closed on 9 August 2023.

The results are as follows:

Surveys returned - 70

16% of potential 432 respondents (half of the rural assessments of 864) 11% of the potential 648 respondents (3/4 of the rural assessments of 864) 8% of the rural assessment (864)

In the world of statistics, certain norms are accepted:

- 1. You can rely on the survey results which are provided by more than 5% of the potential respondents.
- 2. You can bank on the survey results which are provided by more than 10% of the potential respondents.

As such, I can suggest that the survey results are reflective of the overall opinion had we the ability to collect a 100% sample. In other words, we can bank on the below to give us the answer of the whole:

- Those who would like farm gate collection 78.57%
- Those who would like fortnightly collection 80.36%
- Those who saw \$495 as value 76.19%

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Not everyone identified where they are from.

Of the 55 people who identified where they lived, these are the results:

Coleambally: 39
Darlington Point: 1
Jerilderie: 14
Logie Brae: 1

These results indicate a strong need and desire for farm gate rural collection of General waste and recycling.

While logistically we are working towards a start date of 1 July 2024, which would mean that due to lead times on plant and equipment being as much as 9 months, we would need to make a decision at the September Council meeting.

I set these time frame, but realistically we should prepare ourselves for the possibility that the service, if it was resolved to proceed, may not commence until sometime in the next financial year.

We have most all the information we require to cost the delivery, what I wish to focus on is to work out with reasonable certainty how many services we will be offering, plus what other additional opportunities there may be.

We have had conversations with larger farming and industrial businesses which require the front load bins due to their volume of waste and recycling. I wish to work a bit more on identifying commercial opportunities as part of the farm gate collection service.

Future reports will incorporate not only the farm gate, but also the commercial, opportunities.

# 2. Annual Leave

I am seeking approval of Council to take annual leave from 18 to 22 September 2023 (inclusive).

I will be local and available to return to the office if required, and I will be monitoring emails and phone calls during this time, as such I am not recommending anyone to act as General Manager during this short period.

#### Recommendation

#### Council:

 Approve annual leave for Mr John Scarce General Manager from 18 to 22 September 2023 (inclusive).

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# 3. Newell Highway Taskforce

On the 8 August 2023 the Mayor, Deputy Mayor and I attended the Newell Highway Task Force strategic planning day.

All members agreed our focus should be on safety, it was also identified that large scale projects are less likely to be funded, whereas safety and smaller scale projects are likely to be funded.

There were a number of intersections promoted across the network which require upgrades for sight lines and safety, and as such intersections will be the subject of a specific piece of work to identify them, the solution a priority, with specific funding for intersections.

Flooding was also high on the priority list. While considerable effort is being attributed to the West Wyalong to Forbes section, it was agreed to conduct a piece of work to identify other flood priorities across the network, package them with priority and seek specific funding to address flooding outside of the West Wyalong to Forbes section of the Newell Highway.

Much was spoken about grade separation of the Inland Rail and the Newell Highway, the position of the Task Force is that the inland railway corridor should not impact on the movement of the Highway, as such every intersection (80km and above) needs an underpass or overpass.

A bypass of Coonabarabran is the next priority for a bypass, in addition to the encouragement of TfNSW to commence negotiations to acquire land for a future bypass of Dubbo.

Two lanes in each direction is an aspiration of the Task Force, as such the position we are presenting is that while TfNSW are negotiating for land to build new overtaking lanes or realignments of the Highway, they acquire a corridor at the beginning to enable a doubling of the road at some future time.

In addition we are recommending a strategic review of all rest areas along the Newell to ensure that we have capacity, services every so often, the every so often will be determined at a later date once the data has been captured.

# 4. Council Family Fun Day

Confirming the family fun day to be held on 29 September 2023 at Altina Wildlife Sanctuary.

Councillors wishing to attend please advise Julie by 25 August 2023.

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# 5. September Council Meeting

It will be necessary for the September Council Meeting, which was proposed to be held on 19 September 2023, to be changed to 12 September 2023, due to the unavoidable absence of the Mayor.

# 6. Movements

- 13 15 September 2023 Country Mayors' Health Forum Wagga Wagga
- 18 22 September 2023 Annual Leave
- 24 28 September 2023 MDA Conference Murray Bridge
- 10 12 October 2023 TfNSW Executive Leadership Summit? Sydney
- 18 20 October 2023 CPA Australia Congress On line
- 9 10 Nov 2023 RAMJO Board Meeting TBA
- 12 14 Nov 2023 LGNSW Conference Sydney
- 14 Nov 2023 (Date to be changed) Newell Highway Taskforce Canberra 23 24 Nov 2023 Country Mayors' Association Sydney
- 14 Dec 2023 7 Jan 2024 Annual leave

# **SUSTAINABILITY**

N/A

# STATUTORY COMPLIANCE/POLICY

N/A

# **FINANCIAL**

N/A

# INTEGRATED PLANS

Theme 5: Our Leadership - Looking to our Future

Demonstrating Transparent Leadership through Accountability and Community Representation

# **RISK MANAGEMENT**

N/A

# CONSULTATION/ENGAGEMENT

N/A

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General Manager

# **OPTIONS**

Option 1 (recommendation)

The information contained in the General Manager's Monthly Report be noted, and Council approve annual leave for Mr John Scarce General Manager from 18 to 22 September 2023 (inclusive).

# **ATTACHMENTS**

NIL

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General Manager R. K. M. Mayor

# ITEM NO. 2 - REVISED DEVELOPMENT CONTRIBUTIONS PLAN

Council Meeting: 22 August 2023
Report Date: 8 August 2023
Author: Senior Planner
File #: SC49: SC98

Approval: Director Planning, Community & Development

# **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the amendments to its Development Contributions Plan and seek a resolution from Council to place the plan on public exhibition.

#### RECOMMENDATION

# **That Council:**

- a) accept the amendments to its Development Contributions Plan (Section 7.12 Environmental Planning & Assessment Act, 1979) and place the plan on public exhibition;
- b) Upon completion of the exhibition period, Council officers undertake a review of the submissions (if any) and report back to Council.

#### **BACKGROUND**

The Murrumbidgee Council Development Contributions Plan (Section 7.12 Environmental Planning & Assessment Act, 1979) came into effect on 25 May 2017 and was amended on 28 February 2023, which addressed legislative or regulatory amendments and changes to the capital works programme listed in the plan.

# OFFICER COMMENT

Upon review by Council officers, further amendments are recommended which are highlighted in red text in the revised Development Contributions Plan (S7.12). These amendments update the works program and the list of community infrastructure projects, to incorporate affordable housing initiatives.

# STATUTORY COMPLIANCE/POLICY

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation, 2021

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\*\*Concret Manager\*\* \*\* Mayor\*\*

\*\*Concret Manager\*\* \*\* Mayor\*

# **FINANCIAL**

Section 7.12 Environmental Planning & Assessment Act, 1979 provides a mechanism whereby Council can levy a monetary contribution on certain development (both in terms of type and value of works) which can be used for purposes that would benefit the community. As of 30 June 2023 the funds held from development contributions is \$549,969, with a further \$13,376 being received since that date

# **CONSULTATION / ENGAGEMENT**

- Director Planning, Community & Development
- Management Group

# **OPTIONS**

Option 1 (recommendation)

That Council:

- accept the amendments to its Development Contributions Plan (Section a) 7.12 Environmental Planning & Assessment Act, 1979) and place the plan on public exhibition;
- Upon completion of the exhibition period, Council officers undertake a b) review of the submissions (if any) and report back to Council.

# Option 2

Any other resolution of the Council

# **ATTACHMENTS**

Attachment # 1: Revised Development Contributions Plan (revision 2)

This is page 9 of 22 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 22 August 2023. R.K. M.Rae.

# ITEM NO. 3 - DRAFT CROWN LAND PLAN OF MANAGEMENT-BALMERINGA

Council Meeting: 22 August 2023 Report Date: 9 August 2023

Author: Senior Town Planner

File #: SC119

Approval: Director Planning, Community & Development

# **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement to exhibit the draft Plan of Management for Balmeringa.

# RECOMMENDATION

That Council endorse the draft Plan of Management for Balmeringa, to enable same to proceed to public exhibition.

# OFFICER COMMENT

Council has received correspondence from the Department of Planning & Environment – Crown Lands, informing Council that, in accordance with clause 70B of the Crown Land Management Regulation 2018, the Minister for Lands and Property has given consent to the draft plan of management for Balmeringa, and Council can now progress to public exhibition.

Council is required to place the draft plan on exhibition for a period of 28 days, and provide a further 14 days for submissions. It is suggested that the exhibition run from 25 August 2023 to 22 September 2023, with submissions being received up until 6 September 2023.

Following the close of submissions the matter would be reported back to Council for adoption, noting that any amendments (other than for minor editorial and formatting changes) would need further Ministerial approval.

# STATUTORY COMPLIANCE/POLICY

Murrumbidgee Council's role, as a Crown Land Manager under the provisions of the Crown Land Management (CLM) Act 2016, is to ensure that land resources are to be shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment, as well as encouraging multiple use of land.

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# **FINANCIAL**

The current project has no immediate financial implications for Council.

# **INTEGRATED PLANS**

# Community Strategic Plan

# Community

 Creating community opportunities and equitable access to Council and community services and programs

Ultimately the development of PoMs for Crown land, including undertaking community consultation through public exhibition or, where required, a public hearing will lead to public land being managed in a transparent manner to meet the needs of the community.

#### **Environment**

Maintaining a balance between growth, development and environmental protection

The fundamental purpose of the initial categorisation of the land and the subsequent plan of management is to set the parameters that balance growth, development and environmental protection of community land.

# **RISK MANAGEMENT**

Provided that the legislative requirements specified in the CLM Act and the Local Government Act 1993 and associated regulations are followed, there are no foreseeable risks.

# **OPTIONS**

Option 1 (recommendation)

That Council endorse the draft Plan of Management for Balmeringa, to enable same to proceed to public exhibition.

# Option 2

Any other resolution of Council.

#### **ATTACHMENTS**

Attachment # 2: Draft Plan of Management for Balmeringa Attachment # 3: Minister's Approval to exhibit and adopt

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General Manager R. K. MyKae Mayor

# ITEM NO. 4 - DRAFT CROWN LANDS PLAN OF MANAGEMENT - COREE CENTRAL HALL

Council Meeting: 22 August 2023 Report Date: 1 August 2023

Author: Senior Town Planner

File #: SC119

Approval: Director Planning, Community & Development

# **EXECUTIVE SUMMARY**

The purpose of this report is to seek a resolution from Council to adopt the draft Plan of Management for Coree Central Hall.

# RECOMMENDATION

That Council adopt the draft Plan of Management for Coree Central Hall.

# OFFICER COMMENT

A report was presented to Council on 26 June 2023 introducing the draft Plan of Management for Coree Central Hall. At that meeting is was resolved to place the draft on public exhibition.

The draft plan was on exhibition from 30 June 2023 to 28 July 2023 with the close of submissions being on 11 August 2023. No submissions have been received.

On the basis that no submissions have been received, the plan of management presented for adoption remains unchanged from the draft.

# STATUTORY COMPLIANCE/POLICY

Murrumbidgee Council's role, as a Crown land manager under the provisions of the Crown Land Management (CLM) Act 2016, is to ensure that land resources are to be shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment, as well as encouraging multiple use of land.

# **FINANCIAL**

The current project has no immediate financial implications for Council.

General Manager

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# **INTEGRATED PLANS**

# Community Strategic Plan

# Community

 Creating community opportunities and equitable access to Council and community services and programs

Ultimately the development of plans of management for Crown land, including undertaking community consultation through public exhibition or, where required, a public hearing, will lead to public land being managed in a transparent manner to meet the needs of the community.

# Environment

Maintaining a balance between growth, development and environmental protection

The fundamental purpose of the initial categorisation of the land and the subsequent plan of management is to set the parameters that balances growth, development and environmental protection of community land.

# **RISK MANAGEMENT**

Provided that the legislative requirements specified in the CLM Act and the Local Government Act 1993 and associated regulations are followed, there are no foreseeable risks.

# **OPTIONS**

Option 1 (recommendation)

Council adopt the Plan of Management for Coree Central Hall.

# Option 2

Any other resolution of Council.

#### **ATTACHMENTS**

Attachment # 4: Draft Plan of Management for Coree Central Hall

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General Manager K. F. MYKae Mayor

# ITEM NO. 5 - DRAFT BUILDING OVER OR ADJACENT TO COUNCIL INFRASTRUCTURE POLICY

Council Meeting: 22 August 2023 Report Date: 26 July 2023

Author: Senior Town Planner

File #: SC49

Approval: Director Planning, Community & Development

# **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement to exhibit the draft Building Over or Adjacent to Council Infrastructure Policy.

# RECOMMENDATION

The draft Building Over or Adjacent to Council Infrastructure Policy be endorsed to enable same to proceed to public exhibition.

#### OFFICER COMMENT

This policy has been prepared with the purpose of protecting Council's interests should problems arise following the construction or placement of a building or structure over or within the zone of influence of Council water, sewerage and stormwater infrastructure.

Council is required to place the draft plan on exhibition for a period of 28 days, and provide a further 14 days for submissions. It is suggested that the exhibition run from 24 August 2023 to 20 September 2023, with submissions being received up until 4 October 2023.

Following close of submissions, the matter will be reported back to Council for adoption of the draft policy.

# STATUTORY COMPLIANCE/POLICY

- Local Government Act, 1993
- Local Government (General) Regulation, 2021
- Environmental Planning & Assessment Act, 1979
- National Construction Code

# **FINANCIAL**

The current project has no immediate financial implications for Council.

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# **INTEGRATED PLANS**

# Leading By Example

5.1.3 Maintain sound legislative decision-making that is ethical, accountable and transparent.

#### **RISK MANAGEMENT**

Provided that the legislative requirements specified in the Local Government Act, 1993 and associated regulations are followed, there are no foreseeable risks.

# **CONSULTATION/ENGAGEMENT**

- **Director Infrastructure**
- Director Planning, Community & Development
- Council Workshop

#### **OPTIONS**

# Option 1 (recommendation)

The draft Building Over or Adjacent to Council Infrastructure Policy be endorsed to enable same to proceed to public exhibition.

# Option 2

Any other resolution of Council.

#### **ATTACHMENTS**

Draft Building Over or Adjacent to Council Infrastructure Policy Attachment # 5:

This is page 15 of 22 of the General Manager's Reports as submitted to the Ordinary, Meeting of Murrumbidgee Council held Tuesday 22 August 2023. R.K. M.Rae.

# ITEM NO. 6 - REINSTATEMENT OF ALCOHOL FREE ZONES

Council Meeting: 22 August 2023 Report Date: 11 August 2023

Author: Director Planning, Community & Development

File #: SC100

Approval: General Manager

## **EXECUTIVE SUMMARY**

The alcohol free zones in both Jerilderie and Darlington Point are due to expire on 12 November 2023.

Under the Local Government Act 1993, an alcohol free zone can only operate for a maximum period of four years, and then Council must review and resolve to declare any alcohol free zones between sunset and sunrise.

# RECOMMENDATION

# That:

- 1. Council carry out the consultation process for re-establishment of the current alcohol free zones, as per the guidelines;
- 2. A report be prepared for the October meeting of Council after consideration of submissions received.

# **BACKGROUND**

The alcohol free zones in the townships of Jerilderie and Darlington Point have been operating for a number of years.

Council resolved 29 October 2019 to re-establish the alcohol free zones.

The areas which have been established are as follows (see also figure 1 and 2):

- 1. <u>Darlington Point</u>: CWA Park, Shire Hall and Basketball Court, Carrington Street;
- 2. <u>Jerilderie</u>: Jerilderie Street, between Bolton and Kennedy Streets, Powell Street in its entirety, Wood Street between Jerilderie and Mahonga Streets; and Luke Park and the lake foreshore;

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Figure 1: Jerilderie Alcohol free zone signed areas. (Yellow indicates public roads, footpaths and areas included)



Figure 2: Darlington Point Alcohol free zone signed areas. (Yellow indicates public roads, footpaths and areas included)

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# OFFICER COMMENT

To re-establish alcohol free zones, Council must follow processes as set out in the Department of Local Government's Ministerial Guidelines 2009.

These processes involve consultation with police and the community with a submission period of 30 days. After considering any submissions, Council can resolve to re-establish the zone.

Under the Local Government Act 1993, Clause 644B (4) refers to the reestablishment of alcohol free zones:

# 644B Establishment of alcohol-free zones

- (1) After complying with the procedures set out in sections 644 and 644A, the Council may, by resolution, adopt a proposal (with or without modifications) to establish an alcohol-free zone.
- (2) The resolution has the effect of establishing the alcohol-free zone in accordance with the terms of the resolution.
- (3) After making the resolution, the Council must, by notice published in a manner that the Council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole, or in a part of the area that includes the zone concerned—
  - (a) declare that an alcohol-free zone has been established, and
  - (b) specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.
- (4) An alcohol-free zone may be re-established from time to time, in accordance with this Part, for further periods each not exceeding 4 years.

Council may, at this point, resolve to re-establish the existing alcohol-free zones in Jerilderie and Darlington Point, as well as considering any new areas within these towns, and the establishment of an alcohol-free zone/s in Coleambally.

# STATUTORY COMPLIANCE/POLICY

Local Government Act 1993 - Clauses 644, 644A and 644B

# **FINANCIAL**

Updated plates for the current signs, specifying new dates for alcohol free zones.

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General Manager

# INTEGRATED PLANS

This report is linked to the Murrumbidgee Council Delivery Program 2022-2026 as follows:

# 1. Our identity - people and place

- 1.4. We encourage healthy, active and safe communities
- 1.4.3 Work together to enhance community safety

# **RISK MANAGEMENT**

N/A

# **CONSULTATION/ENGAGEMENT**

N/A

# **OPTIONS**

Option 1 (recommendation)

That:

- 1. Council carry out the consultation process for re-establishment of the current alcohol free zones, as per the guidelines;
- 2. A report be prepared for the October meeting of Council after consideration of submissions received.

# Option 2

That Council review the alcohol-free zones to determine whether there should be new sites established in Jerilderie, Darlington Point and Coleambally, in addition to re-establishing the current sites in Jerilderie and Darlington Point.

# **ATTACHMENTS**

NIL

This is page 19 of 22 of the General Manager's Reports as submitted to the Ordinary, Meeting of Murrumbidgee Council held Tuesday 22 August 2023.

# OFFICERS' REPORTS FOR NOTING

# ITEM NO. 7 - MONTHLY INVESTMENT REPORT – JULY 2023

Council Meeting: 22 August 2023
Report Date: 8 August 2023
Author: Accountant

File #: SC133

Approval: General Manager

# **EXECUTIVE SUMMARY**

Under Clause 212 of the *Local Government (General) Regulation 2021*, Council's Responsible Accounting Officer is required to present Council with a monthly report setting out details of Council's investments.

This report sets out details of all money Council had invested under section 625 of the *Local Government Act 1993* as at the end of July 2023.

# RECOMMENDATION

Council note the monthly Investment Reports identifying all money Council has invested under section 625 of the *Local Government Act 1993*.

# **BACKGROUND**

As at 31 July 2023, Council's total invested funds were \$33,108,175, as detailed in the attachment.

Funds invested with Bendigo Bank were approximately 56%.

Murrumbidgee Council's money-weighted rate of return (MWRR) outperformed the Bloomberg AusBond Bank Bill Index benchmark rate for both the month and the financial year to date.

# OFFICER COMMENT

I certify that the investments have been invested in accordance with the Local Government Act and Regulations and the Murrumbidgee Council Investment Policy.

Kaitlin Salzke
Responsible Accounting Officer

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General Manager R. K. M. Mayor

# **SUSTAINABILITY**

NIL

# STATUTORY COMPLIANCE/POLICY

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Local Government Code of Accounting Practice and Financial Reporting (Guidelines);
- Murrumbidgee Council Investment Policy.

# **FINANCIAL**

Nil, for information only.

# INTEGRATED PLANS

# **Leading By Example**

5.1.3 Maintain sound legislative decision-making that is ethical, accountable and transparent.

#### **RISK MANAGEMENT**

N/A

# **CONSULTATION / ENGAGEMENT**

- General Manager
- Chief Financial Officer
- Finance Manager
- Finance Customer Service

# **OPTIONS**

# As per the recommendation:

Council note the monthly Investment Reports identifying all money Council has invested under section 625 of the Local Government Act 1993.

# **ATTACHMENTS**

Attachment # 7: Investments as at 31 July 2023

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# ITEM NO. 8 - DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATION - JULY

Council Meeting: 22 August 2023 Report Date: 11 August 2023

Author: Director Planning, Community & Development

File #: SC210

Approval: General Manager

# **EXECUTIVE SUMMARY**

Information report provided to Council on Development Applications Approved Under Delegation during July 2023.

# RECOMMENDATION

The information contained in the Development Applications Approved under Delegation, July 2023 Report be noted.

# **BACKGROUND**

Application No	Address	Decision Date	Decision
DA19-2023	26-28 Coreen Street Jerilderie	10/07/2023	Approved (Delegation)
<u>Description:</u>	Consideration in determ	ining application:	
Demolition of Church Hall	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification and public exhibition was carried out, no submissions were received.		
Modification DA20-2-2022	76 Wilson Road Jerilderie	04/07/2023	Approved (Delegation)
Description:	Consideration in determ	ining application:	
Shed	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification or agency referral was not required.		

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kar General Manager R. K. M. Mayor