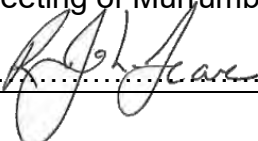


**REPORTS TO MURRUMBIDGEE COUNCIL MEETING
TO BE HELD TUESDAY 24 OCTOBER 2023**

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This is page 1 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

..... General Manager

..... 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.

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.

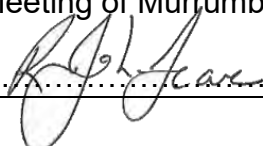
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This is page 2 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

OFFICERS' REPORTS FOR CONSIDERATION

ITEM NO: 1 - GENERAL MANAGER'S MONTHLY REPORT

Council Meeting:	24 October 2023
Report Date:	16 October 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

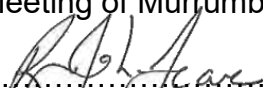
The information contained in the General Manager's Monthly Report be noted, and:

1. a) Council authorise the General Manager to tender for the construction of 4 x two bedroom homes in Jerilderie;
b) Two homes be built on one lot of land in the Wunnamurra Estate. Meaning Council to provision two lots;
c) The General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for two of the homes;
d) That Council approve an internal borrowing up to \$1M;
e) The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction.
2. That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:
 - a) Council has a strong desire that each of our workers go home every night.
 - b) Safety systems, practices and protocols are the key to ensure we have the safest work place.
 - c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

1. Farm Gate Recycling and General Waste Collection

I have reviewed the requests we have received for commercial collection, and unfortunately it is only a handful. I was hoping to roll the commercial collection in with the farm gate collection to have synergies and cost savings for both services.

This is page 3 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

This is not the case, so I will be moving forward based on the cost to service the farm gate option.

I am unable to finalise definitive costings due to the following:

1. Final cost of the Mighty Little Burrow garbage truck
2. Number of services.

We are working with the manufacturer on securing pricing and using an international freight forwarder to freight and bring into Australia.

Additionally, I will write to each individual landholder about the service and gauge the number of services this way.

Not expecting to be bringing this back to Council before February 2024 for a decision.

2. Housing

We are short of critical worker housing across the LGA. This statement is nothing new to us, We have known about it for many years. We have lobbied, we have submitted grant applications, the latest EOI we did for housing was to build 17 critical worker homes in Darlington Point. Unfortunately, it was scapped by the State Government as a result of their budget papers. The country is screaming for housing and the NSW State Government scraps a regional program to which we had submitted an EOI for housing.

So we will look for other opportunities to apply for critical worker housing grants for those 17 homes in Darlington Point.

We did not have a plan for Coleambally or Jerilderie.

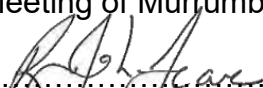
I am proposing we go to the construction market to build 4 x two bedroom houses in each of our three communities. With the initial build to commence in Jerilderie where two of the houses are to be made available on long term lease to the Murrumbidgee Local Health District (MLHD), the remaining two for priority Council use, but available for external rental should Council not have the need.

Budget estimate of \$1M to build the four houses. I am proposing that we borrow from internal sources, being the Annual/Long Service Leave Reserve.

Recommendation

- 1. That Council authorise the General Manager to tender for the construction of 4 x two bedroom homes in Jerilderie;**
- 2. That two homes be built on one lot of land in the Wunnamurra Estate. Meaning Council to provision two lots;**

This is page 4 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

3. That the General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for two of the homes;
4. That Council approve an internal borrowing up to \$1M;
5. The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction.

3. TfNSW Executive Safety Summit

On 11 and 12 October 2023, the Director of Infrastructure and I attended a TfNSW Safety Summit. This is the culmination of 9 regional safety summits across NSW.

The purpose of the Executive Safety Summit was for all Councils and TfNSW to work towards a common commitment to safety. As such we worked through a common commitment to safety, how each Council and TfNSW will work with each other as we move forward on the safety journey.

As such, on the final day I signed the Common Commitment to Safety, along with 66 other Councils represented at the summit.

Attached is the Common Commitment to Safety.

Recommendation

That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:

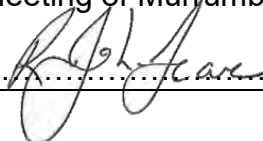
- a) Council has a strong desire that each of our workers go home every night.
- b) Safety systems, practices and protocols are the key to ensure we have the safest work place.
- c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

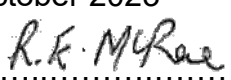
4. CMA Health Forum

On 15 September 2023, in company with the Mayor, we attended the Country Mayors' Association Health Forum in Wagga Wagga. I am sure the Mayor will cover off on this item in her report.

I just wanted to make mention of the presentation we had from Dr Joe McGirr MP, Member for Wagga Wagga, on the Health and Knowledge Precinct and to advise Council that, through our work with the RAMJO Health Sub Committee, we were asked to be part of it, as such we are a partner in this Health and Knowledge Precinct.

This is page 5 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

5. Family Fun Day

As Council is aware, we held a family fun day at Altina on 29 September 2023. It was very well attended by 76 adults and 46 children. It was, as the day suggested, a fun day, with tours of Altina, BBQ lunch, socialising and a good time had by all.

6. Projects to Mention

I plan to highlight a couple of projects each time I report to Council.

Darlington Point Caravan Park - Council has ordered three moveable cabins, with a fourth one to be ordered when they have a disabled configuration available (est. December 2023). We have completed the scope of works for the \$1M grant, which has been provisioned to build 5 permanent cabins, and once we get the green light from the Department responsible we will go to tender for those cabins.

Calrose Road - Surveying is complete. Excavation for rehabilitation to commence on Monday 23 October 2023, a week earlier than previously scheduled. Works are to reconstruct, stabilise and seal.

Flood Damage Claim - Council has formally applied for \$12,666,000 in a flood damage claim. The claim is being assessed by Transport for NSW, we have received their initial assessment which requests that our method of works, being stabilising the roads, is out of scope. As such, the scope is changing, and the final figure of our claim and start date of works was not known at time of writing this report.

Netball Change Rooms Monash Park – Excavation has commenced.

7. Movements

18 - 20 October 2023 – CPA Australia Congress - On line
9 - 10 Nov 2023 – RAMJO Board Meeting - Narranderra
12 - 14 Nov 2023 – LGNSW Conference - Sydney
23 - 24 Nov 2023 – Country Mayors' Association - Sydney
28 Nov 2023 - Newell Highway Taskforce - Canberra
14 Dec 2023 – 7 Jan 2024 - Annual leave

SUSTAINABILITY

N/A

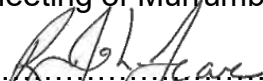
STATUTORY COMPLIANCE/POLICY


N/A

FINANCIAL

N/A

This is page 6 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

INTEGRATED PLANS

Theme 5: Our Leadership - Looking to our Future

5.1. Demonstrating Transparent Leadership through Accountability and Community Representation

RISK MANAGEMENT

N/A

CONSULTATION/ENGAGEMENT

N/A

OPTIONS

Option 1 (recommendation)

The information contained in the General Manager's Monthly Report be noted, and:

1. a) Council authorise the General Manager to tender for the construction of 4 x two bedroom homes in Jerilderie;
b) Two homes be built on one lot of land in the Wunnamurra Estate. Meaning Council to provision two lots;
c) The General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for two of the homes;
d) Council approve an internal borrowing up to \$1M;
e) The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction.
2. That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:
 - a) Council has a strong desire that each of our workers go home every night.
 - b) Safety systems, practices and protocols are the key to ensure we have the safest work place.
 - c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

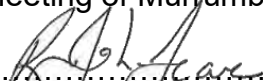
Option 2

Another recommendation of Council.

ATTACHMENT

Attachment # 1: Common Commitment to Safety

This is page 7 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 2 – REQUEST TO SUSPEND ALCOHOL FREE ZONE FOR 2024 AUSTRALIA DAY CELEBRATIONS

Council Meeting:	24 October 2023
Report Date:	28 September 2023
Author:	General Manager
File #:	SC5
Approval:	General Manager

EXECUTIVE SUMMARY

The annual Australia Day celebrations in Jerilderie are held in and around the Civic Hall and Luke Park. As part of the celebrations, Council's permission for alcohol to be consumed in the area surrounding the Council Chambers, Civic Hall, Luke Park and Powell Street, is sought.

RECOMMENDATION

That Council resolve to:

1. Allow the prohibition on the consumption of alcohol in the vicinity of the Council Chambers, Civic Hall, Luke Park and Powell Street to be lifted from midday to midnight on 26 January, 2024;
2. Allow the prohibition signs to be covered during the period of the celebrations;
3. Notify the local Police; and
4. Advertise Council's action.

BACKGROUND

The area surrounding the Civic Hall and Luke Park is a designated alcohol-free zone. Traditionally this zone is suspended for the annual Australia Day celebrations.

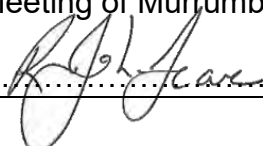
OFFICER COMMENT

Under Section 644B of the Local Government Act, 1993 Council may establish an alcohol-free zone. However, Council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone under Section 645 of the Local Government Act 1993.

SUSTAINABILITY

N/A

This is page 8 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

STATUTORY COMPLIANCE/POLICY

Sections 644B and 645 of the Local Government Act, 1993

FINANCIAL

NIL

INTEGRATED PLANS

Community Strategic Plan

Strategy 1.4 - Enhancing Health and Wellbeing

Strategy 1.5 - Creating a Safe Community

RISK MANAGEMENT

A risk assessment is completed by Council's Work Health & Safety and Risk Assessment Officer in conjunction with the Australia Day Committee.

CONSULTATION/ENGAGEMENT

Australia Day Committee

OPTIONS

Option 1 (recommendation)

That Council resolve to:

1. Allow the prohibition on the consumption of alcohol in the vicinity of the Council Chambers, Civic Hall, Luke Park and Powell Street to be lifted from midday to midnight on 26 January, 2024;
2. Allow the prohibition signs to be covered during the period of the celebrations;
3. Notify the local Police; and
4. Advertise Council's action.

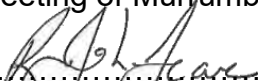
Option 2


Another recommendation of Council.

ATTACHMENTS

NIL

This is page 9 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 3 - DISCLOSURE OF RETURNS BY COUNCILLORS, AUDIT RISK & IMPROVEMENT COMMITTEE MEMBERS AND DESIGNATED PERSONS

Council Meeting:	24 October 2023
Report Date:	9 October 2023
Author:	General Manager
File #:	SC286; SC130, SC56
Approval:	General Manager

EXECUTIVE SUMMARY

The Disclosure of Returns by Councillors, Audit Risk & Improvement Committee Members and designated persons are tabled for the period 30 June 2022 to 30 June 2023, with updated returns tabled as a result of resignations or by persons becoming aware of a change in interests that have not previously been disclosed within a return.

RECOMMENDATION

The information contained within the Disclosure of Returns by Councillors, Audit Risk & Improvement Committee Members and Designated Persons Report be noted, and Disclosures be made publicly available in accordance with legislative requirements.

BACKGROUND

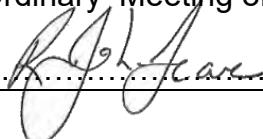
Councillors and designated persons are required to complete a new return for each financial year, for the 12 month period commencing on 30 June of the previous year to 30 June this year. Additionally, persons becoming aware of a change in interests that have not previously been disclosed within a return are required to submit an updated return at the date they became aware of the new interest to be disclosed. Returns are required to be lodged with the General Manager, and a register of returns is required to be kept.

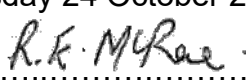
OFFICER COMMENT

In accordance with Council's Codes of Conduct, Councillors and designated persons are required to complete and lodge with the General Manager a Disclosure of Interest and Other Matters, and these must be tabled at the first meeting of the Council after the last day the return is required to be lodged (30 September).

The Disclosures by Designated Persons Returns for the period 30 June 2022 to 30 June 2023, with the inclusion of additional returns tabled as a result of persons becoming aware of a change in interests that have not previously been disclosed within a return, are detailed below:

This is page 10 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

Name	Disclosure Provided	Disclosure Returned	Reason for Disclosure	To Council Meeting
Rodney John Scarce	3 November 2022	25 November 2022	Change in Interest	9 December 2022
Rodney John Scarce	1 December 2022	2 December 2022	Change in Interest	9 December 2022
Councillor Ruth McRae	10 July 2023	11 July 2023	2022/23 Annual Return	24 October 2023
Councillor Robert Black	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Gavin Gilbert	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Judith Saxvik	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Robert Curphey	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Timothy Strachan	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Christine Chirgwin	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Councillor Faith Bryce	10 July 2023	11 July 2023	2022/23 Annual Return	24 October 2023
Councillor Troy Mauger	10 July 2023	25 July 2023	2022/23 Annual Return	24 October 2023
Rodney John Scarce	10 July 2023	10 July 2023	2022/23 Annual Return	24 October 2023
Thomas Dimec	10 July 2023	13 July 2023	2022/23 Annual Return	24 October 2023
Kaitlin Salzke	10 July 2023	11 July 2023	2022/23 Annual Return	24 October 2023
Garry Stoll	10 July 2023	11 July 2023	2022/23 Annual Return	24 October 2023
Stephen Pinnuck Audit Risk & Improvement Committee	19 June 2023	3 July 2023	2022/23 Annual Return	24 October 2023
Linda MacRae Audit Risk & Improvement Committee	19 June 2023	18 July 2023	2022/23 Annual Return	24 October 2023

Council Codes of Conduct provide that information contained in returns made and lodged is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner. In accordance with this requirement, all returns are provided on Council's website under Council/Forms, Policies & Publications/Disclosures of Interest.

STATUTORY COMPLIANCE/POLICY

Local Government Act 1993
Council Code of Conduct
Government Information (Public Access) Act and Regulation 2009
Guidelines as issued by the Information Commissioner

FINANCIAL

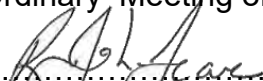
NIL

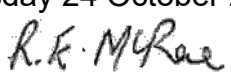
INTEGRATED PLANS

Community Strategic Plan

Strategy 5.1 Transparent Leadership through Sustainability, Accountability and Community Representation

This is page 11 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

RISK MANAGEMENT

NIL

CONSULTATION / ENGAGEMENT

General Manager

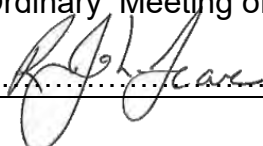
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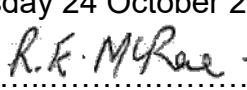
Option 1 (recommendation)

The information contained within the Disclosure of Returns by Councillors, Audit Risk & Improvement Committee Members and Designated Persons Report be noted, and Disclosures be made publicly available in accordance with legislative requirements.

ATTACHMENTS

NIL

.....General Manager

.....Mayor

ITEM NO. 4 - FINANCIAL ASSISTANCE GRANTS

Council Meeting:	24 October 2023
Report Date:	24 September 2023
Author:	Chief Financial Officer
File #:	SC140
Approval:	General Manager

EXECUTIVE SUMMARY

Council has until 30 November 2023 to make a special submission to the Local Government Grants Commission presenting information on the financial impact of inherent expenditure disabilities beyond Council's control that are not recognised in the current methodology.

RECOMMENDATION

That correspondence received from the Local Government Grants Commission be noted, and no submission be made in relation to the Financial Assistance Grant methodology.

BACKGROUND

The General Manager has received correspondence from the Local Government Grants Commission advising Council's 2023-24 estimated Financial Assistance Grants entitlement, which is as follows:

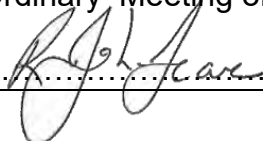
Year	General Purpose \$	Local Roads \$	Total \$	Change
2022-23 final	3,652,844	1,950,123	5,602,967	
2023-24 estimated	3,876,280	2,040,383	5,916,663	5.6%

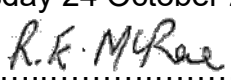
It is noted that the Commonwealth Government decided to make an early payment of the 2023-24 estimated Financial Assistance Grant entitlement to help manage the cumulative impacts of the floods and the pandemic. As such, in June 2023, all councils were paid 100% of the estimated entitlement in advance.

The letter advises that some councils may receive a lower General Purpose Component in the 2023-24 financial year if the negative floor is restored.

The disability factors experienced by Murrumbidgee Council that are currently recognised by the formula are:

This is page 13 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

- Population size (less than state average)
- Aboriginal & Torres Strait Islander population proportion (higher than state average)
- Road length (longer than state average)

The formula also considers that the LGA has a relative disadvantage by virtue of the following:

- Lower value per urban property
- Lower value per non-urban property
- Unsealed local road lengths
- Isolation
- Population decline

SUSTAINABILITY

N/A

STATUTORY COMPLIANCE/POLICY

N/A

FINANCIAL

A submission may affect the methodology used to calculate Financial Assistance Grants in future years, and hence the amount of grant income that Council receives.

INTEGRATED PLANS

Leading By Example

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

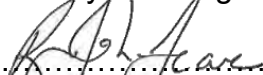
RISK MANAGEMENT


N/A

CONSULTATION / ENGAGEMENT

General Manager
Finance Manager
Councillor Workshop

This is page 14 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

OPTIONS

Option 1 (recommendation)

That correspondence received from the Local Government Grants Commission be noted, and no submission be made in relation to the Financial Assistance Grant methodology.

Option 2

That correspondence received from the Local Government Grants Commission be noted, and a submission in relation to the Financial Assistance Grant methodology be made.

ATTACHMENTS

- Attachment # 2: FAG - Letter
- Attachment # 3: FAG - Fact Sheet
- Attachment # 4: FAG - Appendix A - 2023/24 – Advice to Councils
- Attachment # 5: FAG - Appendix B – Schedule of Payments
- Attachment # 6: FAG - Appendix C – Guidelines for Special Submission
- Attachment # 7: FAG - Appendix D – State Allocation Methodology

ITEM NO. 5 – CONVERSION OF LEASE

Council Meeting:	24 October 2023
Report Date:	24 September 2023
Author:	Chief Financial Officer
File #:	SC79
Approval:	General Manager

EXECUTIVE SUMMARY

In July 2023, Council adopted the *Coleambally Lease Conversion Policy*, and in August contacted current lessees inviting them to convert the land to freehold.

The lessee of Lease L301235 in respect of Lot 49 in DP 236144 (3 Calrose Avenue, Coleambally) submitted a Notice of Intention to Convert Lease form on 5 September 2023.

A Council resolution is required in order to effect the sale of land.

RECOMMENDATION

That:

1. Council authorise the General Manager to negotiate the conversion of Lease Number L301235 at the 1 July 2022 land value, with Council's legal fees and stamp duty to be paid by the lessee;
2. The conversion settlement is to be paid in full;
3. Council authorise the General Manager to execute the required document.

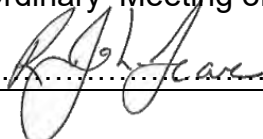
BACKGROUND

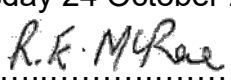
Originally all Coleambally town blocks were 99-year leases. Under the original terms of these leases, lessees were able to convert these leases to freehold at the unimproved value (as determined by the Valuer General), and only eight remain as leasehold properties.

At the Council meeting held on 25 July 2023, Council adopted the *Coleambally Lease Conversion Policy* which sets out the conditions and process for converting leased town blocks to freehold properties. This policy aims to provide a clear and transparent framework for the conversion process.

The annual lease payments received on this property are 5% of the unimproved value (based on valuations received by the Valuer General). In accordance with the lease agreement, the lessee also pays rates on the property.

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.....General Manager

.....Mayor

OFFICER COMMENT

The lessee submitted a Notice of Intention to Convert Lease form on 5 September 2023.

In accordance with that Policy, it is proposed that Council proceed with the conversion at the 1 July 2022 land value (plus any GST payable), with legal fees and stamp duty payable by the lessee.

STATUTORY COMPLIANCE/POLICY

Coleambally Lease Conversion Policy

FINANCIAL

Council will receive sale proceeds from the conversion equal to the land value at 1 July 2022 (as determined by the NSW Valuer General).

Following the conversion, Council will cease to receive lease funds of 5% of the land value per annum.

INTEGRATED PLANS

N/A

RISK MANAGEMENT

N/A

CONSULTATION / ENGAGEMENT

- General Manager

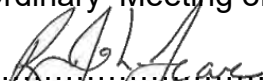
OPTIONS


Option 1 (recommendation)

That:

- a) Council authorise the General Manager to negotiate the conversion of Lease Number L301235 at the 1 July 2022 land value, with Council's legal fees and stamp duty to be paid by the lessee;
- b) The conversion settlement is to be paid in full;
- c) Council authorise the General Manager to execute the required document.

This is page 17 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

Option 2

Council disregards the recently-adopted *Coleambally Lease Conversion* Policy, does not authorise the General Manager to negotiate the conversion of this lease, and continues to receive lease income from the property.

Option 3

Any other resolution as determined by Council.

ATTACHMENTS

NIL

ITEM NO. 6 - STRONGER COMMUNITIES FUND – SEPTEMBER 2023

Council Meeting:	24 October 2023
Report Date:	13 October 2023
Author:	Finance Manager
File #:	SC137
Approval:	General Manager

EXECUTIVE SUMMARY

Council's priority projects for the Stronger Communities Fund (SCF), rounds 1 and 2, have previously been set.

Under the terms of the funding deed, Council provided for grants in the amount of \$1,368,284 to local community organisations.

Council has also determined a further \$13,919,172 for the major projects component of the Stronger Communities Fund.

Interest on the unexpended component of the grant is to be included for Stronger Community Fund expenditure.

RECOMMENDATION

That the contents of the report be noted and additional funding be voted for the Coleambally Sports Precinct upgrades in the amount of \$126,821.07, Jerilderie Early Learning Centre Project in the amount of \$3,155.84 and funds in the amount of \$527.05 from the Waddi Educational Centre Project be returned to the fund.

BACKGROUND

As at 30 September 2023, the 55 community grants projects provided for have been recognised as completed.

Of the further 36 major projects determined, 28 projects have been completed, with additional funds being expended for 2 of these projects. This includes the Coleambally sporting precinct which indicates some \$126,821.07 over expended from the original allocation, together with the Jerilderie Long Day Care Centre, which incurred a further \$3,155.84 in expenditure related to the original project.

The funding from additional sources anticipated to be received for the Coleambally sporting precinct works is unlikely to be forthcoming.

An amount of \$527.05 under expended for the Waddi Education Centre can now be returned to the fund for alternative projects.

This is page 19 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

OFFICER COMMENT

The attachment indicates the current position of all SCF funded programs as at 30 September 2023.

The projects as listed for the town water supplies for Coleambally, Jerilderie and Darlington Point are still awaiting the completion of the Integrated Water Cycle Management Plans before works can be commenced.

SUSTAINABILITY

NIL

STATUTORY COMPLIANCE/POLICY

Quarterly updates are required to be provided to Council, with 6 monthly reports to the Office of Local Government.

FINANCIAL

Council has reinvested an amount of \$1,051,870.00 in interest on the unexpended grant funds into the funding pool.

Net adjustments to the budget vote as per the recommendation would bring the total funding of announced projects to \$15,416,906.23.

INTEGRATED PLANS

The operational plan will need to be amended to correctly include budgets for current incomplete programs within the Quarterly Budget Review for the September quarter.

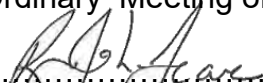
CONSULTATION / ENGAGEMENT

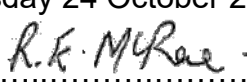
- Management Group
- Councillors
- Community

ATTACHMENTS

Attachment # 8: Stronger Communities Fund Grant Information at 30 September 2023.

This is page 20 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 7 - MODIFICATION TO DEVELOPMENT CONSENT NO. 6-2015/16

Council Meeting:	24 October 2023
Report Date:	12 October 2023
Author:	Senior Town Planner
File #:	DA 6-2015/16
Approval:	General Manager

EXECUTIVE SUMMARY

This report is presented to Council to consider a modification to Development Consent No. 6-2015/16 for a solar farm on Lots 2 & 5 DP 858670, South Coree Road, Jerilderie.

The matter is being reported to Council for determination on the basis that objections to the proposed development have been received and that the subject site is land owned by Murrumbidgee Council.

The development has been assessed regarding the matters for consideration set out in sections 4.55(2) and 4.15 of the Environmental Planning & Assessment Act, 1979. The evaluation of the development is set out in Attachment # 9, and it concludes that the proposed development has merit.

RECOMMENDATION

That:

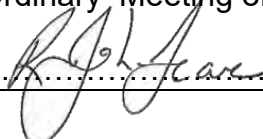
1. **Murrumbidgee Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to modify Development Application No: DA 6-2015/16 for an electricity generating works on Lots 2 and 5, DP 858670, South Coree Road, Jerilderie subject to the conditions as set out in Attachment # 10;**
2. **The modification application be delegated to the Director Planning, Community & Development for issue of the notice of determination;**
3. **Murrumbidgee Council undertake a division and record the votes.**

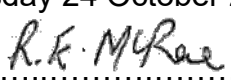
BACKGROUND

Council resolved in October 2013 that approval be given in principle for the lease of Lot 2, DP 858670, South Coree Road to Soleir, subject to a development approval being issued. The development approval was issued in December 2016.

An application to modify development consent DA 6-2015/16 was received from Sunmania Pty Ltd (Attachment # 11) The application lodged pursuant to section 4.55(2) seeks to modify the original consent in the following way:

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.....General Manager

.....Mayor

- a. Increasing the capacity of the solar farm from 1.5Mw (2850 solar panels) to 4.95Mw (12,264 panels);
- b. Replace the 1.5Mw transformer with one (1) medium voltage power station, one (1) high voltage switchboard and four (4) BESS containers.
- c. Connection to the 22kV transmission line on Watsons Lane instead of the transmission line on South Coree Road.
- d. Replace access to South Coree Road, with access to Watsons Lane.

The footprint of the solar arrays has also increased from 3.8ha to 13ha, and now includes Lot 5 DP 858670, as well as Lot 2 in the same deposited plan.

Figure A: Locality Plan¹



¹ Statement of Environmental Effects prepared by Chris Smith & Associates, p3

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[Signature] General Manager

[Signature] Mayor

OFFICER COMMENT

The development application was placed on public exhibition in accordance with Council's Community Participation Plan, and three (3) submissions, including one from the National Parks and Wildlife Service (as managers of the Jerilderie Nature Reserve), were received raising concerns with the development. The submissions are set out in Attachment # 12.

The applicant has responded to the submission made by NPWS and this is set out in Attachment # 13.

STATUTORY COMPLIANCE/POLICY

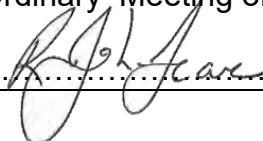
Environmental Planning and Assessment Act, 1979

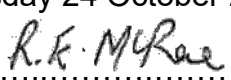
The development application has been evaluated in accordance with the provisions of sections 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act, 1979*. The full evaluation is provided in Attachment # 9 and can be summarised as follows:

- a) The application satisfies the provisions of s4.55(2)(a) in that the proposed modification meets the threshold test for substantially the same development.
- b) That the modification application was notified in accordance with the legislative requirements and statutory referrals, thereby satisfying the provisions of s4.55(2)(b) and (c).
- c) That submissions received have been considered in accordance with the requirements of s4.55(d).
- d) The relevant local environmental plan applying to the site is the *Jerilderie Local Environmental Plan 2012* (JLEP). The proposed modification does not result in any inconsistency with the JLEP 2012.
- e) Part 2.33, Division 4 Clause 2.36 (1)(b) of the *State Environmental Planning Policy (Transport and Infrastructure)* enables development for the purpose of an electricity generating works to be carried out with development consent in a prescribed rural zone. Accordingly, the proposed solar farm (which is a photovoltaic electricity generating system) is permissible with development approval.
- f) The proposed development is unlikely to have any unreasonable impact on the environment and, where an adverse impact has been identified, appropriate conditions have been imposed to mitigate the effects.
- g) The subject site is suitable for the proposed development.
- h) The proposed development does not raise any matter contrary to the public interest.

The assessment of the application indicates that the proposed development has merit and warrants approval.

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.....General Manager

.....Mayor

FINANCIAL

The current project has no immediate financial implications for Council.

INTEGRATED PLANS

Local Strategic Planning Statement

The following themes of the Murrumbidgee Council *Local Strategic Planning Statement* are applicable in this instance:

Economic Growth

- EG13 Renewable energy projects

To support projects for renewable energy, and in particular solar farms.

Community Strategic Plan

The following themes of the Murrumbidgee Council *Community Strategic Plan 2022-2032* apply in this instance:

Environment

The following strategy is contained under the theme of 'Environment' and is considered relevant to the proposed development.

- Maintaining a balance between growth, development and environmental protection

The proposed development is considered to be a sustainable land use, and one that would not have a detrimental impact on the environment, subject to proper ongoing management of the facility.

RISK MANAGEMENT

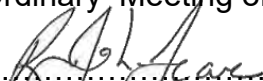
The matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 ensure that all foreseeable risks are reviewed as part of the assessment process for any application. In this instance there are no foreseeable risks.

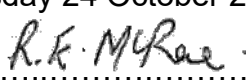
The applicant, if dissatisfied with the determination of Council, may lodge an appeal with the NSW Land and Environment Court.

CONSULTATION / ENGAGEMENT

The provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, and Community

This is page 24 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

Participation Plan (CPP) set down consultation, concurrence, and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

The modification application was advertised for 28 days under the Community Participation Plan as the development is on land owned by Murrumbidgee Council.

One (1) submission was received in support of the development, with a further three (3) submissions, including one from NPWS raising concerns with the proposed development, none of which can be considered objections to the proposal. These matters are address in the tables below:

Table 1 – Issues raised in submissions

Issues	Response/Comment
<p>Mitigation of risk from bushfire</p> <ul style="list-style-type: none"> ▪ A second access point needs to be provided to address complexities that may arise during a bushfire (eg change of wind direction). ▪ A sprinkler system, with a water tank should be provided. ▪ An asset protection zone of 10m should also be provided, and this be used as an internal ring road for fire protection purposes, constructed of all-weather gravel. 	<p>The subject site is not mapped as being bushfire prone land, however that is not to say the site would not be subject to the effects of a grassfire. In this regard the provisions set down in the Planning for Bushfire Protection could be applied as a condition of consent.</p> <p>Whilst multiple access/egress points and sprinkler systems are not required under the NSW Planning for Bushfire Protection guidelines for solar farms, Asset Protection Zones are and it could be a condition of consent to require that it have an all -weather gravel surface. Further it could also be a condition of consent that the developer provide a further access gateway in the fence on the northern boundary of the site to provide access to the site across the road reserve adjacent to South Coree Road.</p>

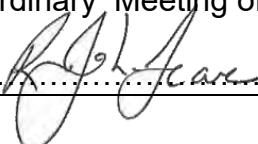
The submission from NPWS goes beyond a response as an adjoining neighbour, and seeks revisions to the submitted documents that they could rightfully request if their concurrence as a statutory body was being called upon. As such their submission (Attachment # 12) is very detailed and makes demands that are considered reasonable. That being said, the applicant has diligently responded to each of the concerns (Attachment # 13), and amended their statement of environmental effects to address the requirements of NPWS (Attachment #11).

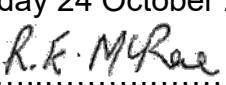
Council is satisfied with the applicant’s response to the concerns raise by NPWS, and only considers the following matters as requiring a direct response.

Table 2 – Issues Raised by NPWS

Issues	Response/Comment
Whether the proposed development satisfies the threshold tests for s4.55(2) of the Environmental Planning and Assessment Act, 1979.	The applicant in their SEE outlines the statutory framework to which the application relates. Council is satisfied that the proposed development satisfies the threshold tests set in section 4.55(2) of the Act.
The SEE does not properly address the provisions of section 4.15 of the EP&A Act, 1979.	The applicant has stated that the SEE adequately addresses legislative requirements. Council concurs with the applicant in that their SEE adequately addresses the legislative requirements set down in the Act, Environmental Planning & Assessment Regulation 2021 and the various SEPPS.
Provisions of the DPE Large-Scale Solar Energy Guideline (2022).	The proposed modified development does not fall within the definition of a large-scale energy development.
Compliance with the original development application.	It is not required to demonstrate compliance with the original development application in order to justify the proposed modification.
Identify how the two lots are to be amalgamated	This can be achieved by way of condition if deemed necessary by Council.
Consideration must be given to the Jerilderie Nature Reserve as being a sensitive receiver.	The applicant has amended their assessment and considered the provisions of <i>“Developments adjacent to National Parks & Wildlife Lands”</i> Council is satisfied that the proposed development, if carried out in accordance with the measures proposed by the applicant, are unlikely to impact on the Jerilderie Nature Reserve.
Watsons Lane	Watsons Lane is a local access road and provides access to five properties. It is constructed to an all-weather gravel standard

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.....General Manager

.....Mayor

Biodiversity Assessment

which is considered appropriate for both construction and future vehicle traffic generated by the development.

Mindful that the traffic associated with the construction of the solar farm has the potential to degrade the current road pavement, a condition of consent would be imposed on the applicant to repair any damage.

The Ecological Assessment submitted included the likely impacts on threatened species. Leneco Environmental Managements indicates that the proposed development is unlikely to have any significant impact on threatened ecological communities. The applicant has indicated that they will undertake a review of the ecological assessment once survey restrictions are lifted.

Operational Management Plans and Construction Environmental Management Plans

These matters were not considered in great detail with the original development application. The applicant has indicated they would, as a condition of consent added to the notice of determination, to provide both a CEMP and an OMP.

The OMP can include such matters pertaining to the maintenance of internal roads (APZ and bushfire controls), landscaping and weed control.

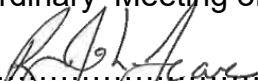
OPTIONS

Option 1 (recommendation)

That:

1. Murrumbidgee Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to modify Development Application No: DA 6-2015/16 for an electricity generating works on Lots 2 and 5, DP 858670, South Coree Road, Jerilderie subject to the conditions as set out in Attachment # 10;
2. The modification application be delegated to the Director Planning, Community & Development for issue of the notice of determination.
3. Murrumbidgee Council undertake a division and record the votes.

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.....General Manager

.....Mayor

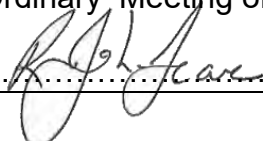
Option 2

Any other resolution of Council.

ATTACHMENTS

- Attachment # 9: Section 4.15 Assessment Report
- Attachment # 10: Recommended conditions of consent
- Attachment # 11: Statement of Environmental Effects and application details
- Attachment # 12: Submission from NPWS
- Attachment # 13: Response to submissions

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.....General Manager

.....Mayor

ITEM NO. 8 – VOLUNTARY PLANNING AGREEMENT – MICRO-SOLAR FARM PROJECTS

Council Meeting:	24 October 2023
Report Date:	11 October 2023
Author:	Senior Planner
File #:	212-002; DA2023/21; DA2023/22
Approval:	Director Planning, Community & Development

EXECUTIVE SUMMARY

The purpose of this report is seek a resolution from Council that would inform the Western Regional Planning Panel (WRPP) as to whether Council would be prepared to accept voluntary planning agreements (VPA) for two micro-solar farm projects currently under assessment.

RECOMMENDATION

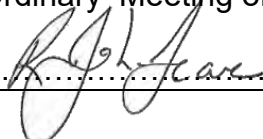
That:

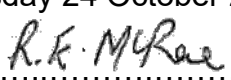
- 1. Council not enter into a voluntary planning agreement with the applicants for DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally for the following reason:**
 - a. Due to uncertainty with future development activities and the rate development that will occur in the Local Government area, ad hoc approach to voluntary planning agreements reduces Council’s ability to provide community facilities in accordance with its Section 7.12 Contribution Plan.**
- 2. Council advise the proponents of DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally that it will seek Section 7.12 developer contributions in accordance with Section 1.12 of the Murrumbidgee Council Section 7.12 Development Contributions Plan for these developments.**
- 3. Council officers, at the determination hearing for the above applications, to inform the Western Regional Planning Panel of its resolution.**

BACKGROUND

Council officers are currently undertaking the assessment of a number of development applications for micro solar farms in the Local Government area. Two of these matters, DA 21/2023 (PPSWES-190, 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189, 5037 Kidman Way, Coleambally) were presented to the WRPP as part of a briefing information hearing.

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.....General Manager

.....Mayor

At that meeting it was explained to the Planning Panel that the applicant was prepared to enter into a VPA with Council effectively seeking a reduction to the 1% contribution rate prescribed in Council's Section 7.12 Contribution Plan.

The Planning Panel was advised that Council would not be prepared to enter into a VPA with the proponents of these two developments and, as a result, the Panel has required Council to submit, prior to the matter being determined, reasons as to why Council would not support a VPA in this instance.

OFFICER COMMENT

The chair of the WRPP informed Council staff in attendance at the briefing meeting on 19 September 2023 that clause 11.10 of the Operational Procedures for Planning Panels enables them to impose additional or different contributions than those set out in a Contribution Plan.

Section 7.12 Contribution Levies

Section 7.12 of the EP&A Act allows a consent authority to impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a Contributions Plan, of the proposed cost of carrying out the development. Council has a Contribution Plan, which has been in force since 2017.

In terms of recent renewable energy projects, the full 1% levy was charged on the solar farm and battery energy storage system approved on Kerarbury Station by the WRPP. It should be noted that no formal request to enter into a VPA was made as part of that application.

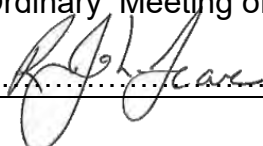
In terms of larger scale projects, Council has shown willingness to enter into a VPA for amounts less than 1%. In these instances, due to the high capital cost of these developments, the agreed contributions under the VPA will result in childcare facilities in Darlington Point and Coleambally, along with a medical centre in Jerilderie, to proceed.

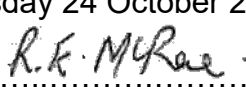
Voluntary Planning Agreements

Section 7.4 of the Environmental Planning & Assessment Act, 1979 allows a Council to enter into a VPA with an applicant in addition to, or instead of, the payment of section 7.12 levies.

The applicants for both DA 21/2023 & 22/2023 have, in their Statement of Environmental Effects, proposed that imposing the full 1% (\$88,797.50 and \$56,985.00) is not warranted in the circumstances and have offered amounts of \$40,000 (0.45%) and \$25,000 (0.43%) respectively. These amounts would be paid prior to the issue of a Construction Certificate. Their justification can be summarised as follows:

This is page 30 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

1. The EP&A Regulation requires a nexus for s7.12 contributions. In considering the unmanned nature of the land use, solar farms do not generate demand for infrastructure. Rather, they directly underpin the integrity of it.
2. The NSW Productivity Commission recommends that wind and solar developments be exempted from development contributions.
3. The proposal is infrastructure that provides community benefit to the LGA.

Council, in preparing its s7.12 Contribution Plan, and its subsequent amendments followed the Ministerial directions for local infrastructure contributions (February 2021) noting the following:

- s7.12 development contributions should be used in rural and regional areas, where there are slow rates of residential development or development is sporadic.
- Where, for commercial or industrial development, the direct demand for public infrastructure is difficult to establish for individual development.
- A nexus between the impact of the development and the contributions imposed is not a criteria under a Section 7.12 Plan.

When making a Contributions Plan a Council must specify the type of development to be funded by the plan. Council has listed a range of community infrastructure that it intends to fund, and includes a medical centre and preschool centres, as well as other appropriate public facilities that Council believes are required to maintain and enhance amenity and service delivery within the Murrumbidgee Local Government area, for which the levies are required to fund.

The applicant cites the NSW Productivity Commission's *"Review of Infrastructure Contributions in New South Wales"* which states that wind and solar developments be exempted from development contributions.

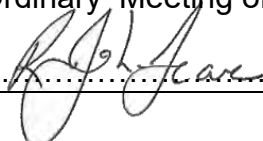
However an alternative submission on *"Renewable Energy and Agriculture in NSW"* by Local Government NSW recommends that levies for renewable energy projects are scaled appropriately and not capped, so that communities receive the financial contribution that is proportionate to the size and impacts of the development.

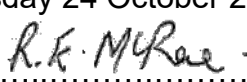
Both the above documents are informative only, and they have no statutory weight when it comes to the assessment of any development application.

The third argument presented by the applicant is that the proposed solar farm and BESS would produce and store electricity for peak time usage within the area and provides critical infrastructure that benefits the local community.

Council is not disputing that these developments would have some benefit, however Council's community initiatives set down in Schedule 1 of its Contributions Plan for childcare facilities, a medical centre and critical worker accommodation

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.....General Manager

.....Mayor

are only likely to be achieved through the levies collected through the plan. A reduced amount would delay Council from achieving these targets.

STATUTORY COMPLIANCE/POLICY

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

FINANCIAL

Section 7.12 Environmental Planning & Assessment Act, 1979 provides a mechanism for Council to 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.

By entering into a VPA with the applicants for DA 21/2023 (PPSWES-190) 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189) 5037 Kidman Way, Coleambally, Council may not be able to provide the community facilities identified in Schedule 1 of the Contributions Plan in a timely manner that would benefit the communities of Darlington Point, Coleambally and Jerilderie.

CONSULTATION / ENGAGEMENT

Director Planning, Community & Development
Executive Team

OPTIONS

Option 1 (recommendation)

That:

1. Council not enter into a voluntary planning agreement with the applicants for DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally for the following reason:
 - a. Due to uncertainty with future development activities and the rate development that will occur in the Local Government area, ad hoc approach to voluntary planning agreements reduces Council's ability to provide community facilities in accordance with its Section 7.12 Contribution Plan.
2. Council advise the proponents of DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally that it will seek Section 7.12 developer contributions in accordance with Section 1.12 of the Murrumbidgee Council Section 7.12 Development Contributions Plan for these developments.
3. Council officers, at the determination hearing for the above applications, to inform the Western Regional Planning Panel of its resolution.

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.....Mayor

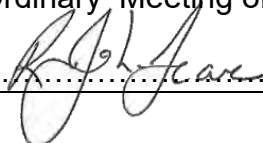
Option 2


Another resolution of Council

ATTACHMENTS

NIL

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ITEM NO. 9 – REINSTATEMENT OF ALCOHOL FREE ZONES

Council Meeting:	24 October 2023
Report Date:	13 October 2023
Author:	Director Planning, Community & Development
File #:	SC100
Approval:	General Manager

EXECUTIVE SUMMARY

This report requests Council adopt the reinstatement of the current alcohol free zones in the townships of Jerilderie and Darlington Point.

RECOMMENDATION

That the following alcohol free zones be reinstated for a period of 4 years from 12 November 2023 until 11 November 2027:

- 1. Darlington Point - CWA Park, Shire Hall and Basketball Court, Carrington Street;**
- 2. Jerilderie - 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;**

BACKGROUND

The alcohol free zones in both Jerilderie and Darlington Point are due to expire on 12 November 2023. The current zones can be seen in Figure 1 and 2.



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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[Signature] General Manager

R.E. McRae Mayor

OFFICER COMMENT

The proposal to reinstate the alcohol free zones was reported to Council in August 2023, and it was resolved to carry out the consultation process. As part of this process Council also invited the public and relevant agencies to submit proposals for any additional locations they feel may be required.

The consultation period was held from 30 August 2023 with submissions accepted until 6 October 2023. During the submission period, no submissions or additional proposals were received.

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.

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

- Proposal exhibited from 30 August 2023 until 6 October 2023
- Local Police
- Licenced premises within the alcohol free zone
- Local Aboriginal Land Council

OPTIONS

Option 1 (recommendation)

That the alcohol free zones be reinstated for a period of 4 years from 12 November 2023 until 11 November 2027 at the following locations:

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.....General Manager

.....Mayor

1. Darlington Point: CWA Park, Shire Hall and Basketball Court, Carrington Street;
2. Jerilderie: 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;

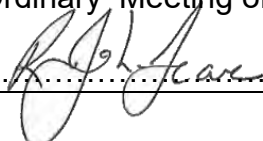
Option 2

Any other resolution of Council.

ATTACHMENTS

NIL

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.....General Manager

.....Mayor

ITEM NO. 10 – THE PIG DAY OUT EVENT, DARLINGTON POINT

Council Meeting:	24 October 2023
Report Date:	9 October 2023
Author:	Tourism & Events Officer
File #:	SC26
Approval:	Director Planning, Community & Development

EXECUTIVE SUMMARY

The Riverina Car Rally plan to host their annual event 'The Pig Day Out' at the Punt Hotel in Darlington Point on 11 November 2023. The event will require a Traffic Management Plan to close Stock Street.

RECOMMENDATION

Council endorse the Riverina Car Rally Pig Day Out on Saturday 11 November 2023.

BACKGROUND

The Riverina Car Rally is a not-for-profit group raising funds to support Country Hope. The Committee held their inaugural Pig Day Out event in 2022, with the support of grant funding through the Reconnecting Regional NSW Community Events Program. The inaugural event attracted a crowd of approximately 1200 people sporadically over the duration of the day.

The 2023 community event includes a community bbq, pig racing, live entertainment, classic car display and children's entertainment, with an anticipated crowd of approximately 1500 people.

The Pig Day Out is identified by Council's Events Policy (V1) as a high-risk event adjacent to the Kidman Way, involving a Traffic Control Plan (TCP) and Traffic Management Plan (TMP), and therefore requires Council endorsement.

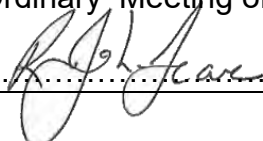
The event is to be presented to the next Traffic Committee meeting to confirm if there is any objection to the proposed road closures and detours as detailed in the Traffic Control Plan, Transport Management Plan, Risk Assessment Plan and Notice of Intention to Hold a Public Assembly.

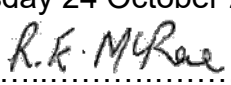
The Riverina Car Rally hold public liability insurance up to a total of \$20 million to cover the requirements of the TMP.

OFFICER COMMENT

NIL

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.....General Manager

.....Mayor

SUSTAINABILITY

N/A

STATUTORY COMPLIANCE/POLICY

- Local Government Act 1993
- Road Act 1993
- State Environmental Planning Policy Exempt and Complying Development Codes 2008
- Work Health and Safety Act 2011
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy Act 1988 (Commonwealth)

FINANCIAL

Nil cost to Council.

The estimated cost to the Riverina Car Rally for the TCP and TMP is \$1,474.

INTEGRATED PLANS

Murrumbidgee Council 2022-2026 Delivery Program

Our Economy: Creating our own opportunities.

Action 4.2.1 Develop and promote our area as an attractive visitor destination

Action 4.2.2 Support and encourage events and activities for locals and visitors

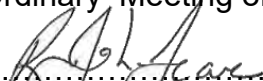
RISK MANAGEMENT


Should Council and/or Murrumbidgee Traffic Committee object to the event location, proposed road closures and detours, a different location will need to be chosen or the event has the risk of not proceeding.

CONSULTATION / ENGAGEMENT

- Executive Team
- Infrastructure Department
- Riverina Car Rally Committee
- Murrumbidgee Traffic Committee

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.....General Manager

.....Mayor

OPTIONS

Option 1 (recommendation)

Council endorse the Riverina Car Rally Pig Day Out on Saturday 11 November 2023.

Option 2

That Council determine the location is too great a risk to the public and Council not endorse the event.

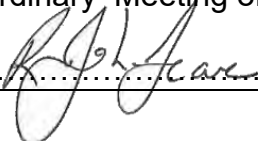
Option 3

Another recommendation of Council

ATTACHMENTS

NIL

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.....General Manager

.....Mayor

ITEM NO. 11 - DRAFT MURRUMBIDGEE LOCAL ENVIRONMENTAL PLAN

Council Meeting:	24 October 2023
Report Date:	12 October 2023
Author:	Senior Planner
File:	SC212-002
Approval:	General Manager

EXECUTIVE SUMMARY

Habitat Planning has prepared a planning proposal seeking to consolidate the two existing Local Environmental Plans (LEP), Jerilderie LEP 2012 (JLEP) and Murrumbidgee LEP 2013 (MLEP) and implement the Murrumbidgee Land Use Plan (LUP) which was adopted by Council in October 2022.

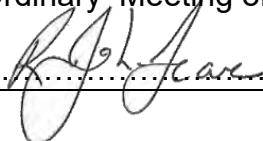
The report is seeking a resolution to endorse the planning proposal and enable it to be submitted to the Department of Planning and Environment for a Gateway Determination and that, upon receiving approval from the Department, place the draft LEP on exhibition.

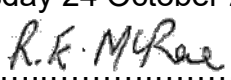
RECOMMENDATION

That Council:

- 1. Endorse the Planning Proposal and forward it to the Minister for Planning seeking to consolidate and repeal the Murrumbidgee Local Environmental Plan 2013 and Jerilderie Local Environmental Plan 2012, and request that a Gateway Determination be issued, including the delegation of Plan making powers to the General Manager, so as to enable the public exhibition of the Planning Proposal pursuant to the Environmental Planning & Assessment (EP&A) Act 1979;**
- 2. Upon receipt of a Gateway Determination under Section 3.34 of the EP&A Act 1979, place the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Schedule 1, clause 4 of the EP&A Act 1979; and**
- 3. Should no objections be received, furnish a copy of this report and other relevant information to the NSW Department of Planning, Industry and Environment and/or NSW Parliamentary Counsels Office, in accordance with the EP&A Act 1979, and request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the proposed amendment.**

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.....General Manager

.....Mayor

OFFICER COMMENT

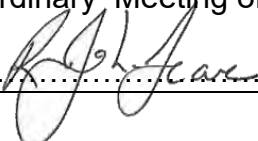
The planning proposal seeks to create a new consolidated comprehensive Local Environmental Plan for the amalgamated Murrumbidgee Council Local Government Area (LGA). Specifically, it seeks to achieve the following:

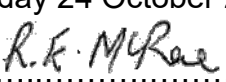
- a. Consolidate and combine the JLEP and MLEP into a new single comprehensive LEP.
- b. Implement the land use planning recommendations of the approved Murrumbidgee LUP 2022.
- c. Implement the recommendations of the Murrumbidgee Council Heritage Review Inventory Report.
- d. Correct a number of identified anomalies and errors that exist in both existing LEPs and ensure consistency between the current LEPs.
- e. To ensure that the new consolidated LEP is consistent with current day planning requirements.

Habitat Planning have also informed Council of a number of issues that may cause some contention and potentially hinder the Gateway Determination process. Due to the lengthy nature of the attached document, these matters have been tabled below, along with the suggestions presented by Habitat Planning and Council's Planning Officer's comments.

Issue	Suggestions/Comments provided by Habitat Planning	Council comments
Removal of minimum lot size requirements in urban areas	Rather than remove the minimum lot size requirements in urban areas, the new LEP, through clause 4.2E will achieve a very similar outcome, except it requires the submission of a DA for both the subdivision and houses and is similar to those used in other LEPs which have been endorsed by the Department.	Council officers are satisfied that this proposal will achieve the same objectives, and that it is more likely to be accepted by the Department
Land contamination	Habitat Planning, to date we haven't prepared any contamination reports for any of the sites that Council seeking to rezone for residential purposes. It is unlikely that the Department will accept the generic response provided in the planning proposal. It is recommended that preliminary site investigations be started prior to seeking a Gateway Determination.	It is recommended that Council engage a consultant with suitable experience in contamination, and undertake a preliminary site investigations for the following sites listed in Part 4 of the Murrumbidgee Consolidating LEP Planning Proposal (2023); Sites 3, 4, 8, 9, 11, 14, 17 & 24.

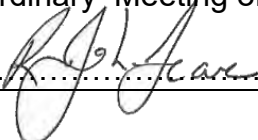
This is page 42 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

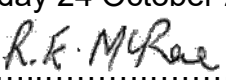
.....General Manager

.....Mayor

Supply and demand	Supply and demand will be one of the hardest items that needs to be addressed. Habitat Planning has used the previous supply and demand assessment in the Land Use Plan, however based on DPE advice to the LUP the Department is likely seek to limit the amount of land we release given historical low demand.	
	Site 1 at intersection of Kidman Way and Sturt Highway propose to rezone from RU1 Primary Production to E4 General Industrial – this site is very large (72ha). Given the large amount of potential lot yield this could create (72 lots at a very generous 1ha each), the Department may need convincing to approve this and may try to force us to stage the rezoning.	Council has concept plans supporting the development of this land and these could be included as part of the planning proposal. As an alternative to rezoning the land, site specific controls could be developed that would enable the concept development to proceed.
	Site 3 – 92-164 Britts Road Darlington Point - Proposed to rezone this site from RU1 Primary Production to R5 Large Lot residential - is recommended the release of the land is to be staged with half of the area to be released now with the second half later.	Council has not received any enquiries, even anecdotally of interest in residential housing. Housing approvals are steady, with a slight increase in the past twelve months.
	Site 4 – Part Britts Road Darlington Point - Proposed to rezone this site from RU1 Primary Production to R5 Large Lot residential - Satisfactory from a supply and demand perspective. Habitat Planning notes that the western half of the site appears to contain Plant Community Types with a Threatened Ecological Community. Given the likely offsetting requirements of developing this half of the land may mean we need to drop this section.	Noted. This site should be retained as part of the planning proposal however if inclusion of the site proves to be contentious with the Department, it then can be dropped.
	Site 5 – Boyd Street & Sturt Highway Darlington Point – proposed to rezone from RU1 primary Production to SP2 for Council Sewer Treatment Plant and Landfill respectively -	The Waste Management Facility was incorrectly referenced – the correct site is Lot 7304 DP 1146863

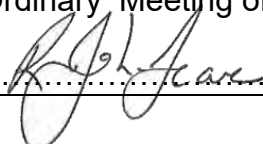
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.....General Manager

.....Mayor

	Confirmation is sought regarding the correct location of the waste management centre.	
	Site 8 – Kookaburra Avenue Coleambally – rezone from RU1 Primary Production to RU5 Village - This raises supply and demand issues as there is already the large amount of vacant zoned land to the east and may end up competing with Site 9.	
	Site 9 – Kingfisher Avenue Coleambally between the Motel and end of Bluebonnet Crescent – rezone from RU1 primary Production to RU5 Village - may struggle convincing the Department given bushfire and biodiversity. Justification is on the basis that the adjoining reserve to the east is proposed to be back-zoned/locked up.	
	Site 11 – Kyola Road Coleambally – propose to rezone from RU1 Primary Production to R5 Large Lot Residential - Given the isolation of the site from the village and proximity to the sewerage works the rezoning may not be supported. Further the 5ha minimum may also cause some problems. It is was originally recommended that the minimum lot size be 10ha, which would have given each owner one (1) additional lot.	The 5ha option be pursued on the basis of the previous resolution of Council however if this is likely to not be supported by the Department, the minimum lot size be increased to 10ha.
	Site 17 – Conargo Road Jerilderie (Wunnamurra Stage 3) – rezone from RU1 Primary Production to RU5 Village - A limited supply and demand analysis has been undertaken. Confirmation of how many, if any, lots are still to be sold in the first stages of Wunnamurra and recent dwelling approvals.	
	Site 24 – Coonong Street Jerilderie – rezone from E4 General Industrial and RU1 Primary Production to RU5 Village - The area covered by this rezoning has been reduced just to	There is always the potential for interface conflict at the edge of boundaries. In this instance limiting the area to cover the existing

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.....General Manager

.....Mayor

	the existing houses and several vacant lots. The Department could raise issues of land use conflict.	dwelling, and vacant house blocks is unlikely to result in any major land use conflicts.
	Site 25 – 145 Showgrounds Road Jerilderie – Replace existing 2ha minimum lot size to an 8ha minimum lot size - this site is significantly affected by flooding. Although we are increasing the minimum lot size, there is potential that DPE will require it to be back zoned (or at least part of it).	At present the current zoning would enable a dwelling to be erected upon the land. The “dwelling entitlement” should not be reduced as part of the planning proposal
Land Reclassification	The Planning Proposal seeks to reclassify land at Lot 513 DP 1038899 Bencubbin Road Coleambally from Community to Operational Land.	Lot 513 DP 1038899 is to be reclassified from from Community to Operational Land.

STATUTORY COMPLIANCE/POLICY

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant guidelines prepared by the NSW Department of Planning and Environment. It sets out the justification for the proposed amendment and considers the environmental, social and economic impacts of the proposal. Further the planning proposal provides an analysis of the physical and strategic planning constraints and opportunities and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

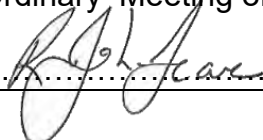
The planning proposal has strategic merit and is in the public interest for the following reasons:

- a. The proposal is consistent with the strategic planning framework including State, Regional, District and local planning strategies for the Murrumbidgee LGA.
- b. The proposal is consistent with the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
- c. The proposal is consistent with the recommendations of the Murrumbidgee LUP and Heritage Review Inventory Report including any associated sub-consultant reports.
- d. The proposal is not expected to have any negative economic, environmental or social impacts on the local area.

FINANCIAL

The preparation of the combined LEP has been included in past and current Council budgets.

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.....General Manager

.....Mayor

INTEGRATED PLANS

Community Strategic Plan

Action 2.3.2.2

Complete the introduction of a new Murrumbidgee Local Environmental Plan.

RISK MANAGEMENT

The introduction of a consolidated LEP will remove the risk of having 2 separate LEPs over two separate areas of the Murrumbidgee Council LGA.

CONCLUSION

The planning proposal that seeks to repeal and consolidate Council's environmental planning instrument has been a lengthy process, and the end result of having a single Local Environmental Plan is nearing fruition. The planning proposal has been prepared in accordance with Ministerial directions and has given due regard to Council's adopted Land Use Strategy and, upon a resolution of Council, a request may be made to the Department for a Gateway Determination, which is the pathway to gazettal of a new Local Environmental Plan.

The Department may raise issues regarding aspects of the planning proposal, particularly in respect to the rezoning of land, which have been outlined in the report.

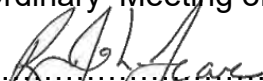
OPTIONS


Option 1 (recommendation)

That Council:

1. Endorse the Planning Proposal and forward it to the Minister for Planning seeking to consolidate and repeal the Murrumbidgee Local Environmental Plan 2013 and Jerilderie Local Environmental Plan 2012, and request that a Gateway Determination be issued, including the delegation of Plan making powers to the General Manager, so as to enable the public exhibition of the Planning Proposal pursuant to the Environmental Planning & Assessment (EP&A) Act 1979;
2. Upon receipt of a Gateway Determination under Section 3.34 of the EP&A Act 1979, place the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Schedule 1, clause 4 of the EP&A Act 1979; and

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.....General Manager

.....Mayor

3. Should no objections be received, furnish a copy of this report and other relevant information to the NSW Department of Planning, Industry and Environment and/or NSW Parliamentary Counsels Office, in accordance with the EP&A Act 1979, and request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the proposed amendment.

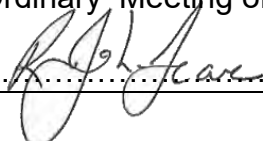
Option 2

Any other resolution of Council.

ATTACHMENTS

Attachment # 14: Murrumbidgee Consolidating LEP Planning Proposal (2023)

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.....General Manager

.....Mayor

**ITEM NO. 12 - BUILDING OVER OR ADJACENT TO COUNCIL
INFRASTRUCTURE POLICY**

Council Meeting:	24 October 2023
Report Date:	10 October 2023
Author:	Senior Planner
File #:	SC49
Approval:	Director Planning, Community & Development

EXECUTIVE SUMMARY

The purpose of this report is to seek a resolution from Council to adopt the Building Over or Adjacent to Council Infrastructure Policy.

RECOMMENDATION

Council resolve to adopt the Building Over or Adjacent to Council Infrastructure Policy.

BACKGROUND

A report was presented to Council on 22 August 2023 introducing a draft policy for dealing with building over or in the vicinity of Council's water, sewer and stormwater infrastructure.

At that meeting it was resolved to place on exhibition the draft Building Over or Adjacent to Council Infrastructure Policy.

OFFICER COMMENT

The draft policy was placed on exhibition in accordance with the regulatory provisions of the Local Government Act, 1993. This involved an exhibition period of 28 days plus a further 14 days for submissions.

At the close of the submission period on 4 October 2023, no submissions were received.

The policy presented to Council for adoption has not been amended.

STATUTORY COMPLIANCE/POLICY

Local Government Act, 1993
Local Government Regulations (General), 2021
Conflict of Interest Regulation, 2022

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.....General Manager

.....Mayor

FINANCIAL

Not applicable.

INTEGRATED PLANS

3.1.1 Efficiently manage, maintain and enhance Council's assets

3.4.1 Manage Council's utility assets in line with best practice standards and priorities

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 Planning, Community & Development
- Executive Team
- Councillor Workshop

OPTIONS

Option 1 (recommendation)

That Council resolve to adopt the Building Over or Adjacent to Council Infrastructure Policy

Option 2

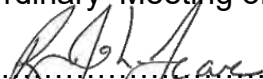
Any other resolution of the Council

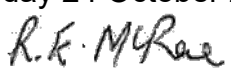
ATTACHMENTS

Attachment # 15: Building Over or Adjacent to Council Infrastructure Policy

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This is page 49 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 13 – DRAFT USE OF COUNCIL’S FOOTPATH POLICY

Council Meeting:	24 October 2023
Report Date:	25 September 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 Use of Council’s Footpath Policy.

RECOMMENDATION

Council endorse the draft Use of Council’s Footpath Policy to enable it to proceed to public exhibition.

OFFICER COMMENT

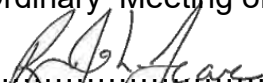
This policy has been prepared with the following aims:

- a. to enable local food and drink premises including hotels, refreshment rooms, cafes, restaurants in the commercial areas of each village with the opportunity to establish safe outdoor eating areas on the public footpath;
- b. to provide opportunities for not-for-profit organisations, charities and commercial operators to set up food vending carts and barbeques to operate from appropriate locations on Council’s footpath;
- c. to provide local business the opportunity to display merchandise in appropriate locations on Council’s footpath;
- d. to enable local business the opportunity to display temporary advertising structures in appropriate locations on Council’s footpath; and
- e. to allow buskers to perform on land owned by or in the control of Council.
- f. to enable local charity groups and sporting organisations to set up stalls and sell raffle tickets.

The policy sets down guidelines to facilitate the above, and set down application requirements for persons wishing to undertake those activities.

Council is required to place the draft policy 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 October 2023 to 21 November 2023, with submissions being received up until 5 December 2023.

This is page 50 of 83 of the General Manager’s Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

Following the close of submissions the matter would be reported back to Council for adoption.

STATUTORY COMPLIANCE/POLICY

- Local Government Act, 1993
- Local Government (General) Regulation, 2021

FINANCIAL

The current project has no immediate financial implications for Council.

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 Planning, Community & Development
- Councillor Workshop

OPTIONS

Option 1 (recommendation)

That Murrumbidgee Council endorse the draft Use of Council's Footpath Policy to enable it to proceed to public exhibition.

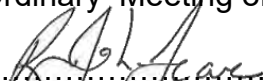
Option 2


Any other resolution of Council.

ATTACHMENTS

Attachment # 16: Draft Use of Council's Footpath Policy

This is page 51 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

**ITEM NO. 14 - DRAFT CROWN LAND PLAN OF MANAGEMENT-
BALMERINGA**

Council Meeting:	24 October 2023
Report Date:	10 October 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 Balmeringa

RECOMMENDATION

That Council adopt the draft Plan of Management for Balmeringa.

OFFICER COMMENT

A report was presented to Council on 22 August 2023 introducing the draft Plan of Management for Balmeringa. At that meeting it was resolved to place the draft plan on public exhibition.

The draft plan was on exhibition from 25 August 2023 to 22 September 2023, with the close of submissions being 6 October 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.

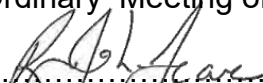
STATUTORY COMPLIANCE/POLICY

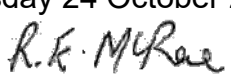
Murrumbidgee Council's role, as a Crown Land Manager under the provisions of the Crown Land Management (CLM) Act, is to ensure that land resources are to be shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment,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

FINANCIAL

The current project has no immediate financial implications for Council.

This is page 52 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

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(s) of Management are 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 LG Act and associated regulations are followed, there are no foreseeable risks.

CONSULTATION / ENGAGEMENT

Councillors
Community

OPTIONS

Option 1 (recommendation)

That Council adopt the draft Plan of Management for Balmeringa.

Option 2

Any other resolution of Council.

ATTACHMENTS

Attachment # 17: Draft Plan of Management for Balmeringa

This is page 53 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 15 - AMENDMENT TO DEVELOPMENT CONTRIBUTIONS PLAN

Council Meeting:	24 October 2023
Report Date:	10 October 2023
Author:	Senior Planner
File #:	SC98; SC49
Approval:	Director Planning, Community & Development

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the amendments to its Development Contributions Plan, seeking a resolution from Council to adopt the Plan.

RECOMMENDATION

Council adopt the amendments to its Development Contributions Plan (Section 7.12 Environmental Planning & Assessment Act, 1979).

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, and establishes Council's right to seek a monetary contribution from developers to fund community facilities.

As reported to Council in August 2022, a number of amendments were made, updating the capital works programme.

OFFICER COMMENT

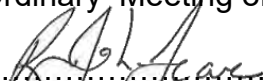
Council placed the draft s7.12 Plan on exhibition on 25 August 2023 under the provisions of the Act (Schedule 1, Part 1, Item 16), to provide notice that it was Council's intention to modify the Section 7.12 Plan by adding Critical Worker Accommodation to the community facilities to be funded by the Plan.

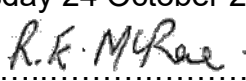
Submissions closed on 6 October 2023, and during this period no submissions were received.

STATUTORY COMPLIANCE/POLICY

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

This is page 54 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

INTEGRATED PLANS

N/A

RISK MANAGEMENT

N/A

CONSULTATION / ENGAGEMENT

Director Planning, Community & Development
Executive Team

OPTIONS

Option 1 (recommendation)

Council resolve to adopt the amendments to its Development Contributions Plan
(Section 7.12 Environmental Planning & Assessment Act, 1979)

Option 2

Any other resolution of the Council

ATTACHMENTS

Attachment # 18: Draft Development Contributions Plan (Amendment No. 2)
October 2023

ITEM NO. 16 - DRAFT DATA BREACH POLICY

Council Meeting:	24 October 2023
Report Date:	13 October 2023
Author:	Manager Corporate & Community Services
File #:	SC49
Approval:	General Manager

EXECUTIVE SUMMARY

This report introduces to Council, for consideration, a draft Data Breach Policy. Amendments to the *Privacy and Personal Information Protection Act 1998* (PIIP Act) will come into effect on 28 November 2023. The amendments impact the responsibilities of agencies under the PIIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by a NSW public sector agency or state-owned corporation subject to the PIIP Act. Agencies are required to prepare and publish a data breach policy in compliance with section 59ZD.

RECOMMENDATION

That:

1. **The draft Data Breach Policy be endorsed by Council, and placed on public exhibition for a period of 28 days, seeking public comment.**
2. **At the completion of the exhibition period, the draft Data Breach Policy be presented for adoption.**

BACKGROUND

The changes to the PIIP Act include:

- creating a Mandatory Notification of Data Breach (MNDB) Scheme which will require public sector agencies bound by the PIIP Act to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm;
- applying the PIIP Act to all NSW state-owned corporations that are not regulated by the Commonwealth *Privacy Act 1988*;
- repealing s117C of the *Fines Act 1996* to ensure that all NSW public sector agencies are regulated by the same mandatory notification scheme.

The MNDB Scheme will require agencies to satisfy other data management requirements, including to maintain an internal data breach incident register, and have a publicly accessible data breach policy.

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.....General Manager

.....Mayor

The Data Breach Policy should set out how the agency will respond to a data breach. It should establish the roles and responsibilities of agency staff in relation to managing a breach, and the steps the agency will follow if a breach occurs.

SUSTAINABILITY

N/A

STATUTORY COMPLIANCE/POLICY

The draft policy will comply with the provisions of Section 59ZD of the *Privacy and Personal Information Protection Act 1998* (PIIP Act).

FINANCIAL

N/A

INTEGRATED PLANS

Murrumbidgee Council Community Strategic Plan

Leading by Example:

We have strong partnerships with our community, Government and other stakeholders, and are seen as a trusted and reliable organisation.

RISK MANAGEMENT

N/A

CONSULTATION/ENGAGEMENT

Councillor Workshop

OPTIONS

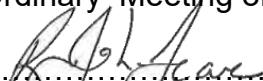
Option 1 (recommendation)

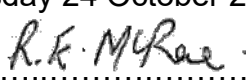
1. The draft Data Breach Policy be endorsed by Council, and placed on public exhibition for a period of 28 days, seeking public comment.
2. At the completion of the exhibition period, the draft Data Breach Policy be presented for adoption.

ATTACHMENT

Attachment # 19: Draft Data Breach Policy

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.....General Manager

.....Mayor

REPORTS/MINUTES OF COUNCIL COMMITTEES

ITEM NO. 17 - JERILDERIE TIDY TOWNS COMMITTEE MEETING MINUTES

Council Meeting:	24 October 2023
Report Date:	7 September 2023
Author:	Jerilderie Tidy Towns Committee Secretary
File #:	SC21
Approval:	Section 355 Committee of Council

Meeting Opened at 5.10pm

Present: Faith Bryce (chair), Sadie Herrick, Richard Wright, Ann Wright, Joan Ferris, Judy Knight, Garry Borger, Pat Godfrey, Isabell Milne.

Apologies: Ruth McRae, Margaret Borger, Pat Read, Chris Girdwood, Polly Fisher, Loretta Marriott.

Moved: Isabell Seconded: Pat G that the apologies be accepted.
Carried.

The Minutes of the last meeting were accepted as read on the motion of: Ann
Seconded: Joan
Carried.

Business arising from the Minutes:

- Rose Garden at cemetery looks fantastic. Chair mentioned that she noticed that some TT Members had gone back and done more. Thank you.
- Discussion on the success of the Apex B&S Ball. Very well organised.

Treasurers report as tabled:

Business arising from the Treasurers Report:

- \$1200.00 donation from Apex for TT clean up.

Moved: Richard Wright Seconded: Garry that the Treasurers Report as tabled
be accepted and accounts be passed for payment.
Carried.

Correspondence:

Inwards:

- Apex Club - requesting TT do Clean Up after B&S Ball.
- Jerilderie Portsea Camp C/tee – 15/8/23 re Donation request.

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.....General Manager

.....Mayor

Outwards:

- NIL

Business Arising out of Correspondence:

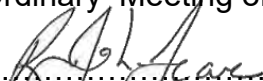
- Moved Faith 2nd Judy that Jerilderie Tidy Towns C/tee make a donation of \$300.00 towards sponsorship Jerilderie Portsea Camp C/tee.

Moved: Sadie Seconded: Judy that correspondence be accepted.
Carried.

General Business:

- Working Bee to be held at Luke Park on Monday September 11, 2023. If there is any spare time we could do some weeding at Skate Park.
- Discussion on the old ride on mower in our shed. It is not needed or used anymore so Faith will follow up with giving it back to Council.
- Thanks was expressed to John Bryce for doing The Willows mowing while Ian G is away.
- Chair informed meeting that a quote was sought for a watering system for The Willows. Tank, pump and equipment approx. \$16000.00. Wait for Heritage funding.
- Flower Show to be held Friday October 27, 2023. TT have been asked to have the Garden Judging again this year. Members have also asked to present the awards at Flower Show if possible.
- Sadie to send emails to Members regarding doing the judging on weekend of October 14, 15, 16.
- Categories to be: Best. Most Colourful. Best New Garden.
- Races clean up September 24, 2023 at 8.00am or whenever you can get there.
- Chair informed meeting that Council is to organise a Welcome to New Residents Day. Hopefully some members of each organisation/committee can have representatives there. Great idea. Information to come.
- AGM to be held Thursday November 2, 2023.

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.....General Manager

.....Mayor

- Sadie to put out notices for AGM. Community notice boards. Jerilderie I live there. Tidy Towns Facebook Page.

Meeting Closed: 5.45pm
 Next Meeting: November
 At: Our Office
 Time: 5.00pm

.....
 Chair 02/11/2023

Treasurer's Report

JERILDERIE TIDY TOWNS COMMITTEE

07/09/23

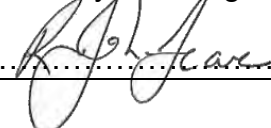
Page 1

Account QuickReport

As of September 7, 2023

Type	Date	Num	Name	Memo	Split	Amount	Balance
BENDIGO BANK A/C							
Deposit	6/2/2023			Deposit	FINES & T...	36.00	10,544.20
Deposit	8/23/2023			Deposit	Unrestricted	1,200.00	10,580.20
Total BENDIGO BANK A/C						1,236.00	11,780.20
TOTAL						1,236.00	11,780.20

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.....General Manager

.....Mayor

**ITEM NO. 18 - RIVERINA AND MURRAY JOINT ORGANISATION (RAMJO) –
DISASTER RISK REDUCTION FUND PROJECT**

Council Meeting:	24 October 2023
Report Date:	27 September 2023
Author:	Emily Sharp, RAMJO Project Manager – Disaster Risk Reduction Fund
File #:	CY1-005
Approval:	General Manager

EXECUTIVE SUMMARY

The Riverina and Murray Joint Organisation (RAMJO) is implementing the Disaster Risk Reduction Fund (DRRF) project funded by the Australian and New South Wales Governments. The project aim is to build corporate and community capacity for natural disaster risk preparedness through Needs Analyses, Community Workshops, a Transport Vulnerability Assessment and tools and workshops to embed project learnings into Council's Integrated Reporting and Planning documents.

RECOMMENDATION

The information contained in the report be noted.

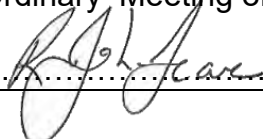
BACKGROUND

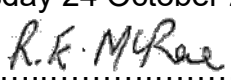
The Disaster Risk Reduction Fund (DRRF) is jointly funded by the Australian and New South Wales Governments, with the project funding being administered by the NSW Reconstruction Authority. The Riverina and Murray Joint Organisation (RAMJO), along with seven other Joint Organisations, were successful in receiving funding through the Local and Regional Risk Reduction – Pathway 2 funding stream.

The Riverina and Murray Joint Organisation have committed in-kind time of the Executive Officer to the project but have no other financial investment, and are not charging administration/project management fees.

The Disaster Risk Reduction Fund Project is 'building knowledge and improving practice in disaster risk reduction in the Riverina and Murray Joint Organisation footprint'. The project comprises four components to improve corporate and community risk preparedness, including:

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.....General Manager

.....Mayor

- 1) Council Needs Analyses (11) and a Regional Opportunities Report (1);
- 2) Community Workshops to help communities prepare for, understand and take action to reduce multi-hazard disaster risks;
- 3) A Transport Vulnerability Assessment that assesses the risks to the region's transport networks from natural disasters and develops priorities for future investment; and,
- 4) Workshops and tools to embed project learnings into Councils' Integrated Planning and Reporting documents.

The project also has a focus on Joint Organisation and State Agency collaboration. The Joint Organisations (JOs) are collaborating through several working groups within the Regional Resilience Program Advisory Committee to develop each project component scope. The working groups are also developing how the project components can support work being undertaken by Transport for NSW (TfNSW), NSW Spatial Services and other State Agencies.

The project deliverable timelines include:

- 11 LGA Needs Analyses and 1 Regional Opportunities Report – by 30 November 2023
- 11+ Community Workshops – by 31 March 2024
- A Transport Vulnerability Assessment in collaboration with Transport for NSW – by 30 April 2024
- Workshops and tools to embed project learnings into Councils' Integrated Planning & Reporting documents – by 31 March 2024

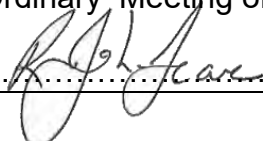
OFFICER COMMENT

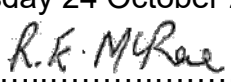
This project will provide Councils with data and proposed mitigation activities that can be incorporated into risk reduction planning and their Integrated Planning and Reporting documents. There is also the opportunity to consolidate lessons learnt from recent natural disasters to inform priorities for the region and contribute to State Agency projects focusing on disaster risk reduction.

Importantly, the Needs Analyses and Regional Opportunities Report will be useful documents to support funding applications and to communicate with state and federal bodies about Council and regional priorities for risk reduction. Councils will also shape the implementation of at least two regional opportunities identified in the Needs Analyses and Regional Opportunities Report.

Mayors and Councillors can assist in the project by liaising with community champions and other groups within their networks to raise awareness of the project. This will help ensure that community workshops have good engagement and attendance.

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.....General Manager

.....Mayor

SUSTAINABILITY

The project itself has no sustainability impact. Risk reduction activities identified through the project, once implemented, may reduce future environmental impacts by mitigating adverse effects of bushfires, storms and floods.

STATUTORY COMPLIANCE/POLICY

The project will identify and prioritise mitigation actions for Murrumbidgee Council to consider in its Integrated Planning and Reporting documents. Council may use these recommendations to review other relevant Council policies related to disaster risk reduction, such as the Asset Management Policy or Risk Management Policy and Framework.

FINANCIAL

The project has no financial impact on Council other than in-kind staff time to participate and, potentially, use of Council facilities for community workshops.

INTEGRATED PLANS

Action 1.4.3.2: Lobby to maintain timely responses to incidents and provision of emergency services

Action 1.4.3.3: Seek presence of appropriate emergency services at key public events

Action 1.4.6.1: Implement a specific community and stakeholder engagement plan for emergency situations

Action 5.3.2.2: Implement risk management and risk registers across Council

RISK MANAGEMENT

The following risks have been considered for this project. The greatest risk that will need to be managed is reputational risk related to the community workshops. Control of this risk is discussed below.

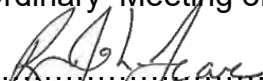
- **Governance**

The project has no governance risks.

- **Community**

The project will identify and prioritise actions for increasing community capacity to respond to and prepare for multi-hazard risks. This project will support actions to identify vulnerable communities and work with them to ensure they have appropriate emergency plans in place. This will reduce community risk to natural disasters in the future.

This is page 63 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

- **Reputational**

There is the potential for reputational risk if the community workshops are poorly planned or do not meet community expectations. The risk will be reduced by liaising closely with the RAMJO Project Manager to ensure location, timing, content and advertisement of the workshops meet the specific needs of Murrumbidgee Council.

- **Business Risk**

Building corporate capacity for disaster risk reduction is important for ensuring that Murrumbidgee Council can meet community demands when preparing for, responding to and recovering from natural disasters as these events become more frequent and severe.

- **Corporate Risk**

Identifying and prioritising mitigation activities that Murrumbidgee council can implement is a means to manage risk across the organisation. Community workshops will also provide Murrumbidgee Council with the opportunity to connect with the community, learn about their needs, and manage community expectations about the organisation's role in emergency preparedness, response and recovery.

- **Environmental Risk**

The Needs Analysis Report prepared for Murrumbidgee Council will provide a risk assessment of Council's natural and built assets which will help the organisation to better understand and mitigate risk to these assets from fires, flood, storms and extreme heat.

- **Delivery Program Risk**

The project will specifically address how to embed the identified and prioritised mitigation needs into Murrumbidgee Council's Integrated Planning and Reporting documents.

CONSULTATION / ENGAGEMENT

Community workshops are one of the core components of the Disaster Risk Reduction Fund project. Workshops can be used to provide community training and preparedness activities and/or engage communities to learn about their perceived needs and expectations of Council.

Community workshops will also provide Murrumbidgee Council with the opportunity to manage community expectations about the organisation's role in emergency preparedness, response and recovery.

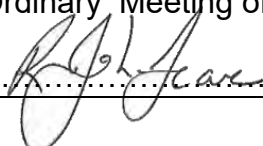
OPTIONS

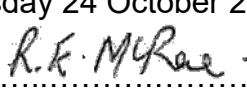
Option 1 (recommendation)

The information contained in the report be noted.

ATTACHMENTS

NIL

.....General Manager

.....Mayor

OFFICERS' REPORTS FOR NOTING

ITEM NO. 19 - MONTHLY INVESTMENT REPORT – SEPTEMBER 2023

Council Meeting:	24 October 2023
Report Date:	6 October 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 September 2023.

RECOMMENDATION

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

BACKGROUND

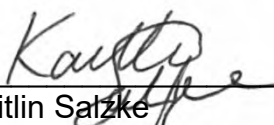
As at 30 September 2023, Council's total invested funds were \$31,801,743, as detailed in the attachment.

Funds invested with Bendigo Bank were approximately 55%.

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

This is page 66 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager .....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

Option 1 (recommendation)

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

ATTACHMENTS

Attachment # 20: Investments as at 30 September 2023

This is page 67 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 20 – NEW COUNCIL IMPLEMENTATION FUND – SEPTEMBER 2023

Council Meeting:	24 October 2023
Report Date:	6 October 2023
Author:	Finance Manager
File #:	SC59
Approval:	General Manager

EXECUTIVE SUMMARY

Council originally received a grant of \$5m for the purposes of funding the work to be undertaken to merge the two Councils, with an additional amount of \$1,225,000 being received for specific purposes.

This report provides an update on expenditure to date of these tied and untied New Council Implementation Funds (NCIF).

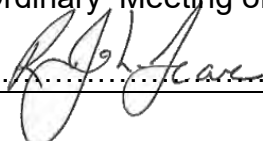
RECOMMENDATION

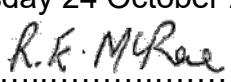
That the contents of the New Council Implementation Fund-September 2023 report be noted.

BACKGROUND

	Amended Budget	Expenditure (Sep 2023)
PMO Staffing	\$1,400,000	\$1,600,091
Asset Management	\$330,000	\$336,300
Communications/Webpage	\$74,500	\$67,254
Information Technology	\$1,800,000	\$1,815,549
Policy Development	\$31,000	\$30,522
Human Resources (staff training and accommodation)	\$265,000	\$304,476
Marketing and Branding	\$92,500	\$92,440
Service Reviews	\$180,000	\$126,672
Signage/Uniforms/Rebranding	\$127,000	\$120,871
SCF Grant Administration	\$50,500	\$50,335
Miscellaneous	\$265,000	\$247,948
GIS Conversion Project	\$80,000	\$31,585
Integrated Telephone System	\$60,000	\$61,058
Local Representation Committee Allowances (2016/17)	\$124,500	\$124,118
Provision for adjustment to new Salary System during 18/19	\$120,000	\$335,971
Provision of funding for telephone tower at Bundure	\$425,000	\$369,386

This is page 68 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

Integrate and update LEP and DCP's	\$350,000	\$199,657
Provision of Integrated Risk Management Systems	\$150,000	
Provision of project readiness-design briefs & estimates	\$300,000	\$296,726
TOTAL	6,225,000	\$6,210,959

OFFICER COMMENT

The remaining funds from this project amount to \$14,041 and are earmarked for the amalgamation of the LEP and associated works, which are continuing.

Council has requested the Office of Local Government to approve variations to the budget items as per expenditure to date.

SUSTAINABILITY

N/A

STATUTORY COMPLIANCE/POLICY

Quarterly updates are required to be provided to Council, with 6 monthly reports to the Office of Local Government.

FINANCIAL

As listed

INTEGRATED PLANS

Further adjustment for the remaining funds balance will be undertaken for the 2023-24 financial year at the time of the September quarterly budget review.

RISK MANAGEMENT

N/A

CONSULTATION / ENGAGEMENT

N/A

OPTIONS

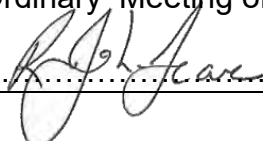
Option 1 (recommendation)

That the contents of the New Council Implementation Fund-September 2023 report be noted.

ATTACHMENTS

NIL

This is page 70 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

ITEM NO. 21 – DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATION – SEPTEMBER 2023

Council Meeting:	24 October 2023
Report Date:	17 October 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 September 2023.

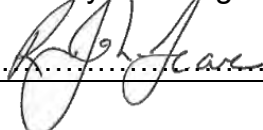

RECOMMENDATION

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

BACKGROUND

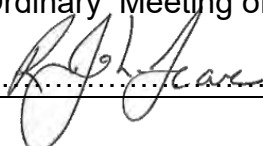
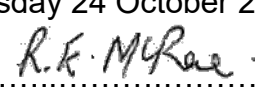
Application No	Address	Decision Date	Decision
DA28-2023	Sturt Highway Darlington Point	06/09/2023	Approved (Delegation)
Description:	Consideration in determining application:		
Communications Mast	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification or agency referral was not required.		
DA26-2023	Old Morundah Road Coleambally	13/09/2023	Approved (Delegation)
Description:	Consideration in determining application:		
Irrigation Pump 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.		
DA4-2022	Lot 1 King Street Darlington Point	01/09/2023	Approved (Delegation)
Description:	Consideration in determining application:		
13 Lot Residential Subdivision	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification and agency referral was carried out.		

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 General Manager
  Mayor

DA23-2023	Old Morundah Road Coleambally	13/09/2023	Approved (Delegation)
<u>Description:</u>	<u>Consideration in determining application:</u>		
Water Storage Facility	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification and agency referral was carried out.		
DA33-2023	7 Kook Street Darlington Point	27/09/2023	Approved (Delegation)
<u>Description:</u>	<u>Consideration in determining application:</u>		
Demolish existing carport and construct new carport	The development application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979. Neighbour notification and agency referral was not required.		

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 General Manager
  Mayor

CONFIDENTIAL ITEMS

ITEM NO. 22 - TENDER – RFT 23/04 SUPPLY OF LINE MARKING SERVICES

Council Meeting:	24 October 2023
Report Date:	10 October 2023
Author:	Director of Infrastructure
File #:	SC658
Approval:	General Manager

RECOMMENDATION

This report is **CONFIDENTIAL** in accordance with section 10A (2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to:

- d) Commercial information of a confidential nature that would, if disclosed:
 - i) Prejudice the commercial position of the person who supplied it.

ITEM NO. 23 - TENDER – RFT 23/05 SPRAYED BITUMINOUS AND AGGREGATE SUPPLY

Council Meeting:	24 October 2023
Report Date:	10 October 2023
Author:	Director of Infrastructure
File #:	SC659
Approval:	General Manager

RECOMMENDATION

This report is **CONFIDENTIAL** in accordance with section 10A (2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to:

- d) Commercial information of a confidential nature that would, if disclosed:
 - i) Prejudice the commercial position of the person who supplied it.

This is page 73 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor

**ITEM NO. 24 – TENDER - SUPPLY, REGISTRATION, AND DELIVERY OF
QUAD AXLE DROP DECK WIDENING LOW LOADER**

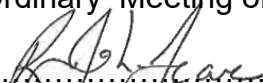
Council Meeting:	24 October 2023
Report Date:	17 October 2023
Author:	Director of Infrastructure
File #:	SC653
Approval:	General Manager

RECOMMENDATION

This report is CONFIDENTIAL in accordance with section 10A(2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to:

- d) Commercial information of a confidential nature that would, if disclosed:
 - i) Prejudice the commercial position of the person who supplied it.

This is page 74 of 83 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Tuesday 24 October 2023

.....General Manager

.....Mayor