

**GENERAL MANAGER'S REPORTS TO COUNCIL MEETING
TO BE HELD TUESDAY, 22 MARCH 2016**

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..... General ManagerMayor

ITEMS FOR DECISION

ITEM NO. 1 – FIT FOR THE FUTURE - ALTERNATIVE MERGER PROPOSAL

FILE: 03.13.06

FROM: GENERAL MANAGER

At Council's meeting of 26 January, 2016 it was resolved that an alternative proposal be prepared to merge the Shire Councils of Jerilderie and Murrumbidgee. This document has been accepted by the Minister and posted on the Council Boundary Review website.

The alternative merger proposal has been the subject of Public Inquiry meetings, one in Jerilderie on 16 March and one in Darlington Point on 17 March, 2016.

The Jerilderie community once again showed their support with 130 people in attendance, and 18 speakers putting forward submissions to Delegate, Mr Tim Stubbs.

The strong message from the Jerilderie Public Inquiry meeting was that the community is still favouring the option of Jerilderie as a Rural Council. However, if this is not the Government's preference, the community supports the full merger with Murrumbidgee Shire Council, as it is considered that the merger of these two Councils would offer the staff and communities of both Councils the best merger outcome, with good representation, minimum of disruption to jobs in Jerilderie and a strong opportunity to grow the engineering involvement in maintenance of state assets under contract to the Roads and Maritime Services.

Murrumbidgee Shire Council has scheduled public information sessions on the alternative merger proposal at the Coleambally Community Club on Monday 21 March and Darlington Point Club on Wednesday 23 March, from 7.00pm.

Submissions for Council's alternative merger proposal need to be made to the Minister's delegate, Mr Tim Stubbs, by 5.00pm on Friday 8 April 2016. Once Council's submission is complete, a draft will be provided to Councillors for input. The finalised submission will be approved by the Mayor prior to its lodgement.

An independent financial analysis was commissioned for Murrumbidgee Shire Council and carried out by their former Acting General Manager, Mr Kerry McMurray. Mr. McMurray sourced financial data through me for input in this analysis on the proviso that a copy of his final report would be provided direct to Council. The final report is provided under separate cover.

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The report draws on Murrumbidgee's financial data and information relating to Murrumbidgee Shire Council, without including all this data in the report. Presumably this part of the analysis had already been completed for Murrumbidgee Shire.

The conclusions reached in the report are:

- The full merger proposal meets all 7 of the FFTF benchmarks
- The split merger meets 6 out of 7 of the FFTF benchmarks
- The Operating Result (before Capital Grants and Contributions) is significantly higher (than the split merger)
- Previous analysis by KPMG on the split merger north of the Yanko Creek, is fundamentally flawed in that it assumed income and expenditure would be split 50/50, which is incorrect at all levels
- This merger proposal does not require the investment of additional funds such as the \$10M offered from the Community Funds for mergers, to meet financial benchmarks
- The full merger is not a financial dis-benefit to Murrumbidgee.

RECOMMENDATION

That Council endorse the completion of the Council submission to the whole of Jerilderie Shire Council merger proposal with Murrumbidgee Shire Council, and that the Mayor sign off on the completed document.

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ITEM NO. 2 - SECTION 82A REVIEW DEVELOPMENT APPLICATION No. 10-15/16 FENCE, SIGNAGE, DOORS, PUBLIC ENTERTAINMENT LICENCE
FILE: DA 10-15/16
FROM: MANAGER OF DEVELOPMENT

Property Description

Applicant: Four Creeks Festival Committee
Property: Lot 7016, DP 1125040, 11 Powell Street, Jerilderie
Zoning: RE1 – Public Recreation
Proposed Development: Fence, signage, doors and public entertainment licence
Consent Authority: Jerilderie Shire Council
Reason for Report: Council owned property

Background

On 15 January 2016 the application was formally lodged with Council. A copy of all plans and the application will be available at the meeting.

23 February 2016 – Development Application 10-15/16 was approved by Council subject to conditions.

24 February 2016 – a Section 82A request to review conditions 3 and 4 under the public entertainment section of the approval was received. A copy of the request is provided (attachment # 1).

The conditions to be reviewed are:

3. The Public Entertainment Area Licence pertains to the interior of the building only.

Reason: To ensure the amenity of the neighbouring properties is maintained.

4. Hours of operation for the external parts of the development, notably the verandahs and the enclosed area to the east of the building are limited to 9am - 8pm daily.

Reason: To ensure the amenity of the neighbouring properties is maintained.

The applicants have also questioned the need for a public entertainment area licence.

After the Section 82A application was lodged with Council, the applicants advised that they have a function on 19 March 2016 and would like to operate until 10pm for that event for the entire site.

Comment

Each of the requests listed will be dealt with in turn.

Request to use the venue until 10pm on 19th March 2016

Due to the applicants having lodged their Section 82A review request and the event being a one off during the review process, Council officers assessed that the event would provide the Council with greater detail as to the impacts of the development and its hours of operation on the amenity of the neighbouring properties. Permission was granted to operate until 10pm on the 19 March 2016 and adjoining and adjacent landowners were notified of the event and have been asked to provide comment on any issues regarding the event to Council.

Need for a Public Entertainment Area Licence

Planning Circular PS09-028 outlines that Place of Public Entertainment (POPE) Licences are no longer needed – *venues can have live entertainment as part of their main business without the need for separate approval. Entertainment should now be considered as part of normal activities for pubs, restaurants and registered clubs.*

The Willows is located on a Crown Reserve and the Reserve was created for Museum purposes and is defined as community land under the Local Government Act 1993. Council granted the lease to the Four Creeks Festival Committee as it is a community based festival committee, which included a museum component in their proposal to lease the building. The restaurant is ancillary to the use of the building for community and museum purposes, therefore a POPE licence is required for the site.

3. The Public Entertainment Area Licence pertains to the interior of the building only.

Reason: To ensure the amenity of the neighbouring properties is maintained.

The applicants would like to use the rear verandah as a dining area and the shed on the north-western corner of the property for public entertainment. There will be noise generated from the development, however it is unclear whether the noise will be offensive. To limit the impact of the noise on neighbours the following condition was included in the consent:

Operation of Development

The development is to be conducted in such a manner so as not to significantly interfere with the amenity of the area by reason of noise transmission, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, grit, oil, waste water, waste products or otherwise.

Reason: To ensure amenity of area is maintained.

This condition will give Council the control to limit the noise emanating from the premises.

Council could also consider a trial period or a limited Public Entertainment Area Licence for a period of 12 months to gauge the impact the development is having on the neighbourhood

4. Hours of operation for the external parts of the development, notably the verandahs and the enclosed area to the east of the building are limited to 9am - 8pm daily.

Reason: To ensure the amenity of the neighbouring properties is maintained.

The applicants would like the hours of operation to range from potentially 7am to 12 midnight with the following being their ordinary hours outlined in the Statement of Environmental Effects:

Thursday – Saturday – 9am to 10pm
Sunday to Wednesday – 9am to 8pm.

Since approval was granted on the 23 February the applicants have advised Council that they would like to serve breakfasts from 7am, including allowing diners to eat on the verandahs.

CONCLUSION

With any development of this kind in an area where there are dwellings, there will be conflicts over amenity and noise. Council must balance the competing needs of the residents with the needs of the business. In order to do that it is recommended that Conditions 3 and 4 under the Place of Public Entertainment Licence be removed, and that the License only be issued for a period of 12 months, over which time the Council can monitor the impact on the neighbouring properties.

RECOMMENDATION

1. That Conditions 3 and 4 under the Place of Public Entertainment Licence be removed.
2. That the Public Entertainment Area Licence be issued for a period of 12 months from the date of the modified consent.
3. That at the March 2017 meeting of Council a report be presented to Council regarding any issues relating to the operation of the venue.

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..... General ManagerMayor

ITEM NO. 3 - DELIVERY PROGRAM PROGRESS REPORT- JULY TO DECEMBER 2015
FILE: 03.38
FROM: GENERAL MANAGER

Attached is the updated Delivery Plan (attachment # 2), indicating the progress of the action from 1 July 2015 to 31 December 2015, as required under Section 404(5) of the Local Government Act 1993, which states:

The General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided at least every 6 months.

Recent activities associated with the three merger proposals has taken a great deal of time and energy, resulting in some effects on progress in the more aspirational issues in the Delivery Plan.

Given that it is expected that Jerilderie Shire Council will most likely cease to exist at the end of this financial year due to the State Government's desire to amalgamate this Council, this document will be the source of inputs to a completely new suite of Integrated Planning and Reporting documents developed by the new Council, based on past work and a round of community consultation.

RECOMMENDATION

The Delivery Program Progress Report, July to December 2015, be adopted.

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ITEMS FOR INFORMATION

ITEM NO. 4 - STATEMENT OF BANK BALANCES & SCHEDULE OF INVESTMENT
 FILE: 05.13
 FROM: FINANCE MANAGER

<u>STATEMENT OF BANK BALANCES</u>	2015-16	2014-15
Cash Book 31 JANUARY 2016	368,145.54	256,972.18
ADD - Receipts - FEBRUARY	1,725,591.15	1,348,198.63
ADD - Receipts - Bendigo Bank	860.58	921.64
ADD - Cancelled	2,968.33	0.00
ADD - Adjustments	0.00	0.00
LESS - Cheques - FEBRUARY	-507,333.51	-6,655.09
LESS - Autopay	-499,022.51	-562,394.11
LESS - Bank Charges	-6,971.98	-5,471.89
LESS - Loans	-10,753.99	0.00
LESS - Investments	0.00	-10,753.99
CASH AT BANK 29 FEBRUARY 2016	1,073,483.61	1,020,817.37
Bank Statement 29 FEBRUARY 2016	1,534,138.95	993,243.74
Bank Statement - Bendigo Bank	40,665.76	29,696.83
PLUS Outstanding Deposits	0.00	0.00
LESS Unpresented Cheques	-501,321.10	-2,123.20
LESS Outstanding Autopay	0.00	0.00
LESS Reverse Autopay	0.00	0.00
CASH AT BANK 29 FEBRUARY 2016	1,073,483.61	1,020,817.37
Add Investments	6,032,152.55	5,733,370.93
Total Cash and Investments	7,105,636.16	6,754,188.30
Represented by:-		
Trust Account	4,520.53	14,118.10
Water Fund	399,843.74	1,041,179.88
Sewer Fund	1,937,149.34	1,887,969.64
Domestic Waste Management	99,722.00	105,000.00
Unexpended Grant Funds	514,340.20	86,198.34
Plant Reserve	0.00	890,783.00
Employee Leave Entitlement Reserve	727,916.00	700,000.00
Infrastructure Reserve	31,512.00	400,096.00
Residential Housing Reserve	0.00	0.00
General Fund	3,390,632.35	1,628,843.34

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SCHEDULE OF INVESTMENTS

Institution	Amount	Rate	Matures	NO.
IMB Ltd	516,105.10	2.80	09/05/16	20
IMB Ltd	300,000.00	2.80	23/03/16	24
Bendigo	405,584.66	2.60	11/04/16	28
ANZ	518,979.86	3.00	14/03/16	29
ANZ	437,044.98	2.95	13/05/16	30
Bendigo	313,125.40	2.45	07/03/16	31
Bendigo	449,568.07	2.45	27/05/16	34
ANZ	523,256.66	2.95	02/05/16	36
Bendigo	313,956.54	2.60	13/04/16	38
ANZ	500,000.00	2.95	30/05/16	39
ANZ	663,789.58	2.95	22/05/16	41
Bendigo	568,722.73	2.45	03/04/16	43
IMB Ltd	522,018.97	2.80	05/04/16	44

Total Investments **6,032,152.55**

Average Interest Rates	2013/14	3.48%
	2014/15	3.15%
	2015/16	2.75%

PERCENTAGE OF FUNDS HELD

ANZ	2,643,071.08	43.82%
BENDIGO	2,050,957.40	34.00%
IMB LTD	1,338,124.07	22.18%

6,032,152.55

- I hereby certify that:
- 1) the cash book was reconciled with the bank balance as shown by the bank statements as at 29 February 2016
 - 2) the investments have been invested in accordance with the Local Government Act, Regulations and Council's policies.

RECOMMENDATION

That the Statements of Bank Balances and Schedules of Investments as at 29 February 2016 be noted and received.

Vicki Sutton
RESPONSIBLE ACCOUNTING OFFICER

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..... General Manager Mayor

ITEM NO. 5 - NOXIOUS WEEDS / SALEYARDS / TRUCKWASH / STOCK CONTROL
FILE: 04.21
FROM: DIRECTOR OF TECHNICAL SERVICES

Weeds:

The Noxious Weeds Inspector will be attending a workshop run by Local Land Services Officer, Maureen Leske, on Thursday 17 March 2016 regarding weed growth along water ways and surrounding properties.

Silverleaf Nightshade has been found on MR564 (Berrigan Road) and Newell Highway.

MR321 (Kidman Way) and Bridge Road have been treated for weeds before resealing works.

Small patches of Prickly Pear have been treated from raw water pump station to the Bolton Street weir.

Bathurst Burr treatment is in progress on local roads. Khaki Weeds have been treated at the swimming pool, Caltrop and ants treated at various sites around town.

Fleabane has been treated at the Sewerage Works and the Cemetery, Lovegrass has been sprayed at the Racecourse.

Truck Wash:

Sign to be installed advising to clean the truck wash after use. Settling ponds have been treated for weeds.

Stock Control:

Sheep returned to paddock adjacent to South Coree Road, owner advised to fix fencing.

Saleyards:

Watering has commenced, all trees have been pruned and dead trees are being removed.

RECOMMENDATION

That the Noxious Weeds, Saleyards, Truckwash and Stock Control Report be accepted.

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ITEM NO. 6 - WORKS IN PROGRESS 15/2/2016 to 13/3/2016
FILE: 03.16.04
FROM: DIRECTOR OF TECHNICAL SERVICES

<p>Regional Roads RR552 – Conargo Road RR564 – Berrigan Road RR323 – Oaklands Road RR59 – Urana Road RR596 – Morundah Road RR356 – Berrigan/Oaklands Road</p>	<p>Guide post maintenance Bitumen edge patching Edge patching Bitumen edge patching Bitumen patching, edge patching Bitumen patching</p>
<p>MR321 – Kidman Way</p>	<p>Sign maintenance, correct pavement shape, bitumen patching, rubbish collection, shoulder slashing, bitumen edge patching.</p>
<p>H17 – Newell Highway</p>	<p>Correct pavement shape, sign maintenance, rubbish collection, shoulder slashing, bitumen patching.</p> <p>Letter received from Regional Manager, RMS, Lindsay Tanner regarding Newell Highway/Jerilderie Street, Jerilderie; advising that funding has been allocated to undertake project development planning including pavement geotechnical investigation and survey / design works.</p> <p>Mr Tanner has advised that the sub-grade in this section of the Newell Highway is very poor and has a significant volume of heavy vehicles.</p> <p>This, combined with the urban location of this section of the Newell Highway, will probably necessitate a pavement design that involves removing the existing pavement layers and treating the sub-grade before rebuilding the pavement layers. The top pavement layer will probably be asphalt. These factors will result in this project being an expensive pavement to rehabilitate.</p> <p>RMS will keep Jerilderie Shire informed during the pre construction phase.</p>
<p>Shire Road Maintenance</p>	<p><i>Bitumen Patching/ Edge Patching</i> Wilson Road, Lignum Lane, Gilbert Road, Bridge Road <i>Weed Spraying</i> Cemetery area, various local roads, sewerage treatment ponds. <i>Grader Maintenance</i> Leonard Road, Field Road, McLennons Bore Road, Jerrys Lane, Rifle Range Road. <i>Slashing</i> Fairlie Grange Road, Harris Lane, South Coree Road, Willows Road. <i>Guide Post Maintenance</i> South Coree Road <i>Gravel Resheeting</i> McLennons Bore Road (sections) in progress</p>

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Shire Roads Resealing	Bridge Road – 2.09km / 14mm reseal
Local Roads Rehabilitation	South Coree Road starting from intersection with Willawa Lane to the north for approximately 2.00km proposed to rehabilitate and bitumen seal. Proposed start date May 2016. Survey and design completed.
Roads to Recovery	Glenn Road resheeting program completed. Aggregate carted for resealing program for various town streets – Sargood, Smith, O’Neill, Betts, Brown, Mahonga Streets. Proposed to start at end of March 2016.
Cycleways / PAMPs Program	Cycleway / path – Jerilderie Street, south side between Betts and O’Neill Streets in progress, proposed to be complete end of March 2016.
Town Maintenance	Sign maintenance, rubbish collection, nature strips slashing, bitumen patching, tree trimming
Water & Sewerage	New filtered water storage constructed, pipe works to be completed. Minor raw water service repairs. Hydrant flushing raw and filtered water mains.
Wunnamurra Estate – Stage 2	Raw and filtered water mains near completion. Designs for power to be completed. Designs for Telstra lines to be completed. Drainage calculations for subdivision in progress. Sewerage manholes / pipe works design completed. Construction materials to be purchased.
Private Works	Gravel carting, loader and grader hire steady. RFS airstrip west of Jerilderie in progress – storage tank, container for equipment to be ordered.

RECOMMENDATION

The Works in Progress Report be adopted.