#### REPORTS TO MURRUMBIDGEE COUNCIL MEETING TO BE HELD THURSDAY 3 OCTOBER 2024

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# ACKNOWLEDGEMENT OF COUNTRY

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

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**RECORDING & WEBCASTING OF MEETING** 

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

Murrumbidgee Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Murrumbidgee Council.

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.....General Manager .....Mayor

# ITEM NO. 1 – OATH OR AFFIRMATION FOR COUNCILLORS

Council Meeting: Report Date:	3 October 2024 10 September 2024
Author:	General Manager
File #:	SC51
Approval:	General Manager

# **EXECUTIVE SUMMARY**

Under the *Local Government Act, 1993*, Councillors (including Mayors) are now required to take an oath or affirmation of office. A Councillor must take an oath of office or make an affirmation of office at or before the first meeting of the Council after the Councillor is elected. Councillors must be physically present. The General Manager must ensure that a record is kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

# BACKGROUND

The oath or affirmation may be taken or made before the General Manager of the Council, an Australian legal practitioner or a justice of the peace, and is to be in the following form:

#### Local Government Act 1993 No 30

Chapter 9 Part 2 Division 3 Section 233A

#### 233A Oath and affirmation for Councillors

#### Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

#### Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

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General Manager .....Mavor

# STATUTORY COMPLIANCE/POLICY

Section 233A of the Local Government Act 1993

#### FINANCIAL

NIL

### INTEGRATED PLANS

Strategy 5.1 Transparent Leadership through Sustainability, Accountability and Community Representation

5.1.1 Provide leadership through ethical accountable and legislative decision making processes

#### **RISK MANAGEMENT**

A Councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend Council meetings until they do so, and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council meetings, their office is automatically declared vacant and a by-election or countback must be held.

Failure to take the oath of office by the time the third Council meeting is held will deem the Civic Office to be vacant

Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions.

<u>Note</u>: A Councillor is able to take the oath or affirmation of office outside a Council meeting, but this must be publicly recorded by the Council.

#### **CONSULTATION / ENGAGEMENT**

NIL

#### ATTACHMENTS

NIL

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General Manager .....Mavor

# **OFFICERS' REPORTS FOR CONSIDERATION**

# ITEM NO. 2 - ELECTION OF MAYOR & DEPUTY MAYOR

Council Meeting:	3 October 2024
Report Date:	10 September 2024
Author:	General Manager
File #:	SC53
Approval:	General Manager

#### **EXECUTIVE SUMMARY**

Council must elect a Mayor from among their numbers every two years, unless they have a popularly elected Mayor. The Murrumbidgee Council Mayor is elected by the Councillors.

Councillors may also elect a Deputy Mayor. The Deputy Mayor may be elected for the mayoral term or a shorter term.

The election of the Mayor and Deputy Mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

# RECOMMENDATION

That:

- (a) the method of election for the Office of Mayor and Deputy Mayor be by way of ordinary ballot; and
- (b) the Deputy Mayor be elected for a 2 year term

# BACKGROUND

The Murrumbidgee Council Mayor is elected by the Councillors. A Mayor elected by Councillors holds office for two years.

The Murrumbidgee Council Deputy Mayor has, in the past, been elected for 2 years, to align with the term of appointment of the Mayor.

#### OFFICER COMMENT

The General Manager acts as the Returning Officer for the election. Before the Council meeting at which the election is to be conducted, the Returning Officer will give notice of the election to the Councillors.

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General Manager .....Mayor

A nomination is to be made in writing by two (2) or more Councillors, one (1) of whom may be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing. Nominations are to be in the Returning Officer's (General Manager's) hands before the commencement of this item of business. The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

If more than one candidate has been nominated, Council must determine by resolution the method of voting. In the past, this has been by "Ordinary Ballot", which is a secret ballot. "Open Voting" means voting by a show of hands or similar means. There is also the option of "Preferential Ballot" ie place 1, 2, 3 etc against each candidate.

#### SUSTAINABILITY

NIL

# STATUTORY COMPLIANCE/POLICY

Local Government Act, 1993 - Sections 227; 230; 231 and 290 Local Government (General) Regulations, 2005 – Clause 394 and Schedule 7

# FINANCIAL

NIL

# INTEGRATED PLANS

Community Strategic Plan

5.1 Transparent Leadership, Sustainability, Accountability and Community Representation

5.1.1 Provide leadership through ethical, accountable and legislative decision making processes.

#### **RISK MANAGEMENT**

NIL

# **CONSULTATION / ENGAGEMENT**

General Manager

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.....General Manager

.....Mayor

# OPTIONS

Option 1 (recommendation)

That:

- (a) the method of election for the Office of Mayor and Deputy Mayor be by way of ordinary ballot; and
- (b) the Deputy Mayor be elected for a 2 year term

# ATTACHMENTS

NIL

This is page 7 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

.....General Manager .....Mayor

### ITEM NO. 3 - DELEGATIONS FROM COUNCIL TO THE GENERAL MANAGER AND MAYOR

Council Meeting:	3 October 2024
Report Date:	5 September 2024
Author:	General Manager
File #:	SC54
Approval:	General Manager

#### **OFFICER COMMENT**

The general power of the Council to delegate powers, authorities, duties and functions comes from **Section 377** of the *Local Government Act 1993*:

1. A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following:

(a) the appointment of a General Manager,

(b) the making of a rate,

(c) a determination under section 549 as to the levying of a rate,

(d) the making of a charge,

(e) the fixing of a fee,

(f) the borrowing of money,

(g) the voting of money for expenditure on its works, services or operations,

(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),

(i) the acceptance of tenders to provide services currently provided by members of staff of the Council,

(j) the adoption of an operational plan under Section 405,

(k) the adoption of a financial statement included in an annual financial report,

(I) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,

(m) the fixing of an amount or rate for the carrying out by the Council of work on private land,

(n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,

(o) the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 8.3 of the *Environmental Planning and Assessment Act 1979*,

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General Manager .....Mayor

(p) the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

(r) a decision under section 234 to grant leave of absence to the holder of a civic office,

(s) the making of an application, or the giving of a notice, to the Governor or Minister,

(t) this power of delegation,

(u) any function under this or any other Act that is expressly required to be exercised by resolution of the Council.

1A. Despite subsection (1), a Council may delegate its functions relating to the granting of financial assistance if:

- (a) the financial assistance is part of a specified program, and
- (b) the program is included in the Council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- (c) the program's proposed budget for that year does not exceed 5 per cent of the Council's proposed income from the ordinary rates levied for that year, and
- (d) the program applies uniformly to all persons within the Council's area or to a significant proportion of all the persons within the Council's area.
- 2. A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the Council) any function delegated to the Council by the Departmental Chief Executive except as provided by the Instrument of Delegation to the Council.
- 3. Council delegates its powers and authorities, duties and functions as set out in Part 1 'Delegations of Authority Register', to the **Mayor (S226), General Manager (S378), and Council Committees (S379).**
- 4. **Section 226** of the *Local Government Act 1993*, defines the role of the Mayor as follows:

(a) to be the leader of the Council and a leader in the local community,

(b) to advance community cohesion and promote civic awareness,

(c) to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,

(d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,

(e) to preside at meetings of the Council,

(f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,

(g) to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,

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General Manager .....Mayor

(h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,

(i) to promote partnerships between the Council and key stakeholders,

(j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,

(k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,

(I) to carry out the civic and ceremonial functions of the Mayoral office,

(m) to represent the Council on regional organisations and at intergovernmental forums at regional, State and Commonwealth level,

(n) in consultation with the Councillors, to lead performance appraisals of the General Manager,

(o) to exercise any other functions of the Council that the Council determines.

5. **Section 379** of the *Local Government Act 1993*, covers the delegation of regulatory functions:

(1) A regulatory function of a Council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:

- (a) a committee of the Council of which all the members are Councillors or of which all the members are either Councillors or employees of the Council, or
- (b) an employee of the Council,
- (c) a county Council, or
- (d) a joint organisation.

(2) A regulatory function of a County Council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:

- a. a committee of the County Council of which all the members are members of the County Council or of which all the members are either members of the County Council or employees of the County Council, or
- b. an employee of the County Council, or

c. a Council

(2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

- (3) However, if:
  - (a) a regulatory function is delegated to a County Council, the function may be delegated to the General Manager and by the General Manager to an employee of the County Council, or
  - (b) a regulatory function is delegated to a Council, the function may be delegated to the General Manager and by the General Manager to an employee of the Council; or

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......General Manager .....Mayor

- (C) a regulatory function is delegated to a joint organisation, the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation
- 6. The Council notes that the General Manager may delegate his or her power, authorities, duties and function at his or her discretion **(S378).** The General Manager's delegations to Staff come under Part 2 of the Act: 'Delegations to Staff'.
  - (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation;
  - (2) The General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council);
  - (3) Subsection (2) extends to a function sub-delegated to the General Manager by the Council under S377 (2).
- 7. **Section 381** of the *Local Government Act 1993*, refers to the exercise of functions conferred or imposed on Council employees under other Acts:
  - (1) If, under any other Act, a function is conferred or imposed on an employee of a Council or on the Mayor or a Councillor of a Council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the Council;
  - (2) Such a function may be delegated by the Council in accordance with this Part;
  - (3) A person must not, under any other Act, delegate a function to:
    - i. the General Manager, except with the approval of the Council;
    - ii. an employee of the Council, except with the approval of the Council and the General Manager.

#### RECOMMENDATION

That Council, in accordance with Section 377 of the *Local Government Act 1993,* by resolution at its meeting on 3 October 2024, delegates its power, authorities and function as set out in Part 1 of the Delegations of Authority Register to the General Manager and Mayor.

#### BACKGROUND

Key points to note in relation to delegations include:

- 1. Section 380 of the Act refers to the review of delegations each Council must review all its delegations during the first 12 months of office.
- 2. All Council delegations are subject to the following limitations:
  - a. The delegated power, authority, duty or function being performed in accordance with Council Policy;

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......General Manager .....Mayor

- b. The delegated power, authority, duty or function being performed in accordance with the Law; and
- c. Part E of the 'Delegations of Authority Register outlines the limitations of delegations to the General Manager.
- 3. The delegations of Council remains in force until they are revoked or amended by a Council resolution.

# SUSTAINABILITY

N/A

# STATUTORY COMPLIANCE/POLICY

Local Government Act 1993.

#### FINANCIAL

N/A

# INTEGRATED PLANS

Strategy 5.1.1 Provide leadership through ethical, accountable and legislative decision making processes

#### **RISK MANAGEMENT**

N/A

# **CONSULTATION / ENGAGEMENT**

N/A

# OPTIONS

Option 1 (recommendation)

That Council, in accordance with Section 377 of the *Local Government Act 1993,* by resolution at its meeting on 3 October 2024, delegate its power, authorities and function as set out in Part 1 of the Delegations of Authority Register to the General Manager and Mayor.

# ATTACHMENTS

Attachment # 1: Delegations of Authority Register - Part 1 – Delegations from Council to General Manager and Mayor

This is page 12 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

#### ITEM NO. 4 - COUNCILLOR INDUCTION & PROFESSIONAL DEVELOPMENT PROGRAMS

Council Meeting: Report Date: Author:	3 October 2024 10 September 2024 General Manager
File #:	SC51; SC58
Approval:	General Manager

#### **EXECUTIVE SUMMARY**

Councillor induction and professional development programs are a vital way to ensure new Councillors get the information they need to be effective leaders. It also allows the building of early positive relationships and teamwork between Councillors, increases productivity and provides essential knowledge.

#### RECOMMENDATION

The contents of the Councillor Induction and Professional Development Programs Report be noted, and the General Manager:

- a) Prepare relevant induction training for the Mayor and Councillors;
- b) In consultation with the Mayor and Councillors, develop training plans for delivery over the term of the Council.

#### BACKGROUND

Councillor induction and ongoing professional development programs for Mayors and Councillors are mandatory in NSW under the Local Government (General) Regulation 2005.

Preliminary induction training by Councils should take place as soon as possible after the polls are declared following a new election.

Under the Regulation, the General Manager must ensure that induction training is delivered to each Councillor who has been elected for the first time, and refresher training to each Councillor who is re-elected, within 6 months of their election.

The induction training must provide Councillors with information about the functions and obligations of Councils and Councillors and the administrative procedures and operations of the Council.

The General Manager must also ensure that supplementary induction training is delivered to the Mayor in addition to the training they receive as a Councillor, within 6 months of their election.

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General Manager .....Mayor

Councillors and the Mayor must make all reasonable efforts to participate in any induction, refresher or supplementary training offered to them.

#### OFFICER COMMENT

<u>Induction Program</u> – this aims to equip Mayors and Councillors with the information they need to perform their role effectively over the first few months, and has a particular focus on building positive, collaborative relationships between Councillors and with staff.

<u>Professional Development Program</u> – this is to be developed in consultation with all Councillors and delivered over the term of the Council to build the skills, knowledge and personal attributes necessary to be an effective Mayor or Councillor.

The Office of Local Government is developing a series of webinars which will assist Councils in the delivery of their induction and professional development programs.

Councils are required to report information in their annual reports on the induction and ongoing professional development activities offered to the Mayor and each Councillor.

#### STATUTORY COMPLIANCE/POLICY

Councillor Induction and Professional Development Guidelines 2018 Local Government Act 1993 Local Government (General) Regulation 2005

#### FINANCIAL

There is a financial implication for all training undertaken. However costs cannot be ascertained until training plans have been finalised.

#### INTEGRATED PLANS

#### Community Strategic Plan

Strategy 5.1 Transparent Leadership through Sustainability, Accountability and Community Representation

5.1.1 Provide leadership through ethical accountable and legislative decision making processes

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.....General Manager .....Mayor

# **RISK MANAGEMENT**

NIL

### **CONSULTATION / ENGAGEMENT**

- Councillors
- Executive Team

# OPTIONS

#### Option 1 (recommendation)

The contents of the Councillor Induction and Professional Development Programs Report be noted, and the General Manager:

- a) Prepare relevant induction training for the Mayor and Councillors;
- b) In consultation with the Mayor and Councillors, develop training plans for delivery over the term of the Council.

# ATTACHMENTS

Attachment # 2: Office of Local Government – Councillor Induction & Professional Development Requirements under the Local Government (General) Regulations 2005

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General Manager .....Mayor

# ITEM NO. 5 - APPOINTMENT OF DELEGATES TO COUNCIL COMMITTEES

Council Meeting: Report Date:	3 October 2024 10 September 2024
Author:	General Manager
File #:	SC64
Approval:	General Manager

#### **EXECUTIVE SUMMARY**

The current Standing and Special Committees, Section 355 Committees, Advisory and External Committees are listed for review, determination of memberships and formal adoption by Council.

#### RECOMMENDATION

The Standing and Special Committees, Section 355 Committees, Advisory, External and Internal Committees be reviewed, with Council representatives determined for appointment to each Committee.

#### **OFFICER COMMENT**

Councillors annually resolve their membership and representation on various internal Committees and external bodies.

2023/2024 Councillor representation was as below:

Standing and Special Committees of Council	
Committee Name	Councillor Representation
Internal Audit, Risk & Improvement	Cr Black and 2 independents-at least
Committee	one with financial expertise
General Manager's Review Committee	Mayor and Deputy Mayor
Traffic Committee	Cr Black (Chair) (alternate Cr Curphey) Voting Delegate – Senior Technical Officer, Zack Walsh Betsy Farrugia to represent Member for Murray, Helen Dalton MP
Local Emergency Management Committee	Cr Black (alternate Cr McRae)

Section 355 Committees of Council		
Committee Name Councillor Representation		
Coleambally Australia Day Committee	Cr Chirgwin	
Jerilderie Australia Day Committee	Cr McRae, Cr Bryce	
Coleambally Townlife Committee	Cr Chirgwin, Cr Strachan	

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General Manager .....Mayor

Darlington Point Townlife / Australia Day	Cr Saxvik
Committee	
Heritage Darlington Point	Cr Saxvik
Balmeringa Management Committee	Cr Bryce
Central Coree Sports Complex Management	Cr Mauger
Committee	
Yamma Recreation Reserve Management	Cr Chirgwin
Committee	
Jerilderie Tidy Towns Committee	Cr Bryce, Cr McRae

Advisory Committee	
Committee Name	Councillor Representation
Monash Park Users	Cr Mauger, Cr McRae
Coleambally Sports Precinct Advisory	Cr Black (alternate Cr Chirgwin and Cr
Committee	Strachan)
Boat Ramp Darlington Point-Advisory	Cr Curphey, Cr Saxvik and Cr Gilbert
Committee	
Darlington Point Master Landuse Plan	Mayor, Cr Curphey, Cr Gilbert, Cr Saxvik
Advisory Committee	
Darlington Point Caravan Park Committee	Mayor, Cr Saxvik, Cr Gilbert
Darlington Point Floodplain Risk	Cr Curphey, Cr Gilbert, Cr Saxvik
Management Committee (formerly DP	
Levee Committee)	

External Committees with Council Representation	
Committee Name	Councillor Representation
CICL/Coleambally Environmental and	Cr McRae (3 year term from 1 July
Reference Committee (CERC)	2020)
Kidman Way Promotional Committee	Cr McRae (voting delegate) (alternate Cr
	Chirgwin)
Newell Highway Promotional Committee	Mayor (alternate Deputy Mayor)
Newell Highway Taskforce Committee	Mayor (alternate Deputy Mayor)
Berrigan Jerilderie Community Network	Cr McRae
Murray Darling Association	Mayor (alternate Deputy Mayor)
Western Riverina Libraries Committee	Cr Chirgwin (voting delegate)
South West Zone Library Committee	Cr Bryce
The Riverina (Thrive Riverina)	Cr McRae
Roads and Maritime Services Consultative	Mayor (alternate Deputy Mayor)
Committee	
RAMJO	Mayor (alternate Deputy Mayor)
Riverina Valleys Spot On Spray Group	Cr Mauger (alternate Cr Black)
Western Region Joint Planning Panel	Mayor and Deputy Mayor (this is a 3
	year appointment - 23 December 2021
	to 22 December 2024)

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.....General Manager

.....Mayor

Internal Council Committee	
Committee Name	Councillor Representation
Scholarship Committee	Council as a whole
Community Grants Committee	Council as a whole

I am not sure that the Roads and Maritime Services Consultative Committee is still an operational committee, it having not met in my time with Council. Council may determine to remove this Committee from the list.

In April 2024, the Sturt Highway Taskforce met for the first time. The next meeting will be held in Narrandera on 29 October 2024. Representation on this Committee to date has been myself and the Mayor. Murrumbidgee Council is charged with the role of Chair and Secretariat until September 2026. This Taskforce will be added to the list of Committees, and Councillor representation is to be determined.

#### SUSTAINABILITY

NIL

# STATUTORY COMPLIANCE/POLICY

Local Government Act 1993, Section 355

# FINANCIAL

NIL

# INTEGRATED PLANS

#### **Community Strategic Plan**

# 5.1 Transparent Leadership, Sustainability, Accountability and Community Representation

Action 5.1.1.4 Ensure Council's Committees, focus groups and advisory bodies are relevant and provide appropriate community involvement

# 5.5 Investigating Funding, Services and Programs Supporting and Strengthening Communities in the Region

Action 5.5.1.1 Council representatives participate in regular engagement through meetings, events and activities

# **RISK MANAGEMENT**

NIL

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General Manager .....Mayor

# **CONSULTATION / ENGAGEMENT**

General Manager

#### **OPTIONS**

Option 1 (recommendation)

The Standing and Special Committees, Section 355 Committees, Advisory, External and Internal Committees be reviewed, with Council representatives determined for appointment to each Committee.

#### ATTACHMENTS

NIL

This is page 19 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# ITEM NO. 6 - COUNCIL MEETINGS 2024/25

3 October 2024 5 September 2024 General Manager SC218
General Manager

#### EXECUTIVE SUMMARY

Consideration will need to be given to the date, time and venue of the monthly Council meetings, and also whether Council wishes to schedule a January meeting.

#### RECOMMENDATION

That:

- a) Council schedule monthly Council meetings for the fourth Tuesday of October and November 2024 and fourth Tuesdays of February 2025 to September 2025;
- b) Council meetings commence at 2.00pm;
- c) The meeting venues alternate between Jerilderie, Darlington Point and Coleambally, as follows:
  Coleambally - October, 2024, and February, May and August 2025
  Jerilderie - November 2024, and March, June, September 2025
  Darlington Point – December 2024; April and July 2025
- d) The December Ordinary Meeting of Council be held on the third Tuesday of the month, Tuesday 17 December 2024.

#### BACKGROUND

Each year Council determines the schedule of meetings for the coming twelve months.

#### OFFICER COMMENT

The December Council meeting has, in the past, been rescheduled to allow Councillor attendance at the staff and Councillor Christmas discussion. The Christmas party this year will be held at Darlington Point on Friday 6 December 2024.

However, this year I am proposing that Council meet on Tuesday 17 December 2024, rather than the earlier date of Friday 6 December 2024.

Councillors will still be invited to join with staff at the annual Christmas party on 6 December.

This is page 20 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

I also suggest that Council continue with the practice of not scheduling an ordinary January Council Meeting.

Often Council schedules a workshop meeting late in January or early February.

# STATUTORY COMPLIANCE/POLICY

Local Government Act 1993

# FINANCIAL

NIL

# INTEGRATED PLANS

Community Strategic Plan

Strategy 5.1 Transparent Leadership Through Sustainability, Accountability and Community Representation

# **RISK MANAGEMENT**

NIL

# **CONSULTATION / ENGAGEMENT**

Councillors

# OPTIONS

Option 1 (recommendation)

That:

- a) Council schedule monthly Council meetings for the fourth Tuesday of October and November 2024 and fourth Tuesdays of February 2025 to September 2025;
- b) Council meetings commence at 2.00pm;
- c) The meeting venues alternate between Jerilderie, Darlington Point and Coleambally, as follows:
  Coleambally - October, 2024, and February, May and August 2025
  Jerilderie - November 2024, and March, June, September 2025

Darlington Point – December 2024; April and July 2025

d) The December Ordinary Meeting of Council be held on the third Tuesday of the month, Tuesday 17 December 2024.

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arc.....General Manager .....Mayor

# Option 2

Recommend alternative dates/times for the monthly Council meetings.

# ATTACHMENTS

NIL

This is page 22 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

# ITEM NO: 7 - GENERAL MANAGER'S MONTHLY REPORT

Council Meeting:3 October 2024Report Date:19 September 2024Author:General ManagerFile #:SC218Approval:General Manager
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#### BACKGROUND

Γ

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 the annual strategic workshop be held in Albury commencing Friday 31 January, concluding Sunday 2 February 2025.

#### 1. Long Day Care Centre in Darlington Point

Within the confidential section of this agenda, we have a report for the purchase of land for the proposed long day care centre and preschool in Darlington Pont.

We are possibly only a couple of months away from having the land in our name.

We are about to initiate the work needed to commence the build, we will need to go to tender but only after we have determined the maximum number of places, so the building can be tailored to that number.

Both Garry and I will meet with people who can assist us with this over the next couple of months.

It is my intention for this to be a standard item in my monthly report so I can update Council and the community on our progress.

#### 2. Annual Strategic Workshop

I propose that the annual strategic workshop follow the same format as it has in previous years - held in Albury on the weekend commencing Friday 31 January and concluding on Sunday 2 February 2025.

#### **Recommendation**

The annual strategic workshop be held in Albury commencing Friday 31 January, concluding Sunday 2 February 2025.

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.....General Manager .....Mayor

#### 3. Powell Street One Way

Council has written to stakeholders with properties located on (either facing or backing onto) Powell Street, to allow them the opportunity to comment on the one way street proposal. Our direct stakeholder consultation provided us with good feedback, which we have incorporated into the current design.

We have specific 60 degree angled parking at the back of the bakery, areas of no standing, along with parking on either side of the one way street for vehicles and caravans.

The concept plan has now been placed on display for 21 days to allow wider public consultation.

#### 4. Movements

Date	Meeting	Location
14-18 October 2024	CPA Conference	Canberra
30 October - 5 or 6	Annual Leave	
November 2024		
7-8 November 2024	RAMJO Board Meeting	Hay
14-15 Nov 2024	Country Mayors Association Meeting	Sydney
16-20 Nov 2024	LGNSW Annual Conference	Tamworth

#### SUSTAINABILITY

N/A

# STATUTORY COMPLIANCE/POLICY

N/A

# FINANCIAL

N/A

# INTEGRATED PLANS

Theme 5: Our Leadership - Looking to our Future 5.1. Demonstrating Transparent Leadership through Accountability and Community Representation

# RISK MANAGEMENT

N/A

This is page 24 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# CONSULTATION/ENGAGEMENT

N/A

# OPTIONS

Option 1 (recommendation)

The information contained in the General Manager's monthly report be noted, and the annual strategic workshop be held in Albury commencing Friday 31 January, concluding Sunday 2 February 2025.

# ATTACHMENTS

Attachment # 3: Powell Street concept plan – one way traffic

This is page 25 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# ITEM NO. 8 – REQUEST TO REMOVE TREES AT DARLINGTON POINT CLUB

Council Meeting: Report Date:	3 October 2024 17 September 2024
Author:	Director Planning & Infrastructure
File #:	CY8
Approval:	General Manager

#### **EXECUTIVE SUMMARY**

A request has been received (attached) from the Darlington Point Club Ltd to remove 12 trees within their carpark and surrounding clubhouse area due to possible disease and safety concerns from dropping limbs. The club proposes to replant trees elsewhere on the property.

Under the Murrumbidgee Control Plan No 1 for Coleambally and Darlington Point this request requires the consent of Council.

#### RECOMMENDATION

That:

- 1. The request to remove 12 London Plane trees from the Darlington Point Club Ltd carpark and clubrooms area be refused until such time as a licensed and qualified arborist report has been lodged with Council, confirming that the London Plane trees have reached the end of their effective lives and that they are diseased and/or cannot be rehabilitated and should be removed.
- 2. Upon receipt of such a report, Council to further consider removal of the trees.

#### BACKGROUND

The Darlington Point Club Ltd have expressed safety concerns for their patrons regarding dropping limbs, and have assessed the risk as extremely high. They also have concerns that the trees are diseased. These concerns are not currently supported by a report from a professional arborist.

The trees in question are London Plane trees and are all located on the Darlington Point Club Ltd land. They are approximately 12 metres tall and, according to local knowledge, are estimated to be over 30 years old. The trees are not native to Australia, however are widely used as deciduous shade trees in urban areas. They can be quite invasive, with an aggressive root system that can lift pavement, kerb and gutter and affect building foundations.

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AAA	
	Mayor

As illustrated in image 1, the nominated trees are located in the middle of the carpark and around the clubhouse building.



Image 1. Proposed trees to be removed from the Darlington Point Sports Club grounds.

# OFFICER COMMENT

The Murrumbidgee Control Plan No 1 for Coleambally and Darlington Point requires Council consent to remove trees within the village area after considering potential for wind erosion, effect on landscape and scenic quality, whether the trees need to be preserved and topography of the site.

A brief assessment of these factors is summarised below:

Factor	Likelihood
Wind Erosion	Low to zero implications for wind
	erosion
Landscape and scenic quality	The trees are quite a significant feature of the landscape and scenic quality of the Club, as well as providing shade for the carpark area.

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-.....General Manager .....Mayor

Preservation	The trees provide substantial shade and aesthetic appeal particularly to the carpark area and have been a considerable feature for a number of years. Despite this, if the safety concerns are valid, this would override any preservation requirements.
Topography	No implication, the site is flat.

# SUSTAINABILITY

NIL

# STATUTORY COMPLIANCE/POLICY

Murrumbidgee Council Development Control Plan No1 "Village".

#### FINANCIAL

NIL

# INTEGRATED PLANS

#### Community Strategic Plan

#### Environment

• Maintaining a balance between growth, development and environmental protection

#### RISK MANAGEMENT

Should Council resolve not to grant consent to the removal of the trees, advice from Council's insurance representative confirms that Council cannot be held responsible for damages in the event that the trees cause damage in the future, as the trees are not under the care and maintenance of Council.

Any risks to Council arising from the physical removal of the trees would be removed with the appointment by the Darlington Point Club Ltd of an accredited arborist with appropriate insurance.

### **CONSULTATION / ENGAGEMENT**

NIL

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General Manager .....Mayor

# OPTIONS

Option 1 (recommendation)

That

1. The request to remove 12 London Plane trees from the Darlington Point Club Ltd carpark and clubrooms area be refused until such time a licensed and qualified arborist report has been lodged with Council, confirming that the London Plane trees have reached the end of their effective lives and that they are diseased and/or cannot be rehabilitated and should be removed.

2. Upon receipt of such a report, Council to further consider removal of the trees.

# Option 2

Another resolution as determined by the Council.

# ATTACHMENT

Attachment # 4: Tree removal request from Darlington Point Club Ltd

This is page 29 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

#### ITEM NO. 9 – CROWN LANDS PLAN OF MANAGEMENT – JERILDERIE COMMON AND JERILDERIE STOCK ROUTE

Council Meeting: Report Date:	3 October 2024 12 September 2024
Author:	Senior Town Planner
File #: Approval:	SC119 Director Planning, Community & Development

#### EXECUTIVE SUMMARY

This report seeks a resolution to adopt the generic Plan of Management for Jerilderie Common and Jerilderie Stock Route.

The Plan of Management is attached.

#### RECOMMENDATION

That Murrumbidgee Council adopt the generic Plan of Management for the Jerilderie Common and Jerilderie Stock Route.

#### OFFICER COMMENT

Following the resolution of Council on 23 July 2024, the draft Plan of Management was placed on public exhibition. The closing date for submissions was 4 September 2024, with no submissions being received.

Should the Plan of Management be adopted, Council would inform the department of this.

#### STATUTORY COMPLIANCE/POLICY

Murrumbidgee Council's role, as a Crown Land Manager under the provisions of the 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.

By way of background, Council has prepared a number of draft plans of management which are at various stages. The following table identifies the status of each draft plan of management for the information of Council.

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General Manager .....Mavor

# Table 1: Status of Crown Land Plans of Management

POM Name	Status
Elliott Park	Adopted
Lions Park	Adopted
Jerilderie Racecourse & Showground	Adopted
Coree Central Hall	Adopted
Balmeringa	Adopted
Darlington Point Parks	Adopted
ACS: Darlington Pt Museum	Adopted
Natural Areas	Adopted
ACS: Jerilderie Courthouse & Library	Adopted
ACS: The Willows	Adopted
Monash Park	Adopted
Jerilderie Sports Centre	Adopted
Golf Courses	Adopted
Jerilderie Common and Stock Route*	Seeking resolution to adopt
ACS: Pump Shed	Draft submitted – awaiting Minister's
	consent
Darlington Point Caravan Park	Amendments requested by Department

\*Subject of this report

# FINANCIAL

The current project has no immediate financial implications for Council.

# **INTEGRATED PLANS**

Community Strategic Plan

#### Community

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

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

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#### Environment

 Maintaining a balance between growth, development and environmental protection

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

#### RISK MANAGEMENT

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

#### OPTIONS

Option 1 (recommendation)

That Murrumbidgee Council adopt the generic Plan of Management for the Jerilderie Common and Jerilderie Stock Route.

#### Option 2

Any other resolution of Council.

#### ATTACHMENTS

Attachment # 5: Generic Plan of Management for the Jerilderie Common and Jerilderie Stock Route

This is page 32 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# ITEM NO. 10 – CONVERSION OF LEASE

Council Meeting:	
Report Date:	11 September 2024
Author:	Chief Financial Officer
File #:	SC79
Approval:	General Manager

#### EXECUTIVE SUMMARY

The lessee of Lease Q886096 in respect of Lot 280 in DP 255769 (30 Bellbird Street, Coleambally) submitted a Notice of Intention to Convert Lease form on 21 August 2024 in accordance with Council's *Coleambally Lease Conversion Policy*.

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 Lot 280 DP 255769 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:

- Council authorise the General Manager to negotiate the conversion of Lot 280 DP 255769 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.

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General Manager .....Mayor

# Option 2

Council disregard the recently adopted *Coleambally Lease Conversion Policy*, 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

This is page 35 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# **REPORTS/MINUTES OF COUNCIL COMMITTEES**

NIL

This is page 36 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

# **OFFICERS' REPORTS FOR NOTING**

# ITEM NO. 11 - MONTHLY INVESTMENT REPORT – AUGUST 2024

Council Meeting:	3 October 2024
Report Date:	12 September 2024
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 August 2024.

#### RECOMMENDATION

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

#### BACKGROUND

As at 31 August 2024, Council's total invested funds were \$28,148,497, as detailed in the attachment.

Funds invested with Bendigo Bank were approximately 57%.

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

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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

As per the recommendation.

#### ATTACHMENTS

Attachment # 6: Investments as at 31 August 2024

This is page 38 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# ITEM NO. 12 – 2023/24 DELIVERY PROGRAM REVIEW

Council Meeting: Report Date:	3 October 2024 19 September 2024
Author:	Manager Corporate & Community Services SC241
File #: Approval:	General Manager

#### EXECUTIVE SUMMARY

A Council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy.

The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months. This progress report is up to 30 June 2024.

#### RECOMMENDATION

The progress report on the Murrumbidgee Council Delivery Program to 30 June 2024, be noted.

#### BACKGROUND

Following is a summary of the requirements of section 404 of the Local Government Act:

- A Council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy.
- The Delivery Program must include a method of assessment to determine the effectiveness of each principal activity detailed in the Delivery Program in achieving the objectives at which the activity is directed.
- A Council must prepare a new Delivery Program after each ordinary election of Councillors to cover the principal activities of the Council for the 4 year period commencing on 1 July following the election.
- The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

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.....General Manager .....Mayor

# **OFFICER COMMENT**

Council uses a computer software program called PULSE to record all actions developed in the Delivery Program and allocate those actions to various staff who are able to update and make comments on the actions they are responsible for.

The system also details the percentage of completion of each action.

### SUSTAINABILITY

N/A

# STATUTORY COMPLIANCE/POLICY

Local Government Act – Section 404

#### FINANCIAL

Activities that were not completed by 30 June 2024, were carried over to the 2024/2025 financial year. The quarterly budget review as at 31 December 2024 will give a more detailed account of these carry overs and updated budget estimates.

#### INTEGRATED PLANS

- Murrumbidgee Council Community Strategic Plan
- Murrumbidgee Council Resourcing Strategy
- Murrumbidgee Council Operational Plan

#### **RISK MANAGEMENT**

N/A

# **CONSULTATION / ENGAGEMENT**

Officers accountable for each action included in the Delivery Program.

#### OPTIONS

Option 1 (as per the recommendation)

The progress report on the Murrumbidgee Council Delivery Program to 30 June 2024, be noted.

#### ATTACHMENTS

Attachment #7: Progress Report on Delivery Program to 30 June, 2024.

This is page 40 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# ITEM NO. 13 – DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATION - AUGUST 2024

Council Meeting: Report Date: Author:	23 September 2024 Director Planning, Community & Development
File #:	SC210
Approval:	General Manager

#### **EXECUTIVE SUMMARY**

Information report provided to Council on development applications approved under delegation during August 2024

#### RECOMMENDATION

The information contained in the Development Applications Approved under Delegation, August 2024 Report be noted.

### BACKGROUND

DA17-2024	30-32 Boyd Street Darlington Point	07/08/2024	Approved (Delegation)
Description:	Consideration in determining application	on:	
Construction of a 15m x 18m steel clad shed and driveway	The development application was assesse Planning and Assessment Act 1979. Neigh		
DA16-2024	21 Mahonga Street Jerilderie	29/08/2024	Approved (Delegation)
Description:	Consideration in determining application	on:	
Construction of a 7m x 7m steel clad shed	The development application was assesse Planning and Assessment Act 1979. Neigh		
CDC3-2024	9-11 White Street Darlington Point	21/08/2024	Approved (Delegation)
Description:	Consideration in determining application	on:	
Construction of a 4m 7m steel clad garden shed	The development application was assesse Planning and Assessment Act 1979. Neig not required.		
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Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

General Manager .....Mayor

# CDC4-2024 14 Currawong Crescent Coleambally 15/08/2024 Approved (Delegation)

#### **Description:**

#### Consideration in determining application:

Construction of an attached awning to existing dwelling

The development application was assessed under Section 4.28 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: 14 - LIBRARY INFASTRUCTURE GRANT

Council Meeting:	3 October 2024		
Report Date:	19 September 2024		
Author:	General Manager		
File #:	SC194		
Approval:	General Manager		

#### RECOMMENDATION

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

e) information that would, if disclosed, prejudice the maintenance of law.

# ITEM NO: 15 - WADDI HOUSING LAND SWAP FOR LONG DAY CARE GRANT

3 October 2024
19 September 2024
General Manager
SC218
General Manager

#### RECOMMENDATION

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

- d) commercial information of a confidential nature that would, if disclosed:
  - ii. Confer a commercial advantage on a competitor of the Council
  - iii. Reveal a trade secret

This is page 43 of 54 of the General Manager's Reports as submitted to the Ordinary Meeting of Murrumbidgee Council held Thursday 3 October 2024.

......General Manager .....Mayor

# ITEM NO. 16 – YOUNG STREET SUBDIVISION – ELECTRICAL RETICULATION

Council Meeting: Report Date:	26 September 2024
Author:	Ray Davy, Project Manager
File #:	SC610
Approval:	General Manager

#### RECOMMENDATION

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

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

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General Manager .....Mayor