



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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Business Paper

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, COOTAMUNDRA

6:00PM, TUESDAY 27 FEBRUARY 2018

Cootamundra Office: Ph: 02 6940 2100

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The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Ordinary Meeting of the Council will be held in the Stephen Ward Rooms, Cootamundra on:

Tuesday, 27th February, 2018 at 6:00pm

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

1. Open Forum
2. Acknowledgement of Country

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

3. Apologies
4. Disclosures of Interest
5. Confirmation of the Minutes (circulated separately) of the January Ordinary Meeting of Council held on 30th January, 2018

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6 MAYORAL MINUTES

The Mayoral Minutes be received and noted.

So as to keep Councillors and the community aware of my engagements on behalf of Council I intend to provide regular updates through my Mayoral Minutes. These Minutes will also include copies of relevant correspondence received by me.

Monday, 29th January, 2018

I attended the RERO board meeting in Wagga Wagga

Wednesday, 31st January, 2018

I Councillors Sheahan, Graham, Bowden, Miriam Crane (Interim Manager Social and Community) and I attended the RERO Executive meeting at the RERO office in Wagga Wagga.

Wednesday, 7th February, 2017

Mayoral Roundtable. This meeting was hosted by the Hon Mick Veitch, MLC in Cowra. Here discussions were held for ideas, priorities and solutions for the many complex policy areas affecting rural and regional NSW.

Thursday, 8th February, 2018

I attended and addressed a CWA meeting in Cootamundra.

Councillors Leigh Bowden, David Graham, Charlie Sheahan, Miriam Crane (Interim Manager Social and Community) and myself attended a Rail Trail meeting at the Coolac Hotel.

Saturday, 10th February, 2018

I attended a meeting with representatives from the Local Government Women's Executive.

Sunday, 11th February, 2018

I met with representatives of the Gundagai Truck Museum.

I also attended the Bi-Annual General Meeting of the Cootamundra Sub- Branch of the RSL of Australia where I officially opened the meeting and participated in a wreath laying.

Wednesday, 14th February, 2018

I attended the AGM of the Cootamundra Heritage Centre Management Committee.

Friday, 16th February, 2018

Councillor Kelly, in his capacity as the Rural Fire Service's Delegate, and I attended a formal hand over of the new RFS Cat 7 tanker for the North Gundagai Brigade. The handover was arranged and hosted by Andrew Dillon, District Manager and other representatives from the South West Slopes Zone, NSW Rural Fire Service.

The Hon Steph Cooke and I attended a welcoming function for Gundagai's new Officer in Charge of Police, Joanne Garnett and new Area Commander Bob Noble at Gundagai Police Station.

Monday, 19th February, 2018

Councillors Dennis Palmer (Deputy Mayor), Charlie Sheahan and I met with Steph Cooke, MP to inspect the new Lions Club caravan with representatives of the Cootamundra Lions Club. We also inspected the new Cowcumbra Street causeway.

Wednesday, 21st February, 2018

I attended the Induction of Reverend Wendy Bloomfield as Priest in charge of the Gundagai Parish.

Thursday, 22nd February, 2018

In my absence, Councillors Charlie Sheahan and Stewie attended a Local Government Leadership in Governance seminar sponsored by Statewide Mutual in Wagga Wagga.

In my absence, and in his capacity as the Rural Fire Service's Delegate, Cr Kelly attended the Project Board Meeting at the South West Slopes Fire Control Centre in Harden.

Friday, 23rd February, 2018

I attended the REROC Board meeting in Wagga Wagga

Monday, 26th February, 2018

Allen Dwyer (General Manager) and I attended a meeting in Temora hosted by Steph Cooke, MP on the state of the electorate.

Tuesday, 27th February, 2018

An inspection was held at the Bradman Street Depot with Councillors and staff and discussions were conducted in relation to the impending consolidation of the current Council depots to the new site.

7 GENERAL MANAGER'S REPORT

7.1 DEVELOPMENT AND COMMUNITY SERVICES DIVISION

7.1.1 DEVELOPMENT APPLICATIONS APPROVED JANUARY 2018

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	There are no attachments included for this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION:

The information on Development Applications Approved in January 2018 be noted.

The following development applications were approved by the Cootamundra Office in January 2018:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2017/111	Transportable Dwelling	Gilmores Lane
DA2017/112	New Single Dwelling	Salt Clay Road
DA2017/115	Dwelling Additions	Thompson Street
DA2017/116	Rural Outbuilding	Corbys Lane
DA2018/006	Storage Shed at Pool	Bourke Street
DA2018/007	Alterations to Community Infrastructure Building	Barrett Street
CDC2018/001	Inground Pool	Hovell Street
CDC2018/002	Inground Pool	Rinkin Street

VALUE OF WORK REPORTED TO THIS MEETING: \$720,436.00

VALUE OF WORK REPORTED YEAR TO DATE: \$5,445,166.00

THIS TIME LAST YEAR COOTAMUNDRA:

VALUE OF WORK – JAN 2017 - \$ 1,161,154.00

VALUE OF WORK – YTD 2017 - \$ 4,940,835.00

The following development applications were approved by the Gundagai Office in January 2018:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA306/2017	New Single Dwelling	Banjo Patterson Place
DA295/2017	Subdivision	Luke Street
DA311/2018	Internal refurbishment	Coolac Road
DA305/2017	Alterations & additions to existing dwelling	Tumut Street
DA308/2017	Verandah w/roof	Nangus Road

VALUE OF WORK REPORTED TO THIS MEETING: **\$888,480.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$3,781,861.00**

THIS TIME LAST YEAR GUNDAGAI:

VALUE OF WORK – JAN 2017 - \$740,220 .00

VALUE OF WORK – YTD 2017 - \$13,932,975.00

7.1.2 DEVELOPMENT APPLICATION DA048/2010, NINE LOT RURAL SUBDIVISION, OLD HUME HIGHWAY, TUMBLONG

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	s.79C Assessment Report Aerial Site Image Plan of Subdivision
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	See s.79c Report
LEGISLATIVE IMPLICATIONS	See s.79c Report
POLICY IMPLICATIONS	See s.79c Report

RECOMMENDATION

That DA048/2010 for a Nine (9) Lot Rural Torrens Title Subdivision be REFUSED Consent.

Introduction

The following report was tabled at the January 2018 Ordinary meeting of Council where it was:

***RESOLVED – Moved: Cr Sheahan Seconded: Cr Kelly
Consideration of DA048/2010 be deferred to the Ordinary Council Meeting to be held in February, 2018 to provide the opportunity for applicant to address Council.***

The former Gundagai Shire Council received an application to undertake a nine (9) lot rural Torrens Title Subdivision on the 16th August 2010.

From the time of lodgement the assessment process was ongoing up until the 7th February 2012, where around this time the owner requested the assessment be placed ‘on hold’ while he sorted out some personal affairs. It would appear that the application remained active and undetermined for a number of years until the assessment was resumed in August 2016. Given the lengthy time frame the application has remained undetermined (being greater than 60 days in this case) it could be considered as “Deemed Refused.”

The applicant has expressly requested that Council complete its assessment and determination of the application based on the information provided or they will consider the application as ‘Deemed Refused’ and contemplate an appeal in the Land and Environment Court.

In line with the applicants request Council have undertaken an assessment of the application as submitted which has revealed a number of planning considerations that haven’t either been adequately addressed or satisfied.

Applicant

Gray Surveyors

Owner

Nigel Cunningham Lotz

Property Description

Lot 266, 268, 270 of DP757213, Lot 22 of DP1098374 and Lot 8 of DP260149

Zoning

There were no identified land zones identified in the former Gundagai LEP 1997 (which was in force at the time of application lodgement)

RU1 – Primary Production Zone, as identified in the Gundagai Draft LEP 2010 (which had been exhibited for public comment at the time of application lodgement)

Existing Uses

Rural Land

Proposal

Nine Lot Rural Torrens Title Subdivision

Discussion

Council has an obligation to assess development applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. As the attached 79C Assessment Report demonstrates, there are a number of planning considerations that have not been either adequately addressed or satisfied.

These considerations relate to the proposal unable to satisfy the aims of the Gundagai Local Environmental Plan (LEP) 1997, Zone Objectives and rural subdivision provisions of the Gundagai Draft LEP 2010, The State Environmental Planning Policy (Rural Lands) SEPP 2008, NSW Rural Fire Service requirements, Environmental protection requirements and concerns from neighbouring land owners.

The 79C Assessment Report conclusion is that the application is not considered to adequately satisfy all applicable planning considerations and does not contain adequate information to satisfy these considerations and should therefore be determined as refused consent.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

DATE OF REPORT COMMENCEMENT:

12 January 2018

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Chris Imrie

DEVELOPMENT REFERENCE:

DA 048/2010

DEVELOPMENT ADDRESS:

Old Hume Highway, TUMBLONG

DEVELOPMENT LOT / SEC / PLAN:

Lots 266, 268, 270 of DP757213, Lot 22 of DP1098374, Lot 8 DP260149

OWNER(S):

Nigel Cunningham Lotz

APPLICANT:

Grey Surveyors

APPLICANT ADDRESS:

PO Box 326
TUMUT NSW 2720

PROPOSAL:

Torrens Title Subdivision (5 lots into 9)

ZONING (LEP):

Rural land with no identified land zone under the Gundagai LEP 1997. (Which was current at the time of DA lodgement).

OTHER SPECIAL ZONING IMPACTS:

None applicable under the Gundagai LEP 1997. (Which was current at the time of DA lodgement).

BACKGROUND:

Existing vacant rural lands located on the corner of the Hume Highway and Old Hume Highway, Tumblong. The subject site contains 5 existing allotments ranging in area being:

Lot 266 DP757213 – 32.09ha

Lot 268 DP757213 – 16.88ha

Lot 270 DP757213 – 15.69ha

Lot 22 DP1098374 – 40.17ha

Lot 8 DP260149 – 14.91ha

Total area of all allotments = 119.74ha approximately.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

These five allotments form part of the owners larger existing rural holding of 18 separate allotments totalling around 402ha in area.

The proponent is seeking consent to undertake a Torrens Title subdivision and boundary adjustments to create 9 separate allotments ranging in sizes being:

Proposed Lot 901 – 9.66ha

Proposed Lot 902 – 9.99ha

Proposed Lot 903 – 7.90ha

Proposed Lot 904 – 8.10ha

Proposed Lot 905 – 8.90ha

Proposed Lot 906 – 8.70ha

Proposed Lot 907 – 8.97ha

Proposed Lot 908 – 57.48ha

Proposed Lot 909 – 2283sqm (in two parts of 330sqm and 1925sqm)

All existing allotments current have legal access via unformed road reserves beginning at either the Old Hume Highway or Adelong Creek Road. As part of the subdivision application the proponent will construct a new road within an existing road reserve on the western side of the subject property to service Lots 901 and 902 and construct a new road and establish a road reserve on the southern side of the property to service Lots 903 and 904. All other lots proposed will have access via newly established rights of access over 904, 905 and 906, with the exception of Pt Lot 909 (1925sqm) which has direct access to the Old Hume Highway and Hume Highway Intersection.

It would appear that the reason for creating the small Lot 909 in two parts is to cover the only existing infrastructure located on the property, these being a communication tower on top of the hill to be located in Pt Lot 909 (330sqm) and a highway advertising billboard sign located on Pt Lot 909 (1925sqm).

The purpose of the subdivision is to allow for the separate sale and erection of dwelling houses on all lots (excluding Lot 909) as a rural lifestyle type development.

It should be noted that the application was originally submitted to the Gundagai Shire Council on the 16th August 2010. Since the time of lodgement the assessment process was ongoing up until the 7th February 2012, where around this time the owner requested the assessment be placed 'on hold' while he sorted out some personal affairs. It would appear that the application remained active/undetermined until the assessment was resumed in August 2016. Given time frame the application has remained undetermined being greater than 60 days in this case, it could already be considered as "Deemed Refused".

The applicant has expressly requested that Council complete its assessment and determination of the application based on the information provided or they will consider the application as "Deemed Refused" and contemplate an appeal in the Land and Environment Court.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

Vacant rural land of approximately 119.74ha over five existing allotments. These five allotments currently form part of the owners large rural holdings made up of 18 allotments totalling around 402ha.

On existing Lot 22 of the site there exists a telecommunications tower and a highway advertising billboard sign. It is unclear if either of these structures have received past development consents.

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

The application was notified to neighbouring property owners twice, with a number of submissions received. Submission details are covered later in this report.

The application was referred to the NSW Rural Fire Service and comments were provided. Details of the response are provided later in this report.

The application was internally referred to Council engineers with comments provided regarding access, these comments are detailed later in this report.

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State of Environmental Planning Policies:

State Environmental Planning Policy (Rural Lands) 2008 (Historical version for 10 May 2008 to 21 February 2014)

The rural lands SEPP was in force at the time of the DA lodgement in August 2010.

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Part 3 of the SEPP Clause 8 set out Rural Subdivision Principles which are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

Part 3 of the SEPP Clause 10 describe the matters to be considered in determining development applications for rural subdivisions or rural dwellings, which state:

- (1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.
- (2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (3) The following matters are to be taken into account:
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

As the application was submitted to Council under the previous Gundagai LEP 1997, which did not identify the subject site as being in any specific land use zone identified in the Rural Land SEPP, the Consent Authority must take into consideration the following key points if it is to use the principals and matters of consideration outlined in Part 3 of the SEPP in determining the application. These points of interest are:

Part 1 Clause 3 "Definitions" Sub-clause 3 which states:

A reference in this Policy to land within a land use zone that is equivalent to a named land use zone is a reference to land that, under an environmental planning instrument that is not made as provided by section 33A (2), is within a land use zone that (in the opinion of the consent authority for the land) is equivalent to that named land use zone.

It is the Consent Authorities opinion that upon review of the existing site and surrounding land uses it considers the subject allotments to be within a RU1-Primary Production equivalent zone and as such the principals and matters of consideration outlined in Part 3 should apply to this application. This is further supported by the fact the current Gundagai LEP 2011, had been exhibited as a Draft LEP in June and July of 2010. This was before the application was submitted to Council, in which the subject site and surrounding lands were proposed to be zoned RU1 Primary Production. As the Draft LEP had been placed on public

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

exhibition the Consent Authority can use it as a terms of reference in determining the application. (EPA Act 1979 S79C(1)(II)).

Part 1 Clause 5 "Relationship with other environmental planning instruments" which states:
If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Given that the previous Gundagai LEP 1997 did not contain any rural land zones or development controls on rural land subdivisions or buildings, it is considered that there is an inconsistency between the LEP and the Rural Land SEPP. In accordance with Part 1 Clause 5 the consent authority must consider the SEPP as taking precedence over the LEP in terms of these inconsistencies.

APPLICATION ASSESSMENT AGAINST THE RURAL LANDS SEPP 2008.

The subject site currently contains 5 existing allotments totalling approximately 119.74ha in area. The property is essentially cleared grazing lands with some dense timber stretching over localised hills and valleys ranging from gentle slopes to step rises.

Existing Primary land uses around the subject property are made up of a mixture of large rural holdings used for grazing and cropping, these are generally located to the north and south of the site ranging in size from 200 to 400ha and contains the owner of the subject sites total existing holding of around 402ha. To the west of the site along the Old Hume Highway there exists a number of historic smaller allotments ranging in size from 6 to 10ha and to the east on the other side of the Hume Highway and Adelong Creek are small rural lifestyle type allotments from 2 to 10ha in size.

The fragmentation of rural lands has been a historically acceptable practise in the former Gundagai Shire over many decades and can be seen right across the former LGA. It is considered that further breakup of existing larger holdings to create small un-serviced rural allotments as proposed in this application is contrary to the aims and principles of the SEPP and has the potential to result in additional land use conflicts with adjoining agricultural lands.

Regional Environmental Planning Policies:

N/A

Gundagai LEP 1997:

The Gundagai LEP 1997 aims:

- (a) to encourage the proper management, development and conservation of natural and man made resources, and
- (b) to ensure that development that has the potential to have a significant adverse impact on the environment requires proper assessment, and
- (c) to require development consent for any development other than extensive agriculture or home occupations

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

The LEP does not have any specific subdivision controls other than that development consent would be required.

It could be argued that the subdivision as submitted will result in further fragmentation of rural lands which is not considered proper management of this important resource and is likely to have a negative impact on the adjoining land uses. Is considered therefore that the subdivision does not satisfy the aims of this plan.

Gundagai Draft LEP 2010:

The Draft LEP was exhibited during June and July 2010 and identifies the subject site as RU1 – Primary Production Zone.

Under the draft LEP the subdivision of rural land under the 40ha minimum lot size can only be undertaken for primary production purposes only and dwellings would not be permitted.

The purpose of the subdivision is to create 8 separate allotments for the purpose of a dwelling the majority of which are well under the 40ha minimum lot size. This is not consistent with the objectives of the zone and would not be permissible under the Draft Gundagai LEP.

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

Gundagai Shire Council Subdivision Policy 2006

The policy identifies subdivisions in rural areas needing to maintain an average lot size of 10ha with smaller allotments being accepted if other considerations are satisfied, particularly relating to house sites, effluent disposal, access locations and relative proximity to towns and villages.

The subject application seeks consent to create a number of allotments under 10ha with the overall mean average being 8.90ha.

Given that the majority of the newly created allotments are below the 10ha required in the policy, further considerations are to be taken into account. The application as submitted does not identify building envelopes, details on effluent disposal and access to all allotments is not adequately detailed. (Other than the constructed road parts) The majority of the allotments gaining road access through newly established rights of access.

In addition the location of the subject site is located over 11km from the main town centre of Gundagai which poses question as to the suitability of creating smaller allotments so far from the main town centre.

The policy does not contain many controls on the subdivision of rural land but the application as submitted does not adequately address the limited considerations as identified.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

DCP:

No DCP exists that affect this development or parcel.

Traffic Generating Guidelines:

N/A

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

N/A

REFERRALS:

External Referral to the NSW Rural Fire Service was undertaken with the following comments provided on the 8th November 2010:

1. Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006' for proposed Lots 901-909 (inclusive).

2. Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from the area. To achieve this, the following conditions shall apply:

Proposed access via crown roads and right of access within the site shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' for proposed Lots 903-908 (inclusive) as access will be provided to more than three lots.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

Proposed right of access roads to proposed Lot 901 and Pt.909 within the site shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

3. General Advice

Any future development application lodged within the subdivision under section 79BA of the 'Environmental Planning and Assessment Act 1979' will be subject to requirements as set out in 'Planning for bushfire protection 2006'.

The applicant was advised of the comments received from the RFS on the 2nd December 2010, where the applicant was requested to provide details on how the conditions would be

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

achieved. The applicant responded on 24th February 2011 but did not provide any further clarification on how the RFS conditions would be satisfied.

The application was also internally referred to Councils engineers and was presented comments to the Gundagai Shire Council's Development Committee in September 2010.

The recommendation put to the committee was that determination of the application be deferred until a number of concerns were addressed by the applicant. These being:

1. An assessment of trees for removal be prepared by an appropriate qualified person.
 - a. To date this information has not been provided.
2. Engineering plans are required to determine the road alignment and grading, particularly servicing Lots 901 and 902. Intersection treatment will need to be provided.
 - a. To date Council have received detailed plans of proposed engineering works for the new road construction including sectional details.
3. Location of the proposed right of access is shown through a neighbouring lot. This would require an easement following consent of the owner. This is unlikely. The existing track does not go through the property.
 - a. To date a revised subdivision plan was received removing the right of access initially proposed of the private land.

There has been no information provided to Council on the construction of road works located within the rights of access proposed to service a number of allotments.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

State Environmental Planning Policy (Rural Lands) 2008

The consent authority believes that the provisions of the SEPP should apply to the subject application, this has been detailed above. It is considered that the application as submitted does not satisfy the primary principles and considerations of the SEPP.

Gundagai Local Environmental Plan 1997

The 1997 LEP was in force at the time the application was submitted and needs to be considered as part of the assessment. This LEP does not contain any land zones or controls on rural subdivisions, however the aims of the LEP are clearly defined as discussed above. It is considered that the application as submitted does not satisfy the aims of the LEP in terms of management of rural resources and potential adverse impacts on the locality.

Draft Gundagai Local Environmental Plan 2010

As the draft LEP had already been placed on public exhibition prior to the application being lodged (June and July 2010) the Consent Authority must consider its objectives as part of the 79C assessment. This is further discussed above.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

In the Draft the Subject site is zoned RU1 – Primary Production and it is considered that as submitted the proposal would not satisfy the rural subdivision controls identified in the Draft LEP.

Development Control Plans:

No DCP impact on this development type or allotment.

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

It is considered that the proposed subdivision of the subject site will result in further fragmentation of rural lands in particular the existing owner's large holding of around 402ha. This fragmentation has been occurring throughout the former Gundagai Shire LGA over many years and has had a dramatic impact on the viability of primary production in the region.

The subdivision is likely to result in creating adverse impacts and land use conflicts with neighbouring primary production lands.

Context and Setting:

The proposed development would not be in keeping with the existing context and setting of the rural locality and if approved could see the erection of a number of dwellings on a hill side, highly visible from surrounding rural lands and the Hume Highway.

Access, Transport and Traffic:

The existing site is serviced by a sealed council road with a number of unformed road reserved located across the property. The construction and opening of one of the existing road reserves and the dedication of a new road reserve is also proposed.

There are a number of considerations that need to be addressed in terms of RFS conditions or access that have not been provided as part of the application.

Public Domain:

It is considered that the subdivision proposal will have a detrimental impact on the public domain, through the increased density of the rural land and further fragmentation of primary production resources.

Utilities:

Power and telecommunications to the site are available to the site, however there is little detail provided in the application on the extension of these services to each proposed allotment. The site does not have access to reticulated water or sewer services.

Heritage:

N/A

Other Land Resources:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

Water:

Onsite collection and storage for domestic use is the only option available as there is no reticulated water services available to the site.

Soil:

N/A

Air and Microclimate:

N/A

Flora and Fauna:

Cleared vacant grazing lands with some timbered areas. The proposal will see the clearing of some native vegetation to facilitate new road construction. – The applicant was requested to provide a tree removal plan, however this has not been received.

Waste:

N/A

Energy:

N/A

Natural Hazards:

There are portion of the subject site that are identified as Bush Fire Prone.

The application was required to be submitted to the NSW RFS under 79BA and comments were provided, (see above).

Social Impact and Locality:

The proposed development will promote usage of site ensure it is maintained and may facilitate small scale diverse agricultural enterprise.

Economic Impact and Locality:

The proposed development will be positive economically for the area, with local labour and materials used for the property improvement.

Site Design and Internal Design:

There does not appear to be any particular reasons for the design of the subdivision other than to maximise the number of allotments, utilise existing infrastructure such as advertising bill board and communications tower, and to follow existing rural fence lines.

Construction Matters:

Road construction only at this stage to be dealt with at any future construction certificate.

Submissions:

The application was notified to adjoining land owners on two separate occasions, the first being on the 23rd September 2010 and the second on the 31st August 2016. The second round of notification was undertaken due to the long delay on determining the application.

During these notification periods a number of submissions were received outlining the following concerns, these being:

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

1. The subdivisions main entrance road will have negative impacts on neighbouring property in particular existing Lot 23 which would require their existing entrance to be modified.
2. Potential stormwater runoff from new road impacts on neighbouring properties.
3. Costs associated with new rural fencing along road reserve being a burden on existing land owners.
4. Vegetation clearing for new road will cause loss of privacy to existing dwellings and that new plantings be required to provide vegetation screen.
5. Vehicle lights from new roadway entrance impacting on the neighbours existing dwelling house.
6. Concerns about the new road granting general access and greater volumes of traffic in what is currently a secluded, quiet and private area.
7. Concerns about loss of privacy

Some of the concerns identified in the submissions do not have any relevance to planning considerations, however the applicant was requested to provide further details on how these concerns would be addressed (sent 19 September 2016).

To date there appears to be little detail on how the proposal will be undertaken to mitigate against potential adverse impacts on existing land owners in the vicinity.

Public Interest:

The proposal is not considered to have any positive impact on the public interest, to the contrary it could be deemed to be more beneficial to the public interest to refuse the application.

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

LEP Review - Identify this locality as an area where lot size or rezoning may be considered to address the existing uses and demands that are not consistent with the current zone objectives or minimum lot size.

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

Determination to Refuse the Application may result in an appeal to the Land and Environment Court.

CONCLUSION:

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

The application has been outstanding for some time, originally being lodged with Gundagai Shire Council in August 2010. The applicant has expressed a keen desire to have the application determined based on the information provided to date.

This assessment report has highlighted a number of concerns relating to the proposed subdivision that are reasonable grounds for refusing the application.

These considerations are summarised below:

1. Assessed against the aims, principles and considerations of the State Environmental Planning Policy (Rural Lands) SEPP 2008 – The subdivision should be refused as it will further create fragmentation of rural lands and have potential adverse impacts on existing surrounding agricultural land uses.
2. Assessed against the Gundagai LEP 1997 – The subdivision should be refused as it is not considered to be proper management of rural land resources and has the potential to cause adverse impacts on adjoining rural land uses.
3. Assessed against the Draft Gundagai LEP 2010 – The subdivision should be refused as the lots will not meet minimum lot size restrictions for rural lands with dwelling entitlements, and does not meet the RU1 'Primary Production' Zone objectives.
4. Other 79C considerations suggest that the subdivision should be refused, in that the construction of new roads and dwellings in the locality would be highly visible to the rural locality and not consistent with the existing context and character. There are potential impacts on existing land uses and dwellings in the locality, potential impacts on native vegetation and stormwater runoff, impacts on and ability to service the development with water, road and bushfire protection.

In Conclusion the application is not considered to adequately satisfy all applicable planning considerations and does not contain adequate information to satisfy these considerations and should therefore be determined as Refused Consent.

RECOMMENDATION:

That DA295/2010 be REFUSED Consent.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:



Chris Imrie
Interim Director Development & Community

12.01.2018
Date



Cootamundra-Gundagai Regional Council
 Office
 235 Sheridan Street
 PO Box 314
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**Image of site area of
 Lotz Subdivision
 DA048/2010**



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Prepared by: **Image of site area of Lotz Subdivision DA048/2010**
 Date: 22/01/2018
 Scale: 1:1000

7.2 CORPORATE SERVICES DIVISON

7.2.1 FINANCIAL MANAGEMENT

7.2.1.1 DECEMBER 2017 QUARTERLY BUDGET REVIEW

REPORTING OFFICER	Tim Swan
ATTACHMENTS	December Quarterly Budget Review has been provided as a separate attachment
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	<p>As reported in the attached December quarterly budget review, the revised net operating result for the year to 30 June, 2018 is a deficit of \$1,373,000.</p> <p>The budget adjustments recommended to Council for approval in this report result in a net change to the operating result of \$330,000.</p>
LEGISLATIVE IMPLICATIONS	Clause 203(1) of the Local Government (General) Regulation requires that, not later than 2 months after the end of each quarter, excluding the June quarter, the responsible accounting officer must submit a budget review statement to Council. The format of the review must be consistent with the minimum requirements contained in the Quarterly Budget Review Statement Guidelines provided by the Office of Local Government.
POLICY IMPLICATIONS	The quarterly budget review statement is a tool to monitor Council's progress against the operational plan and the ongoing management of Council's budget.

RECOMMENDATION

- 1. The December, 2017 Quarterly Budget Review Statement be accepted, and**
- 2. The recommended budget changes listed in the attached report be adopted.**

Introduction

The purpose of this report is to present a summary of Council's financial position at the end of the December 2017 quarter and to report on progress made against the original budget adopted by Council in its 2017-18 Operational Plan.

A detailed list of budget variances is included in the attached Quarterly Budget Review, and these are recommended for Council approval.

Discussion

This quarterly budget review has been produced from the two separate financial systems that currently exist at Cootamundra and Gundagai, and the accuracy of the information is dependent on the internal controls in place in those two systems.

The process for integrating the financial information from the two financial systems has been to reorganise both budgets in to one structure, grouping Council's functional areas based on the adopted organisational structure.

Council is currently in the process of implementing one, integrated financial system, to properly align budgets and expenditure.

Due to the differences in the way the two former council's organised their financial reporting structures, the budget line items do not always align well. There are differences in the levels that the two former councils reported to, and differences in the way they split their functional areas. Therefore, it is recognised that this budget review is limited, and will continue to develop and be improved upon. The budget will be further developed to simplify the level of reporting, reviewing budget line items and correcting any that may not have been translated correctly.

The next step in the process to prepare a single budget will be the continuation of the ongoing service review process. We are systematically reviewing each of Council's Service Units, looking for potential efficiency gains through cost savings or improved service delivery.

Staff have conducted a high level review of the integrated budget and have identified several items that should be adjusted to reflect current expectations. The budget variations detailed in this report have been recommended to Council.

The revised estimated net operating result for the year to 30 June 2018 is a deficit of \$1,373,000 (original budget was a deficit of \$4,747,000) and the revised estimated result before capital grants and contributions is a \$5,921,000 deficit (original \$5,462,000 deficit).

The material variations from the original budget for the year to date are attributed to:

Favourable variations:

- There was a timing difference in the receipt of National Stronger Regions Capital Grant funding, and an additional \$183,093 is expected to be received in the current financial year, more than budgeted. This grant funding relates to the Gundagai main street redevelopment.
- The Financial Assistance Grant has been announced, and Council's share has increased by 4.39% on the previous financial year, and \$55,377 more than budgeted.
- State Government funding of up to \$10m for the replacement of the sewerage treatment plant in Gundagai has been announced. Of the total, \$1 million has so far been allocated against expenditure that will be incurred in the current financial year.
- The Roads and Maritime Authority have approved capital funding of \$2,380,306 for flood damage repair work to be undertaken on local and regional roads.

- The Stronger Communities Foundation announced \$1,778,938 in funding for community projects in Gundagai, Cootamundra, Nangus, Stockinbingal and Wallendbeen. It is estimated that approximately \$240,000 will be expended on these projects in the current financial year, with the remainder to be completed next financial year.
- The Rural Fire Service advised that \$80,000 had been allocated to station upgrades in the council area. This is partially offset by reductions of \$73,261 in funding to other activities conducted in partnership with the RFS.
- When the first set of financial statements was prepared for the new Council, an accounting policy argument was made to write out the assets legally vested in Council that are maintained, managed and used by the NSW Rural Fire Service. Council had budgeted a depreciation expense associated with these assets in the amount of \$73,500; and this amount should be removed from the Council's budget.
- An agreement has been reached to sell 9,356.5sqm of land in Yass Road, Cootamundra. The sale is expected to generate proceeds of \$359,260, and the property had been valued at \$120,000, a profit of \$239,260.

Unfavourable variations:

- Council had budgeted works in the previous financial year, and the budgets were not fully expended. The unexpended budget items were reported to the October Council meeting, and Council resolved to carry these budgets forward in accordance with the report. The additional budget expense in the current financial year is \$556,475.
- Council has resolved to donate \$30,000 towards the preparation of a business plan and interpretive plan for the Australian Road Transport Heritage Centre project.
- Council has been levied \$424,757 as its annual contribution to the State Government Emergency Services. The amount is \$45,985 more than was allowed in the current year budget.
- Quotes for building works planned by the Cootamundra SES have exceeded grant funding for the project by \$15,000, and it is recommended that Council contribute that amount.

7.2.1.2 FINAL AUDIT PHASE FOR YEAR ENDED 30 JUNE, 2017

REPORTING OFFICER	Allen Dwyer
ATTACHMENTS	Management Letter on the Final Phase of the Audit for the Year Ended 30 June, 2017
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Detail any impact on or relationship to Council's budget.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report.
POLICY IMPLICATIONS	There are no policy implications associate with this report.

RECOMMENDATION

Management Letter on the Final Phase of the Audit for the Year Ended 30 June, 2017 be received.

Discussion

Audits are undertaken to obtain reasonable assurance the financial statements are free from material misstatement.

Mr Allen Dwyer
General Manager
Cootamundra-Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

Contact: John O'Malley
Phone no: 02 6362 5100
Our ref: D1731203/1734

12 February 2018

Dear Mr Dwyer

**Management Letter on the Final Phase of the Audit
for the Year Ended 30 June 2017**

The final phase of the audit for the year ended 30 June 2017 is complete. This letter outlines:

- matters of governance interest I identified during the current audit
- unresolved matters identified during previous audits
- matters I am required to communicate under Australian Auditing Standards.

I planned and carried out the audit to obtain reasonable assurance the financial statements are free from material misstatement. Because the audit is not designed to identify all matters that may be of governance interest to you, there may be other matters that did not come to my attention.

For each matter in this letter, I have included my observations, risk assessment and recommendations. The risk assessment is based on my understanding of your business. Management should make its own assessment of the risks to the organisation.

I have kept management informed of the issues included in this letter as they have arisen. A formal draft of this letter was provided in December 2017. This letter includes management's formal responses, the person responsible for addressing the matter and the date by which this should be actioned.

If you would like to discuss any of the matters raised in this letter, please contact me on 9275 7248 or John O'Malley on 6362 5100.

Yours sincerely



Chris Clayton
Executive Director, Quality and Innovation

cc: Councillor Abb McAlister (Mayor)

Cootamundra-Gundagai Regional Council

Final Management Letter
for the Year Ended 30 June 2017



Level 15, 1 Margaret Street, Sydney NSW 2000 | GPO Box 12, Sydney NSW 2001 | T 02 9276 7100 | F 02 9276 7200 | e mail@audit.nsw.gov.au | audit.nsw.gov.au

**Cootamundra-Gundagai Regional Council
Final Management Letter
for the year ending 30 June 2017**

I have rated the risk of each issue as 'Extreme', 'Moderate' or 'Low' based on the likelihood of the risk occurring and the consequences if the risk does occur. The risk assessment matrix used aligns with the risk management framework in [IPP12-03 'Risk Management Toolkit for the NSW Public Sector'](#).

RISK LEVELS	
Extreme	12 – 16
Moderate	5 – 11
Low	1 – 4

The risk level is a combination of the consequences and likelihood.

		CONSEQUENCE			
		Low	Medium	High	Very High
LIKELIHOOD	Almost Certain	10	11	15	16
	Likely	4	9	13	14
	Possible	3	7	8	12
	Rare	1	2	5	6

**Cootamundra-Gundagai Regional Council
Final Management Letter
for the year ended 30 June 2017**

For each issue identified, I have used the consequence and likelihood tables from TPP 12-03 to guide my assessment.

Consequence levels and descriptors

Consequence level	Consequence level description
Very high	Affects the ability of your entire agency to achieve its objectives and may require third party intervention
High	Affects the ability of your entire agency to achieve its objectives and requires significant coordinated management effort at the executive level
Medium	Affects the ability of a single business unit in your agency to achieve its objectives but requires management effort from areas outside the business unit
Low	Affects the ability of a single business unit in your agency to achieve its objectives and can be managed within normal management practices

Likelihood levels and descriptors

Likelihood level	Frequency	Probability
Almost certain	The event is expected to occur in most circumstances, and frequently during the year	More than 99 per cent
Likely	The event will probably occur once during the year	More than 20 per cent and up to 99 per cent
Possible	The event might occur at some time in the next five years	More than 1 per cent and up to 20 per cent
Rare	The event could occur in exceptional circumstances	Less than 1 per cent

Summary of Issues

Issue	Detail	Likelihood	Consequence	Risk Assessment
1.1	Real Estate Assets Held for Sale	Possible	Low	Low
1.2	Depreciation rates and estimated useful lives	Likely	Low	Low
1.3	Provision for Asset Reinstatement	Likely	Medium	Moderate

Status update on Interim Management Letter issues

Issue	Detail	Likelihood	Consequence	Risk Assessment
2.1	Cootamundra	--	--	--
2.2	Gundagai	--	--	--

Appendix 1.1

Issue	Likelihood	Consequence	Risk	Systemic Issue	Category
Real Estate Assets Held for Sale	Possible	Low	Low	No	Operational and Compliance
Observation	Implication	Recommendation	Management Response		
<p>Prior year accounting workpapers for the former Gundagai Council recorded 27 blocks being held for sale at Bourke Estate. (23 blocks in Stage 3, and 4 blocks in Stage 1 and 2). The blocks were valued at \$302,416 in the 2016 financial statements.</p> <p>During the year, a block of land was sold from Bourke Estate. The cost of sale was based on there being 23 blocks as at 12 May 2016. This meant Council calculated a unit cost of \$13,148, as opposed to \$11,201 if there were 27 blocks.</p>	<p>While the difference is not material in the financial statements; this raises the question as to whether there are 23 or 27 blocks held at Bourke Estate.</p>	<p>Management should review and clarify the number of blocks held at Bourke Estate, and to ensure future land sales are correctly accounted for.</p>	<p>Council confirms that the prior year workpapers were accurate, and that as at 12 May 2016 there were 23 unsold blocks from the Stage 3 subdivision and 4 unsold blocks from the Stage 2 subdivision.</p> <p>Since the finalisation of the audit, Council has documented a complete land register, and holds accurate records for all property owned by Council. In addition, Council has improved its records management systems to ensure that the finance team is informed of all land sales, so that the workpapers for the residential land at Bourke Street are maintained accurately.</p> <p>The finance team will now review the costs of sale for the two subdivision stages and the method of allocation across the remaining blocks as they are sold.</p>		
<p>Person Responsible: Lee Eiszele, Finance Contractor</p> <p>Date to be Actioned: 30 June 2018</p> <p>Date Resolved (if applicable): Land register published on Council's website January 2018</p>					

Appendix 1.2

Issue	Likelihood	Consequence	Risk	Systemic Issue	Category
Depreciation rates and estimated useful lives	Likely	Low	Low	No	Operational and Compliance
Observation	Implication	Recommendation	Management Response		
Our review of the fixed asset register identified inconsistencies in the useful lives and depreciation rates of similar assets.	The depreciation rates recorded against assets may not be reflective of their useful lives, causing a misstated depreciation expense in the financial statements.	Management should perform a full review of depreciation rates and asset useful lives for the 2017-18 financial statements.	Agree with the recommendation.		
For instance, there were three fleet vehicles purchased during the year, which all had different useful lives.			It is noted that useful lives of plant will not be consistent across each asset item, as useful life will be dependent on use by Council, and some plant is held longer than other.		
Asset No:	Useful Life:	Depreciation Rate:	Person Responsible: Lee Eiszele, Finance Contractor		
9655	8 years	12.5%	Date to be Actioned: 30 June 2018		
9633	2 years	50.0%	Date Resolved (if applicable): N/A		
9700	10 years	10.0%			

Appendix 1.3

Issue	Likelihood	Consequence	Risk	Systemic Issue	Category
Provision for Asset Reinstatement	Likely	Medium	Moderate	No	Compliance
Observation	Implication	Recommendation	Management Response		
<p>A provision for asset reinstatement, was not recognised in the 2016-17 financial statements.</p> <p>Management advised the value of such provision would be unsubstantiated, as no assessment had been performed on remediation costs associated with the various garbage centres, transfer centres and gravel pits.</p> <p>AASB 116 'Property, Plant and Equipment' identifies the elements of cost include:</p> <p>'the initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located, the obligation for which an entity incurs either when the item is acquired or as a consequence of having used the item during a particular period for purposes other than to produce inventories during that period'.</p> <p>We note a provision was previously recognised by the former Gundagai Council for restoration of gravel pits. The value was \$185,000.</p>	<p>The provision for asset reinstatement is misstated in the financial statements.</p> <p>As there were no preliminary assessment performed, on the remediation costs of Council it is difficult to assess the dollar impact of the misstatement.</p>	<p>Management should review the anticipated restoration costs of Council's facilities and recognise the amount in accordance with the requirements of AASB 116 and AASB 137.</p>	<p>Agree with the recommendation.</p> <p>Person Responsible: Lee Eiszele, Finance Contractor</p> <p>Date to be Actioned: 30 June 2018</p> <p>Date Resolved (if applicable): NA</p>		

REVIEW OF MATTERS RAISED IN INTERIM MANAGEMENT LETTER

The issues in this appendix were raised in our interim management letter. For each of these issues, I have determined:

- how management has addressed the issue
- what management still needs to do to address unresolved issues.

2.1 Coofamundra

Interim Management Letter Issues Raised	Assessment of Action Taken	Recommendation
Credit Card Payment Details	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Credit Card Delegation	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Payroll – Approval of timesheets and payroll reports	Management have advised that the payroll process is progressively being reviewed for both branches.	Our recommendations are in line with those raised in the interim management letter.
Stores Visit	Management have advised that the stores and the purchasing systems will be subject to comprehensive review.	Our recommendations are in line with those raised in the interim management letter.
Manual Journals	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Deficiencies in Reconciliations	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.

2.2 Gundagai

Interim Management Letter Issues Raised	Assessment of Action Taken	Recommendation
GST Incorrectly Claimed	This was a "one-off" and Management have advised of completion of this matter.	Nil as matter has been addressed by management.
Expenditure Delegations	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Receipting – Observations	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Missing leave forms	Management have advised that the payroll process is progressively being reviewed for both branches.	Our recommendations are in line with those raised in the interim management letter.
Manual Journals	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.
Deficiencies in reconciliations	Management have advised of completion of this matter. This matter will be reviewed as part of our audit procedures at the next interim visit.	Nil as matter has been addressed by management.

7.2.1.3 INVESTMENT REPORT

REPORTING OFFICER	Tim Swan
ATTACHMENTS	January 2018 Investment Report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Council investments comply with section 625 of the Local Government Act (NSW), 1993 and the Local Government (General) Regulation 2005, paragraph 212.
POLICY IMPLICATIONS	Funds are invested in accordance with Council's investment policy, which is due for review in August, 2018.

RECOMMENDATION

That the Investment Reports as at 31 January 2018 be received and noted.

Introduction

The purpose of this report is to provide Council with a list of Council funds invested as at 31 January 2018

Discussion

A list of Council's investments as at the reporting date is detailed in the attached report



INVESTMENT REPORT 31 JANUARY, 2018

The Responsible Accounting Officer, Tim Swan reports :-
Details of Investments held by Council as at

31-Jan-18 are set out below

Date Invested	Interest Rate	Term Days	Investment Amount	Anticipated Interest	Date Matures	Held With	Investment Number
16 Feb 2017	2.65	364	\$250,000.00	\$6,606.85	15 Feb 2018	Bananacoast	5905045-10596700
21 Jul 2017	2.60	214	\$2,500,000.00	\$38,109.59	20 Feb 2018	ME	10
7 Mar 2017	2.71	364	\$1,500,000.00	\$40,538.63	6 Mar 2018	CBA	3
12 Sep 2017	2.55	182	\$1,061,217.20	\$13,493.45	13 Mar 2018	AMP	8
17 Oct 2017	2.60	182	\$2,066,947.12	\$26,796.70	17 Apr 2018	AMP	9
21 Jul 2017	2.60	270	\$2,500,000.00	\$48,082.19	17 Apr 2018	BOQ	13
19 Oct 2017	2.60	182	\$6,000,000.00	\$77,786.30	19 Apr 2018	BOQ	14
25 Jul 2017	2.60	301	\$7,103,532.00	\$152,307.51	22 May 2018	ING	16
23 Nov 2017	2.60	215	\$2,000,000.00	\$30,630.14	26 Jun 2018	BOQ	7
26 Sep 2017	2.60	273	\$515,704.63	\$10,028.69	26 Jun 2018	AMP	12
11 Jul 2017	2.70	364	\$1,520,827.40	\$40,949.84	10 Jul 2018	NewPer	17
16 Jan 2018	2.62	182	\$2,531,876.71	\$33,076.71	17 Jul 2018	ME	6
23 Nov 2017	2.60	271	\$2,000,000.00	\$38,608.22	21 Aug 2018	BOQ	5
20 Dec 2017	2.62	272	\$3,000,000.00	\$58,573.15	18 Sep 2018	CBA	2
2 Jun 2009	0.70	BOS	\$1,019,030.95		At Call	CBA	1
		max	\$977,386.11		At Call	NAB	86-767-2563
25 Nov 2010	0.70	BOS	\$25,068.33		At Call	CBA	19 - Stock School
7 Mar 2011	0.70	BOS	\$24,060.12		At Call	CBA	20 - HCMS
			\$36,595,650.57	\$615,587.97			
Internal Loans				Annual Interest			
31 Dec 2009	3.69	365	\$73,752.04	\$1,360.73	30 Jun 2024	C.S.C	Aerodrome Refueller
1 Jul 2010	5.64	365	\$54,385.07	\$3,067.32	29 Jun 2022	C.S.C	Swimming Pool Design
			\$128,137.11	\$4,428.05			
Deferred debtors							
1 Sep 2011	Average Int	10 yrs	\$340.29		31 Aug 2021	C.S.C	Loan to C.C.A.C.C.
			\$36,724,127.97	\$620,016.02			

Interest on Investments YTD (from 01-07-17)

\$615,363.50

Interest on above investments to be received at maturity

\$615,587.97

Financial Institution Summary

	Amount Held	of Total
NAB	\$977,386.11	2.66%
CBA	\$5,568,159.40	15.16%
Newcastle Perm	\$1,520,827.40	4.14%
AMP Bank	\$3,643,868.95	9.92%
Bank of Qld	\$12,500,000.00	34.04%
ING	\$7,103,532.00	19.34%
Bananacoast CU	\$250,000.00	0.68%
ME Bank	\$5,031,876.71	13.70%
Cootamundra Shire Council	\$128,137.11	0.35%
Deferred Debtors	\$340.29	0.00%
	\$36,724,127.97	100%

This report is produced in accordance with section 625 of the local Government Act 1993 and all Investments have been made in accordance with the Act & the Regulations.

Signed

Responsible Accounting Officer

Tim Swan

Average interest 2.62

Check 2.62

BENCHMARK
(for term investments)

BBSW ave. 90-day
rate for Jan 1.7938 + 1%
2.79%

7.2.2 GOVERNANCE AND BUSINESS SYSTEMS

7.2.2.1 COMMUNITY STRATEGIC PLAN

REPORTING OFFICER	Susan Pardy, Manager Governance and Business Systems
ATTACHMENTS	Draft 2018-28 Community Strategic Plan v1.1 has been provided as a separate attachment Community Engagement Strategy (Draft Community Strategic Plan)
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Section 402 Local Government Act, 1993
POLICY IMPLICATIONS	There are no policy implications associated with this report.

RECOMMENDATION

1. That the draft *Cootamundra-Gundagai Regional Council Community Strategic Plan 2018-28* be placed on public exhibition in accordance with the *Community Engagement Strategy (Draft Community Strategic Plan)* until 4pm 27 March 2018.
2. That Council determine a name for the Community Strategic Plan that is relatable to the local community.

Introduction

After an extensive period of community consultation the draft Community Strategic Plan has been authored and is now presented to the community for comment.

Discussion

The Local Government Act 1993 requires Council to work with the community to review the Community Strategic Plan and other documents within the Integrated Planning and Reporting Framework after the commencement of each elected Council term. Under the proclamation of the new Council on 12 May 2016, the Cootamundra-Gundagai Regional Council must review its Community Strategic Plan by 1 July 2018.

The draft Community Strategic Plan has been developed through a process of intensive community engagement. The plan is based on the principles of equity, access, participation and rights, and addresses the civic leadership, social, environmental and economic issues in an integrated manner.

The draft Community Strategic Plan is a call to action which reflects the aspirations and visions for the future of the Cootamundra-Gundagai Regional Council local government area.

The draft Community Strategic Plan is made up of:

- **Four Key Directions** that identify where we want to be
- **Twelve Objectives** we want to achieve over the next ten years
- **Strategies** that help us achieve these objectives.

The *Community Engagement Strategy (Draft Community Strategic Plan)* outlines the methods of communication and options for lodging a submission during the public exhibition period.

Submissions will be received up until 4pm, 27th March, 2018 and will be considered by the Council before the plan or amendment is endorsed by the Council (scheduled for the next Ordinary Meeting of Council on 27th March, 2018).





Community Engagement Strategy (Draft Community Strategic Plan)

For the Public Exhibition Period of the Draft 2018-28 Community Strategic Plan

Engagement Tool and Target Audience	Timing	Purpose and Key Messages
Councillor Workshop	13 February 2018	Provide opportunity for elected Councillors to review draft CSP, provide feedback during workshop
Council Meeting	27 February 2018	Approve draft CSP for public exhibition

The draft CSP will be on public exhibition from 28 February 2018 to 4pm 27 March 2018.

Submissions may be made via:

- an online submission form (www.cgrc.nsw.gov.au)
- email: mail@cgrc.nsw.gov.au
- letter: General Manager, PO Box 6, Cootamundra NSW 2590
- fax: 02 6940 2127

During the exhibition period, communication strategies include:

Media Release	28 February 2018	Congratulate and thank community for participation and engagement rates (15%). Notification that draft CSP is on public exhibition and invite feedback and comment. Notification of opportunities to review. Feedback options provided.
Email to Community Listening Session registrants	28 February 2018	Congratulate and thank community for participation and engagement rates (15%). Notification that draft CSP is on public exhibition and invite feedback and comment. Notification of opportunities to review. Feedback options provided.
Digital Community Panel notification	28 February 2018	Congratulate and thank community for participation and engagement rates (15%).



AR Bluet Award Winners:
1953, 1992 & 2014

Page 1 of 3

		Notification that draft CSP is on public exhibition and invite feedback and comment.
		Notification of opportunities to review. Feedback options provided.
Council staff notification via email, Intranet and payslips	28 February 2018	<p>Congratulate and thank staff for participation and engagement rates (15%).</p> <p>Notification that draft CSP is on public exhibition and invite feedback and comment.</p> <p>Notification of opportunities to review. Feedback options provided.</p>
Correspondence to s.355 Committees	28 February 2018	<p>Notification that draft CSP is on public exhibition and invite feedback and comment.</p> <p>Notification of opportunities to review. Feedback options provided.</p>
Correspondence to State and National Parliamentary Representatives	28 February 2018	<p>Notification that draft CSP is on public exhibition and invite feedback and comment.</p> <p>Notification of opportunities to review. Feedback options provided.</p>
Website and social media information (Cootamundra-Gundagai Regional Council website and Facebook sites) and online submissions	28 February 2018 to 27 March 2018 (i.e. full exhibition period of 28 days)	<p>Congratulate and thank community for participation and engagement rates (15%).</p> <p>Notification that draft CSP is on public exhibition (link on Home Page). Detailed information, including draft plan to be made available on website for download. Feedback options provided.</p> <p>Regular information feeds regarding the proposal and opportunities for community feedback.</p> <p>Opportunity for lodgement of online comments and submissions regarding the draft CSP.</p>
Exhibition of draft CSP at Council Administration Offices and Libraries	28 February 2018 to 27 March 2018 (i.e. full exhibition period of 28 days)	<p>Hardcopy of draft plan available for review.</p> <p>Feedback options provided.</p>
Advertising – Gundagai Independent and Cootamundra Herald, 'Snippets'	1/2 March 2018 15/16 March 2018	<p>Raising community awareness through key information points.</p> <p>Notification of where draft CSP can be located. Feedback options provided.</p>

Community Newsletter	Newsletters delivered to residents:	Raising community awareness through key information points.
	5-9 March 2018	Notification of where draft CSP can be located.
	19-23 March 2018	Feedback options provided.
Council Meeting	27 March 2018	Report to Council with submissions.
		Council endorse CSP (dependent on review of community feedback).

7.2.2.2 PROPOSAL FOR JOINT ORGANISATION

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Proposed JO Resolution for Councils Joint Organisation Nomination Form Correspondence on Joint Organisation Establishment
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	It is anticipated the cost of the new Joint Organisation will not alter greatly in relation to the current annual charges for association with RERO.
LEGISLATIVE IMPLICATIONS	Detail relationship to any relevant legislation and any legal implications
POLICY IMPLICATIONS	There are no policy implications associated with this report

RECOMMENDATION

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 the Cootamundra-Gundagai Regional Council resolves:

- 1. That Council inform the Minister for Local Government of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution;**
- 2. To approve the inclusion of the Council's area in the Joint Organisation's area;**
- 3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:**
Bland Shire, Coolamon Shire Council, Cootamundra-Gundagai Regional Council, Greater Hume Shire, Junee Shire Council, Lockhart Shire Council, Snowy Valleys Council, Temora Shire Council and Wagga Wagga City Council.
- 4. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:**
 - i) With a copy of this resolution including the date on which Council made this resolution, and**
 - ii) Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.**

Introduction

At the Ordinary Meeting of Council held 30th January, 2018 it was resolved to defer the decision of the matter for further consideration and discussion by Council. Since then the

As part of the NSW State Government's commitment to build stronger council's, Council received correspondence from the Hon John Barilaro, MP to inform Council of the NSW Parliament's

passing the Local Government Amendment (Regional Joint Organisations) Bill, 2017. The new Bill took effect on 15th December, 2017.

Discussion

As a result of the new legislation Council is allowed to voluntarily join a new Joint Organisation (JO) to strengthen regional coordination for the purpose of improving the delivery of important infrastructure and services for its community through strategic planning, collaboration and shared leadership and advocacy. As such, the Office Local Government has encouraged Local Government Areas to:

- identify their planning region according to a map provided in the information pack;
- consult with councils to identify a preferred regional grouping, which must include a minimum of three councils;
- upon agreement of the composition of the regional grouping, ensure each member council endorses the proposal by a resolution of council; and
- submit the nomination to form a Joint Organisation by email to the Office Local Government with a 'Forming a Joint Organisation checklist' with the nomination by the closing date of 28th February, 2018.

Council must then inform the Minister in writing, after a period of twenty eight days that Council's resolution was not rescinded.

Proposed JO resolution for councils



The council resolutions are a critical input in the process of getting Joint Organisation areas recommended to the Governor by the Minister. It is important these resolutions align for groups of councils that wish to form a Joint Organisation.

Once the resolutions have been made by councils the Minister must wait at least 28 days before recommending the Joint Organisation to the Governor.

The resolutions must be worded in a way that will allow for any changes in proposed membership that could potentially occur within the 28 days (e.g. a council rescinds the decision to join the Joint Organisation) without compromising the ability of the remaining councils to still form the Joint Organisation.

Below is a suggested Joint Organisation Resolution for councils. It is advisable any resolution is made following commencement of the legislation.

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (**Act**), the [NAME OF COUNCIL] (**Council**) resolves:

1. That the council inform the Minister for Local Government (**Minister**) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (**Joint Organisation**) in accordance with this resolution.
2. To approve the inclusion of the Council's area in the Joint Organisation's area.
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - a) [INSERT A LIST OF ALL RELEVANT COUNCIL AREAS WITHIN THE RELEVANT STATE PLANNING REGIONS]
4. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:
 - a) with a copy of this resolution including the date on which Council made this resolution, and
 - b) inform the Minister that this resolution has not been rescinded,for the purpose of the Minister issuing a certificate under section 400P of the Act.



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A576353
Your Reference:
Contact: Chris Presland
Phone: 02 4428 4100

Mr Allen Dwyer
General Manager
Cootamundra-Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

Email: allen.dwyer@cgrc.nsw.gov.au

20 December 2017

Dear Mr Dwyer

Following on from recent correspondence regarding the establishment of a Joint Organisation (JO), I am writing to acknowledge the time and effort that councils and regional organisations of councils have taken over the past month to discuss the opportunities available.

I understand that there have been many conversations and regional meetings between councils and the Office of Local Government (OLG) to discuss the best way forward for councils in your region. This is a critical time when each council must consider the decision to join a JO.

I would like to reiterate that JOs are a key part of the Government's commitment to build stronger councils and improve service delivery and infrastructure across rural and regional NSW. The State Government will work closely with JOs to strengthen communities across the State.

I would like to advise that the *Local Government Amendment (Regional Joint Organisation) Act 2017* commenced on 15 December 2017. To ensure that your council is a part of the JO network, a council resolution is a critical part of the process of getting JO areas recommended to the Governor to enable proclamation.

It is important that these resolutions align for groups of councils that wish to form a JO and that councils provide the Minister for Local Government with a copy of this resolution by **28 February 2018**, a copy of which is again provided for ease of reference. This allows time to undertake the required processes in order to have JOs in operation by July 2018. This includes allocation of seed funding to help establish each JO under the NSW Government's \$3.3 million commitment.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046



Joint Organisation nomination



Councils that are interested in becoming a member of a Joint Organisation have been invited to submit their nomination to the Minister for Local Government.

To nominate each council should:

- Write to the Minister for Local Government stating that they have resolved to be a member of a Joint Organisation
- Attach the council resolution in relation to joining a Joint Organisation
- Complete the *Forming a Joint Organisation - checklist* below

Forming a Joint Organisation - Checklist

Please complete the checklist below.

An optional text box is provided if you wish to provide further information to support the Joint Organisation nomination:

1. Please list each council that is nominating to be a member of the Joint Organisation.

2. Please confirm that your proposal aligns with, or 'nests' within one of the NSW planning regions.

☒ Yes ☐ No

3. Do you have a preferred name for the Joint Organisation for the Government's consideration?

4. Please confirm that the Joint Organisation membership proposed demonstrates a community of interest between councils.

☒ Yes ☐ No

5. If your proposal results in a small number of councils in your planning region not being included in a Joint Organisation, have you discussed options with them and what are the views of those councils?

☒ Yes ☐ No

1

Joint Organisation nomination



6. Please confirm that your nomination is based around a strong regional centre or centres.

☐ Yes ☐ No

7. Please confirm that the proposed Joint Organisation will be an appropriate size and have capacity to partner with the NSW Government, the Commonwealth Government and other organisations.

☐ Yes ☐ No

8. Please specify any non-financial support required to ensure your Joint Organisation proposal is implemented successfully.

Nominations should be submitted to jointorganisations@olq.nsw.gov.au and marked 'Nomination for Joint Organisation'. Councils are required to submit their nomination by **28 February 2018**.

The Joint Organisation Network will be finalised in March 2018. Joint Organisations will be proclaimed to enable commencement in July 2018.

Proposed JO resolution for councils



The council resolutions are a critical input in the process of getting Joint Organisation areas recommended to the Governor by the Minister. It is important these resolutions align for groups of councils that wish to form a Joint Organisation.

Once the resolutions have been made by councils the Minister must wait at least 28 days before recommending the Joint Organisation to the Governor.

The resolutions must be worded in a way that will allow for any changes in proposed membership that could potentially occur within the 28 days (e.g. a council rescinds the decision to join the Joint Organisation) without compromising the ability of the remaining councils to still form the Joint Organisation.

Below is a suggested Joint Organisation Resolution for councils. It is advisable any resolution is made following commencement of the legislation (to be advised by the Office of Local Government).

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), the [NAME OF COUNCIL] (Council) resolves:

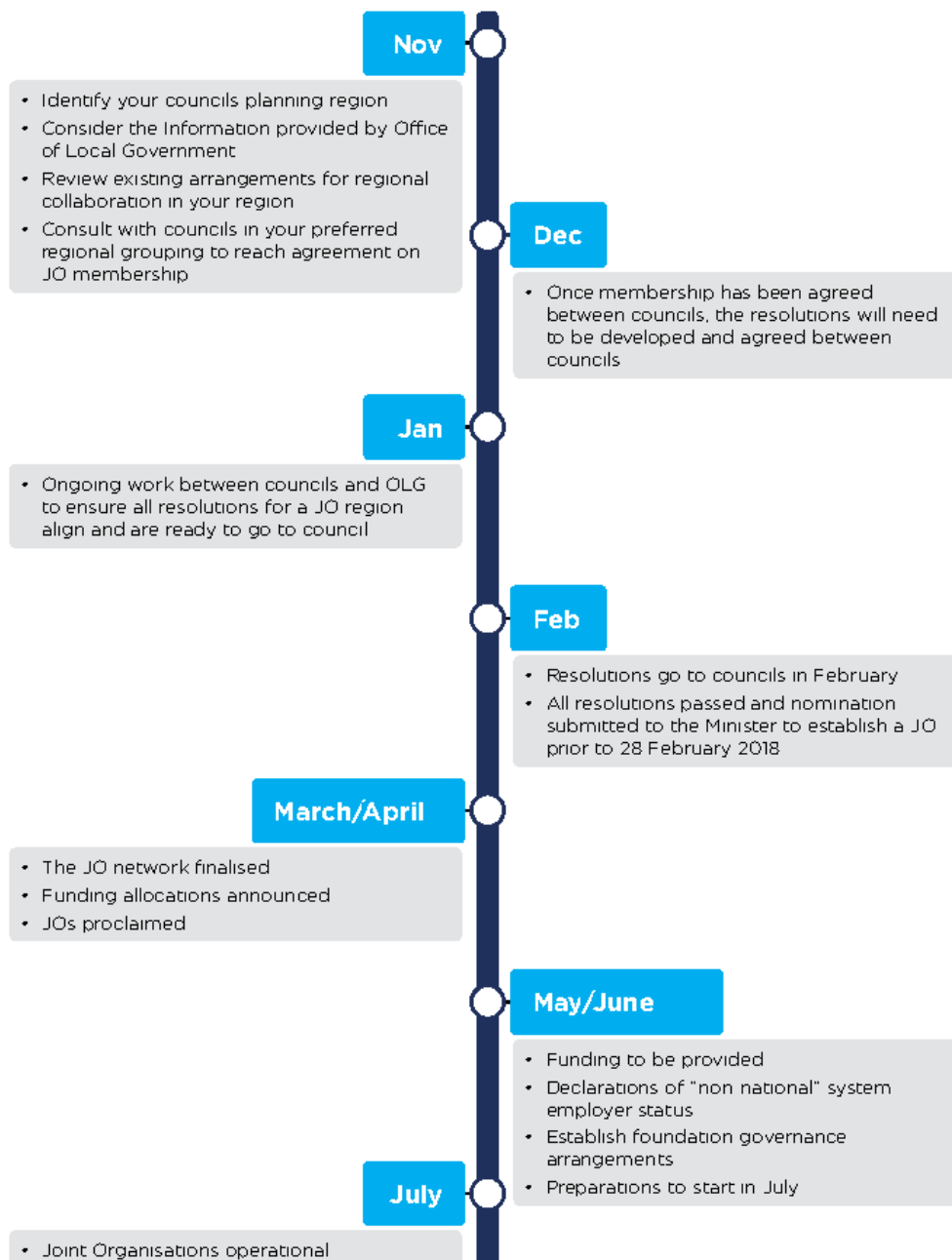
- 1. That the council inform the Minister for Local Government (**Minister**) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (**Joint Organisation**) in accordance with this resolution.*

- 2. To approve the inclusion of the Council's area in the Joint Organisation's area.*

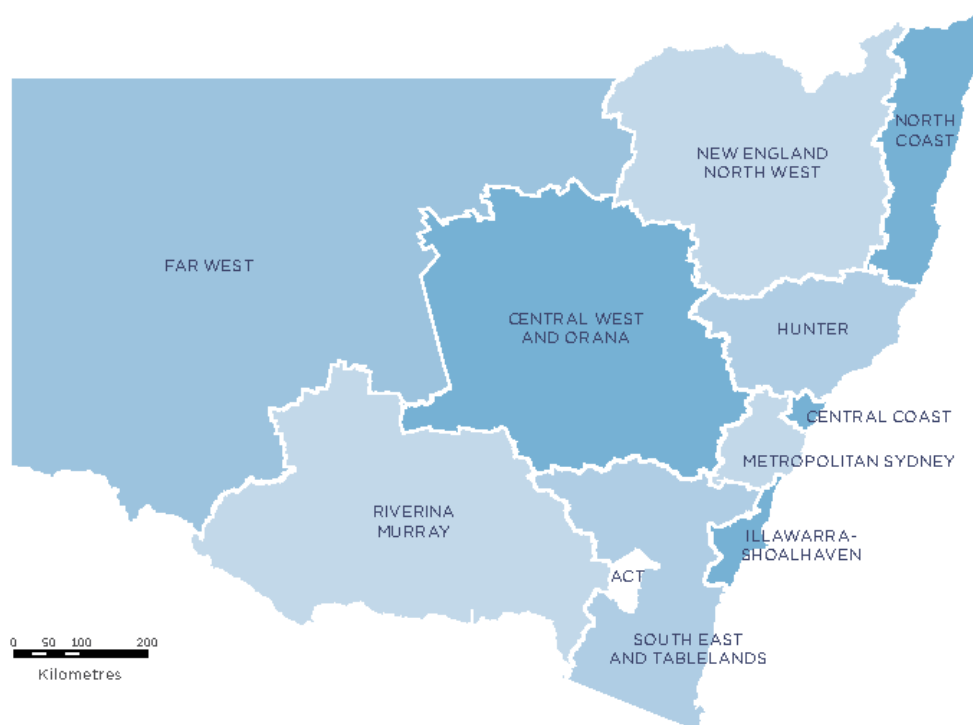
- 3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
 - a) [INSERT A LIST OF ALL RELEVANT COUNCIL AREAS WITHIN THE RELEVANT STATE PLANNING REGIONS]*

- 4. That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.*
- 5. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.*

Joint Organisation formation and implementation timeline for councils



4



Distribution of councils in NSW planning regions



Central West and Orana

Bogan Shire Council	Lachlan Shire Council	Warren Shire Council	Narromine Shire Council
Parkes Shire Council	Forbes Shire Council	Weddin Shire Council	Coonamble Shire Council
Gilgandra Shire Council	Dubbo Regional Council	Cabonne Shire Council	Cowra Shire Council
Orange Shire Council	Blayney Shire Council	Warrumbungle Shire Council	Mid-Western Regional Council
Bathurst Regional Council	Lithgow City Council	Oberon Council	

Hunter

Upper Hunter Shire Council	Muswellbrook Shire Council	Singleton Shire Council	Mid-Coast Council
Dungog Shire Council	Maitland City Council	Cessnock City Council	Port Stephens Council
Newcastle City Council	Lake Macquarie City Council		

New England North West

Moree Plains Shire Council	Narrabri Shire Council	Gunnedah Shire Council	Liverpool Plains Shire Council
Gwydir Shire Council	Tamworth Regional Council	Inverell Shire Council	Uralla Shire Council
Tenterfield Shire Council	Glen Innes Severn Shire Council	Armidale Regional Council	Walcha Council

North Coast

Tweed Shire Council	Kyogle Council	Lismore City Council	Byron Shire Council
Ballina Shire Council	Richmond Valley Council	Clarence Valley Council	Coffs Harbour City Council
Bellingen Shire Council	Nambucca Shire Council	Kempsey Shire Council	Port Macquarie-Hastings Council

Riverina Murray

Hay Shire Council	Edward River Council	Murray River Council	Carrathool Shire Council
Griffith City Council	Murrumbidgee Council	Berrigan Shire Council	Bland Shire Council
Leeton Shire Council	Narrandera Shire Council	Federation Council	Temora Shire Council
Coolamon Shire Council	Junee Shire Council	Wagga Wagga City Council	Lockhart Shire Council
Greater Hume Shire Council	Albury City Council	Cootamundra-Gundagai Regional Council	Snowy Valleys Council

South East and Tablelands

Hilltops Council	Yass Valley Council	Upper Lachlan Shire Council	Goulburn Mulwaree Council
Queanbeyan-Palerang Regional Council	Snowy Monaro Regional Council	Wingecarribee Shire Council	Eurobodalla Shire Council
Bega Valley Shire Council			

Illawarra Shoalhaven

Shoalhaven City Council	Kiama Municipal Council	Shellharbour City Council	Wollongong City Council
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Joint Organisation Frequently Asked Questions



Q1: What is a Joint Organisation?

A: A Joint Organisation is a new entity under the Local Government Act comprising member councils in regional NSW to provide a stronger voice for the communities they represent.

Each Joint Organisation will comprise at least three member councils and align with one of the State's strategic growth planning regions. One of the member council's mayors will be elected chairperson and an Executive Officer may be appointed.

Q2: How will Joint Organisations benefit councils and communities in regional NSW?

A: Joint Organisations will transform the way that the NSW Government and local councils collaborate, plan, set priorities and deliver important projects on a regional scale. These new partnerships will benefit local communities across regional NSW by working across traditional council boundaries.

Q3: How do we know Joint Organisations will work?

A: The Joint Organisation model has been developed in close consultation with councils and the NSW Government has listened to regional councils to get the model right. This included a pilot program for five groups of councils to test a range of options, which involved the participation of 43 councils and delivered a range of initiatives and projects to those regions.

An independent evaluation of the pilot program found Joint Organisations bring benefits to regional communities in delivering on-the-ground projects and attracting more investment to regional communities.

Q4: Why should councils choose to form a Joint Organisation?

A: Joint Organisations will provide a forum for councils, agencies and others to come together and focus on their regional priorities – the things that matter for that region. Joint Organisations will help drive the delivery of important regional projects – the infrastructure and services that local communities need and deserve.

Joint Organisations will also provide councils with a more efficient way to deliver shared services for members and the region. Where member councils agree, they can choose to share a common approach to services such as information technology, water management services and community strategic planning. The NSW Government will provide \$3.3 million to support councils to establish Joint Organisations.

Q5: Can councils determine their own regional boundaries?

A: While the choice to join, and composition of a Joint Organisation is voluntary, the NSW Government will only support the creation of Joint Organisations within existing State planning regions and in regional NSW. Councils have told us that effective collaboration will only be realised when State and local government boundaries are aligned.

To aid this process the NSW Government has consulted the sector on boundary criteria which they can take into account when determining the membership of their Joint Organisation.

Joint Organisation boundaries should:

- align with, or 'nest' within one of the State's planning regions
- demonstrate a clear community of interest between member councils and regions
- not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
- be based around a strong regional centre or centres
- be of an appropriate size to partner with State, Commonwealth and other partners.
- Consistent with previous Government decisions, Joint Organisations will not be considered for metropolitan Sydney and the Central Coast at this time.

Q6: Are Far West Councils able to form a JO?

A: The Government will be writing to Far West councils to advise them of their opportunity to form or join a JO. This will include specific guidance applicable to Far West councils only.

Q7: What are the next steps for interested councils?

A: Councils are invited to nominate to form a Joint Organisation in their region. Councils are encouraged to open discussions with their neighbours as soon as possible.

The Office of Local Government is available to facilitate these discussions and provide support to councils through the nomination process. Specific requirements to form a Joint Organisation will be provided to councils shortly.

Each Joint Organisation will be created by a proclamation and the NSW Government will then ask the Commonwealth to endorse each Joint Organisation as a non-national system employer to ensure that any staff of a Joint Organisation, with the exception of the Executive Officer, are employed under the State local government award.

Q8: What support will be provided to councils and Joint Organisations once established?

A: The Office of Local Government will work with Joint Organisations to support their establishment and ensure they have the necessary systems and governance in place for the Joint Organisations to deliver results for regional communities.

The Office of Local Government and the Department of Premier and Cabinet will foster collaboration between Joint Organisations and State agencies to identify and act on opportunities to benefit regional communities.

Q9: Can councils choose not to participate?

A: Councils can choose not to become a member of a Joint Organisation. The Government strongly encourages all councils in regional NSW to consider the benefits and opportunities offered by Joint Organisations.

Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation.

Q10: What funding is available to Joint Organisations?

A: The Government will provide up to \$3.3 million in seed funding to Joint Organisations to support their establishment. The Government will identify opportunities for additional investment through Joint Organisations in regional economies.

Funding for each Joint Organisation will be based on the number of councils that choose to form a Joint Organisations, with maximum funding provided to regions where all councils in a region choose to be members of the new regional body.

All Joint Organisations, whether they were pilot regions or not, will be provided with seed funding.

Further details on funding arrangements will be provided to councils.

Q11: Will this funding be enough to help councils establish a JO?

A: The NSW Government is providing significant funding and support to help those councils that choose to establish a Joint Organisation. The pilot program demonstrated that groups of councils can achieve substantial benefits for their communities and significant cost savings by working together through a Joint Organisation.

Q12: How are Joint Organisations different to Regional Organisations of Councils?

A: The Joint Organisation model provides for greater certainty and continuity as well as recognising the unique differences in the many regions of NSW. While some ROCs have been effective, they have varied functions, membership, and governance structures which often makes collaboration more difficult.

Joint Organisation Resource List



Website

www.olg.nsw.gov.au

OLG key contacts

Chris Presland, Director of Reform Implementation	0413 274 882
Melissa Gibbs, Director Policy and Sector Development	0491 225 904
Office of Local Government, Development Team	02 4428 4100

Secure Stronger Councils Portal

A secure portal is available for councils to access information and share resources on Joint Organisations. To access the portal go to <https://portal.strongercouncils.nsw.gov.au>

You will need to login and register with your council email address.

OLG will use the portal to provide up to date information and share best practice between councils and Joint Organisations during the formation and implementation phase.

Department of Premier and Cabinet Regional contacts

Hunter 0418406733 02 49212603	Aaron Spadaro, Senior Coordination Officer
Northern NSW (Tamworth) 0477316 189 0267602671	Alison McGaffin, Director, Northern NSW
Northern NSW (Coffs Harbour) 0481 919 697 02 66598651	Andrew Hegedus, Director North Coast
Southern NSW (Wollongong) 0477 320 822 0242536301	Anthony Body, Director Southern Region
Southern NSW (Queanbeyan) 0427 454 375 02 92283296	Heidi Stratford, Director South East and Tablelands
Western NSW (Dubbo) 0400 364 960 02 68267801	Ashley Albury, Director, Western NSW
Western NSW (Wagga) 0417947976	Trudi McDonald, Director Riverina Murray



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A576353
Your Reference:
Contact: Chris Presland
Phone: 02 4428 4100

Mr Allen Dwyer
General Manager
Cootamundra-Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

Email: allen.dwyer@cgrc.nsw.gov.au

20 December 2017

Dear Mr Dwyer

Following on from recent correspondence regarding the establishment of a Joint Organisation (JO), I am writing to acknowledge the time and effort that councils and regional organisations of councils have taken over the past month to discuss the opportunities available.

I understand that there have been many conversations and regional meetings between councils and the Office of Local Government (OLG) to discuss the best way forward for councils in your region. This is a critical time when each council must consider the decision to join a JO.

I would like to reiterate that JOs are a key part of the Government's commitment to build stronger councils and improve service delivery and infrastructure across rural and regional NSW. The State Government will work closely with JOs to strengthen communities across the State.

I would like to advise that the *Local Government Amendment (Regional Joint Organisation) Act 2017* commenced on 15 December 2017. To ensure that your council is a part of the JO network, a council resolution is a critical part of the process of getting JO areas recommended to the Governor to enable proclamation.

It is important that these resolutions align for groups of councils that wish to form a JO and that councils provide the Minister for Local Government with a copy of this resolution by **28 February 2018**, a copy of which is again provided for ease of reference. This allows time to undertake the required processes in order to have JOs in operation by July 2018. This includes allocation of seed funding to help establish each JO under the NSW Government's \$3.3 million commitment.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046



Should you have any further enquiries, please contact Chris Presland, Director Reform Implementation or Melissa Gibbs, Director Policy and Sector Development on 02 4428 4100 or onestopshop@olg.nsw.gov.au. Once again, I would like to thank you for your time and engagement during this process to date. The NSW Government looks forward to working with your council to find the best solutions for meeting the needs of your council and region into the future.

Yours sincerely



Penny Holloway
Acting Chief Executive
Office of Local Government

7.2.2.3 REVIEW OF DELEGATIONS OF AUTHORITY OF GENERAL MANAGER AS REQUIRED BY SECTION 380 OF THE LOCAL GOVERNMENT ACT, 1993

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	There are no attachments associated with this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report.
POLICY IMPLICATIONS	There are no policy implications associated with this report.

RECOMMENDATION

- 1. Following the review of the delegations of the General Manager in accordance with section 380 of the Local Government Act 1993, the General Manager, or the person who acts in that position, continue to be granted all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act 1993, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like) except those functions prescribed in section 377(1) of the Local Government Act 1993.**
- 2. The General Manager, or the person who acts in that position, be granted the additional delegation to authorise urgent works and other expenditures outside of the adopted budget up to an amount of \$20,000.**

Introduction

At its Ordinary Meeting on 26th June, 2017 Council considered the delegations of the General Manager and resolved as follows:

1. Any previous delegations to the Interim General Manager, or to the person holding that position in an acting capacity, be revoked.
2. The General Manager, or the person who acts in that position be delegated; all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act 1993, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like) other than those functions prescribed in section 377(1) of the Local Government Act 1993 as functions which may not be delegated.

Section 380 of the Local Government Act, 1993 requires that Council review all its delegations during the first 12 months of each term of office.

Discussion

Section 377 of the Local Government Act 1993 (the “Act”) provides:

- (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, 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,*
 - (l) 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 82A of the Environmental Planning and Assessment Act 1979,*
 - (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.*

Pursuant to Council's resolution of 26 June 2017, Council's General Manager received delegation for all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act, 1993, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like) other than those functions prescribed in section 377(1) of the Local Government Act, 1993 as functions which may not be delegated.

These delegations are however subject to the following limitations:

1. The General Manager is entitled to carry out any functions delegated to the Council by the Departmental Chief Executive or the Minister, subject to any express limitations imposed by the Departmental Chief Executive or Minister;
2. The delegation to the General Manager is limited in accordance with Council's adopted policies in force from time to time, and must be performed in accordance with such policies.
3. The delegated power, authority, duty or function being performed in accordance with the Law.

Further, if a function is conferred or imposed on an employee of the Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

In accordance with Section 380 of the Local Government Act, 1993 Council review all its delegations during the first 12 months of each term of office.

In order to optimise the functioning and operations of Council it is recommended the maximum allowable delegations continue to be provided to the General Manager. Accordingly, it is proposed that the General Manager, or the person who acts in that position, continue to be granted all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act 1993, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like) except those functions prescribed in section 377(1) of the

Local Government Act, 1993 (as referred to and listed earlier in this report). It should be noted that by adopting this recommendation, the General Manager will also receive the powers prescribed in S377(1)(A). It should also be noted that the General Manager formerly received delegation to authorise urgent works and other expenditures outside of the adopted budget up to an amount of \$20,000. In order to ensure there is sufficient scope for such approvals in extraordinary circumstances it is recommended that this delegation be again granted.



7.2.2.4 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS

REPORTING OFFICER	Allen Dwyer, General Manager
ATTACHMENTS	Expenses and Provision of Facilities for Councillors Draft Payment of Expenses and Provision of Facilities for Mayor and Councillors follows this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Financial implications of the draft policy are detailed within the document and, subject to its adoption, provision is to be made within applicable budgets
LEGISLATIVE IMPLICATIONS	Section 252 of the Local Government Act, 1993 requires the adoption of a Payment of Expenses and Provision of Facilities for Mayor and Councillors within 12 months of the term of a new council.
POLICY IMPLICATIONS	The draft policy is presented in accordance with a model policy recommended by the Office of Local Government.

RECOMMENDATION

- 1. The draft Policy, be publicly exhibited in accordance with the provisions of the Section 253 of the Local Government Act, 1993;**
- 2. Following the exhibition period, a further report be prepared and submitted to Council, with the inclusion of details of any submissions received, for consideration and determination by Council.**

Introduction

At its meeting on 20 June, 2016, the newly proclaimed Council (then known as Gundagai Council) considered a draft policy for the Payment of Expenses and the Provision of Facilities for the Mayor (Administrator) and Councillors (Committee Members) and resolved as follows:

That Council adopt the former Cootamundra Shire Council's Policy for the Payment of Expenses and the Provision of Facilities for the Mayor (Administrator) and Councillors (Committee Members) subject to the suggested alterations identified in the report and that the revised policy be placed on public exhibition for a period of at least 28 days, with submissions being invited in respect of such.

Subsequently, following the public exhibition process, at its meeting on 15 August 2016 Council adopted the policy, as advertised. A copy of that policy is attached.

Section 252(1) of the Local Government Act 1993 ('the Act') prescribes that, "Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy

mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.”

The Office of Local Government has recently released a recommended policy template and a draft policy has been prepared, utilising that template. A copy of the draft Policy is also attached.

Discussion

Upon endorsement of a draft Policy by Council, in accordance with Section 253 of the Act Council must give public notice of its intention to adopt or amend its policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions. Further, before adopting or amending the policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

It is therefore proposed that the draft Policy be the subject of public exhibition in accordance with the provisions of the Act. Following the exhibition period, a further report would be prepared and submitted to Council, including details of any submissions received, for Council’s consideration and determination.

EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS

PURPOSE:

To determine the scope and extent of expenses that may be claimed by, and equipment and facilities provided to, the Mayors (Administrator) and Councillors/Committee Members so that these may be reasonable and appropriate within the provisions of s.252 of the Local Government Act, 1993. The policy has to be publicly advertised in accordance with s.253 of the Act. All expenses must be reasonable and fall within the limits set by Council.

LEGAL REQUIREMENTS

- Councillor Expenses and Facilities Guidelines issued by the Office of Local Government.
- Sections 252-254, Section 232 and Section 428 (2) (f) of the Local Government Act 1993
- Clause 217 of the Local Government (General) Regulation 2005

POLICY PROVISIONS:

1. BUSINESS OF COUNCIL

For the purpose of this policy "business of Council" is defined as:-

- (a) Council meetings
- (b) Committee meetings where all members are Councillors
- (c) Meetings where attendance is authorised by the Council, Mayor Administrator or the General Manager.
- (d) Inspections where attendance is authorised by the Administrator or the General Manager.
- (e) Conferences, seminars or workshops where attendance is authorised by the Administrator or General Manager.

Council business does not apply to attendance by Councillors/Committee Members at political fund-raising functions.

2. EXPENSES

Section 1.6.6 of the Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW states that payment of expenses and the provision of facilities for Councillors must not be open-ended and that monetary limits

must be placed on all possible avenues of expenditure. Accordingly, a table appears as Appendix A of this policy indicating the monetary limits placed on expenditure items identified in this policy.

(i) Accommodation and Meal Expenses

Where the business of Council requires the need for Councillors or the Administrator to obtain overnight accommodation and purchase meals, those expenses shall be reimbursed on an actual cost basis to the limit expressed in Appendix A.

(ii) Travelling - Within Council's Area

Where the Administrator, Councillors or Committee Members are required to use their own vehicle to travel to authorised meetings, then reimbursement for travel expenses shall be based on the kilometre rate as prescribed in the Local Government Award but will be capped as shown in Appendix A.

(iii) Travelling - Outside Council's Area

The Administrator, Mayor or the General Manager are authorised to determine the best mode of travel for authorised travel outside the Council area having regard to economy, time and safety factors.

(iv) Registration Costs

Where the business of Council requires the payment of a registration or attendance fee, reimbursement shall be on an actual cost basis.

(v) Incidental costs

Council will reimburse the reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that the Administrator, Councillors or Committee Members incur upon the presentation of official receipts and the completion of any necessary claim forms.

Incidental expenses could reasonably include telephone calls, refreshments, internet charges, taxi fares, toll fees and parking fees. The reasonable cost of meals not included in the conference/seminar/meeting fees may also be reimbursed on production of tax receipts. The maximum reimbursement shall be as per Appendix A.

(vi) Legal Expenses

Reasonable legal expenses of the Administrator, Councillor or Committee

Member may only be met for legal proceedings being taken against the them in defending an action arising from the performance in good faith of a function under the Local Government Act or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to them.

Subject to the above mentioned conditions, reasonable legal costs may also be available for an inquiry, investigation or hearing into a councillor's conduct by an appropriate investigative or review body including:

- (a) Local Government Pecuniary Interest and Disciplinary Tribunal
- (b) Independent Commission Against Corruption
- (c) Office of the NSW Ombudsman
- (d) Office of Local Government
- (e) NSW Police Force
- (f) Director of Public Prosecutions
- (g) Council's Conduct Review Committee/Reviewer.

Such assistance will only be provided if the investigative body has progressed to a formal investigation or review and only if their findings are not substantially unfavourable to the councillor.

(vii) Disputes

Disputes regarding the payment of expenses will be referred to the Director Corporate Services for independent review and if still not resolved to a full meeting of Council.

(viii) Training and Development

Council will pay the expenses incurred in councillor/committee member training within the limits of the budget approved by Council, as included in the adopted Operational Plan.

(ix) General Expense Allowance

Under clause 403 of the Local Government Regulation no general expense allowance is available to any Councillor. A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

(x) Payment of Expenses

The Administrator, Councillors and Committee Members are required to

complete a Claim Form when applying for reimbursement of expenses. These are provided by the Director Corporate Services.

The setting of councillor and committee member fees does not fall within the scope of this policy as they are a matter for the Local Government Remuneration Tribunal.

3. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS OR ACCOMPANYING PERSONS

- i. There are limited instances where certain costs incurred by the Administrator or a Councillor on behalf of their spouse, partner, or accompanying person are properly those of the Administrator or Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor).
- ii. Accordingly, Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions either on behalf of the Councillor or Administrator or in the company of the Councillor or Administrator, that are of a formal and ceremonial nature within the Council area. Examples include, but are not limited to, Australia Day ceremonies, Civic receptions and charitable functions for charities formally supported by Council.
- iii. Council will also reimburse registration fees and the cost of attendance at official dinners whilst accompanying the Councillor or Administrator at the Local Government NSW Annual Conference.
- iv. Payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above shall be confined to the ticket, meal and /or direct cost of attending the function. Council will not reimburse additional travel, accommodation, meal or incidental costs other than provided for in this clause.

4. PROVISION OF FACILITIES

Council provides meals and refreshments associated with Council and committee meetings, official dinners and working party meetings.

Council provides office space for use by the Mayor or Administrator.

Council may decide to provide other facilities including use of telecommunications devices, dedicated computer equipment, internet access from home, business cards and the use of a Council vehicle for business.

5. PROVISION OF INSURANCE

- (a) Council shall take out public liability and professional indemnity insurance cover which shall extend to actions taken against Councillors and/or Employees in relation to the exercise of their duties as Councillors.
- (b) Council shall take out liability insurance cover on behalf of Councillors to provide indemnity in claims arising from wrongful acts whilst performing their Council duties in circumstances where the claims are not covered under Council's public liability and professional indemnity policies and as far as insurance can be legally obtained.
- (c) Council shall provide the Administrator and Councillors insurance to cover personal injury whilst on Council business and travel insurance for approved interstate or overseas travel on Council business.

6. CARE AND RELATED EXPENSES

In accordance with the principles of participation, access and equity Council will reimburse the reasonable cost of carer arrangements, including childcare expenses and the care of the elderly, disabled or sick immediate family members of councillors, to allow councillors to undertake their council business obligations.

7. APPROVAL ARRANGEMENTS

Councillors/Committee Members are required to have prior approval for any expenditure item allowable under this policy. For significant or potentially contentious expenses prior approval at a full meeting of Council will be required. Less significant expenses will require the approval of two people being either, the Administrator, General Manager, Directors of Asset Management, Operations, Development and Corporate Services. No other officer can authorise Councillor/Committee Members expenditure.

Since significant expenses are authorised by a full meeting of Council, no other documentation is required as this approval will be recorded as part of Council's official meeting minutes.

Expenses related to training and development opportunities arranged through Council do not require documentary evidence as this will be available through Council's financial processes.

All other potential expenditure will require the prior approval by two authorised officers as stated above by using the pro-forma that appears as Appendix B to this policy.

APPENDIX A

Table of Monetary Limits

<u>Expenditure Item</u>	<u>Monetary Limit</u>	<u>Comment</u>
Accommodation	\$300 per day	Unless otherwise approved by General Manager
Meals and incidental expenses	\$180 per day	
Travelling within Shire	Prescribed kilometre rate of- < 2.5ltr @ 68c/km > 2.5ltr @ 78c/km	Claim for general travel other than meetings cannot be made
Travel outside the Shire	Determined by mode of travel	Administrator and General Manager to authorise
Registration costs	Actual cost	
Legal expenses	No set limit	Assistance provided only if findings are not substantially unfavourable to Councillor
Training and Development	\$1,000 per annum Years 1 & 2 of new Council & \$500 Years 3 & 4	Administrator and General Manager discretion with this expense
General Expense Allowance	Nil	
Expenses for spouses or partners	\$85 per function	Limited circumstances and official functions only
Provision of facilities	Mayor – Provided with a mobile phone for business purposes.	
Care and related expenses	Maximum of \$100 per official function	Provided for official functions only where no alternate arrangements can be made

APPENDIX B

Councillor Request for Expenditure under Council's Expenses and Provision of Facilities for Councillors Policy

Councillor Name; _____

Nature of the Request for Expenditure;

Date/s of the Event; _____

Anticipated Expenditure;	Accommodation	\$
	Meals / incidental	\$
	Travel	\$
	Registration / Training	\$
	Spouse	\$
	Total	\$ _____

AUTHORISATION; Granted Not Granted (circle as appropriate)

Authorised Officer

Name; _____ Date; _____

Signature; _____

Authorised Officer

Name; _____ Date; _____

Signature; _____

DRAFT

**Payment of Expenses and Provision of Facilities
for Mayor and Councillors**

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Policy summary

Purpose

To provide a policy for the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

Scope

This policy applies to the Mayor and all Councillors.

General

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$3,000 per Councillor \$6,000 for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$4,000 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$1,000 per Councillor	Per year
Conferences and seminars	\$10,000 total for all Councillors	Per year
ICT expenses	\$1200 per Councillor (for iPad or similar)	Per term
	\$600 per Councillor (for Data Plan)	Per year
Carer expenses	\$500 per Councillor	Per year
Home office expenses	\$100 per Councillor	Per year
Access to facilities in a Councillor common room [Clause 9.1]	Provided to all Councillors	Not relevant
Council vehicle and fuel card [where applicable Clause 10]	Provided to the Mayor	Not relevant
Furnished office [Clause 10]	Provided to the Mayor	Not relevant
Staff support for Mayor and Councillors [Clause 10]	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the <i>Local Government (General) Regulation 2005</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

Legislative Framework

Local Government Act 1993 and Local Government (General) Regulation 2005

Councillor Expenses and Facilities Policy – Better Practice Template issued by the Office of Local Government

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

Local Government Circular 05-08 legal assistance for Councillors and Council Employees

Related CGRC Policies

Cootamundra-Gundagai Regional Council's Code of Conduct

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Cootamundra-Gundagai Regional Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
 - ensure facilities and expenses provided to Councillors meet community expectations
 - support a diversity of representation
 - fulfil the Council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
 - **Equity:** there must be equitable access to expenses and facilities for all Councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of \$3,000 per year, and the Mayor may be reimbursed up to a total of \$6,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped at a maximum of \$4000 per year.
- 6.7. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.9. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.10. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.13. Bookings for approved air travel are to be made through the General Manager's office.
- 6.14. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.16. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.17. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Riverina region.
- 6.18. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.18.
- 6.20. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 6.21. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.22. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.23. Council will set aside \$1,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies (as defined in section 6.25).
- 6.24. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.26. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business
 - relevance to the exercise of the Councillor's civic duties.
- 6.27. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.28. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.29. Council will set aside a total amount of \$10,000 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.17-6.20.

Information and communications technology (ICT) expenses

- 6.32. Council will provide an iPad (or similar) to assist in accessing Council information. Appropriate accessories will be provided as necessary, and only one item will be provided per term of Council.
- 6.33. Council will provide internet access on the iPad (or similar) through the provision of a data plan with an approximate cost of \$50 per month.

Special requirement and carer expenses

- 6.34. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.35. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.36. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.37. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$500 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.38. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.39. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.40. Each Councillor may be reimbursed up to \$100 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims.
- 7.2. Council will meet on an annual basis the premium costs of Councillors' liability insurance, personal accident insurance and public liability insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions) and professional indemnity insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions). This includes payment of the relevant excess in the event of a claim.
- 7.3. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.4. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.5. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses (based on a cost estimate of the legal practitioner) must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol)
 - a Councillors Workroom will be available for use by Councillors for activities associated with their role as a Councillor
 - reasonable administrative support will be provided to Councillors by the General Manager's Office during normal office hours for work directly related to the duties of the office of Councillor. Requests for support are to be directed to the General Manager's Office
 - reasonable access to a photocopier and a computer during normal office hours for work directly related to the duties of a Councillor
 - personal protective equipment for use during site visits

- a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or deputy Mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Administrative support

- 9.4. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.5. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the Mayor

- 10.1. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.2. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 10.3. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
 - ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

Advance payment

- 11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$150 per day of the conference, seminar or professional development to a maximum of \$500.
- 11.9. Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
 - A full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - Reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - Council will invoice the Councillor for the expense
 - The Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

- 11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

7.3 OPERATIONS DIVISION

7.3.1 OPERATIONS

7.3.1.1 FEBRUARY OPERATIONS UPDATE

REPORTING OFFICER	Ray Graham, Director Operations
ATTACHMENTS	There are no attachments associated with this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report.
POLICY IMPLICATIONS	There are no policy implications associated with this report.

RECOMMENDATION

Council receive the February Operations Update report

Introduction

This report provides a detailed update of the Operations Department's works for the month of February.

Discussion

Facilities Section

Tenders are currently being prepared and will be advertised this week for the Stronger Communities Fund projects being the Splash Park at the Cootamundra Pool and the Fisher park lighting project.

The installation for the shade sails for the Cootamundra pool also a stronger communities fund project is booked in with the supplier to commence 17 March.

Parks & Gardens

Staff continued to remove several trees that were damaged during the storm events in January.

The bridges around Cootamundra were sprayed for weeds along with some gutters around the parks.

Staff were involved with preparation works for beach volleyball carnival with the posts being adjusted along with the taps being altered on the courts behind the town pool.

Irrigation repairs have been carried out along the Cootamundra town pool verge, the milestones gardens and Albert Park.

Building Works

Cooper Street meeting room works are completed with minor tidy-up works still ongoing including building drainage works including roof gutters. The kerb and footpath works are currently underway with the section in front of the meeting room to be finished by Friday 23 February with the section to Wallendoon St to be finalised at a later date.

Cootamundra Swimming Pool

As part of the Beach Volleyball Carnival festivities, entry into the Cootamundra Swimming Pool was free of charge on Saturday 17 and Sunday 18 February with the facility being well patronised.

drumMUSTER

The first drumMUSTER collection day for 2018 is scheduled for Wednesday, 28 February 2018.

Noxious Weeds

Weed spraying for summer weeds including St Johns Wort, Blackberry, Thistles and Johnsons Grass has been completed in the following areas:

- Mundarlo Road
- Deltroit Road
- Bethungra Road
- Kimo Road
- Burra Road
- Nangus Tip Road
- Soldiers Settlers Road
- Southern entrance to Gundagai -Gocup Road
- Fullers Lane
- Stuckeys Road
- Eastern end of Tarrabandra Road
- Old Hume Highway at Coolac
- Caulderwood Road
- Edwardstown Road
- Old Gundagai Road
- Gundagai Road

Weed control spraying at the Cootamundra Airport, Council Gravel pits and waste sites was also completed.

Spraying of weed growth in town streets around roundabouts, bridges and roadside barriers is currently underway.

Civil Works Section

Works crews have undertaken shoulder repairs along Stockinbingal Road and other bitumen roads in the Stockinbingal/Yannawah areas as well as patches on the Nangus Road. Council has engaged a specialist contractor to clean sections of underground stormwater drainage in both Gundagai and Cootamundra.

Council's sealing contractor has completed resealing of various sections along both the Olympic Highway and Burley Griffin Way. With other resealing on various council local roads and town streets. While this work is underway, motorists may experience minor delays. Patching crews are also undertaking patching to the bitumen shire network as required.

Work is basically complete on the replacement of kerb and gutter along Temora Street between Parker Street and Murray Street. Some minor works are required to tie the ends back into the existing kerb and also the replacement of the driveway at the corner of Parker Street. While these works are underway, minor traffic control will be in place. Work on the road pavement rehabilitation is expected to commence the week of the 26 February.

Work has commenced on replacing the old kerb and footpath in Cooper Street adjacent to the council chambers. This section of kerb and footpath had deteriorated over time and was causing drainage problems as well as the uneven footpath surface for pedestrians. This work is being funded from the Stronger Communities funds and is part of the allocation for footpath repairs allocated to both Cootamundra and Gundagai.

With the completion of the Roadworks in the Gundagai main street, heavy patching and flood damage repairs have commenced on the Adjungbilly road. This crew will then move to Temora Street to stabilise and reconstruct the road pavement.

Technical Services Section

Planning is progressing for the pavement rehabilitation of the Burley Griffin Way through Stockinbingal. Final pricing for the project is being negotiated with RMS as well as the development of the Project Quality Plans. Preliminary works including environmental controls and tree clearing are programmed to commence week of 26 February with drainage works to commence the first week in March. Pavement works expected to commence mid March and will take approximately 6 weeks.

7.3.2 SPECIAL PROJECTS

7.3.2.1 GUNDAGAI MAIN STREET PROJECT UPDATE - FEBRAURY, 2018

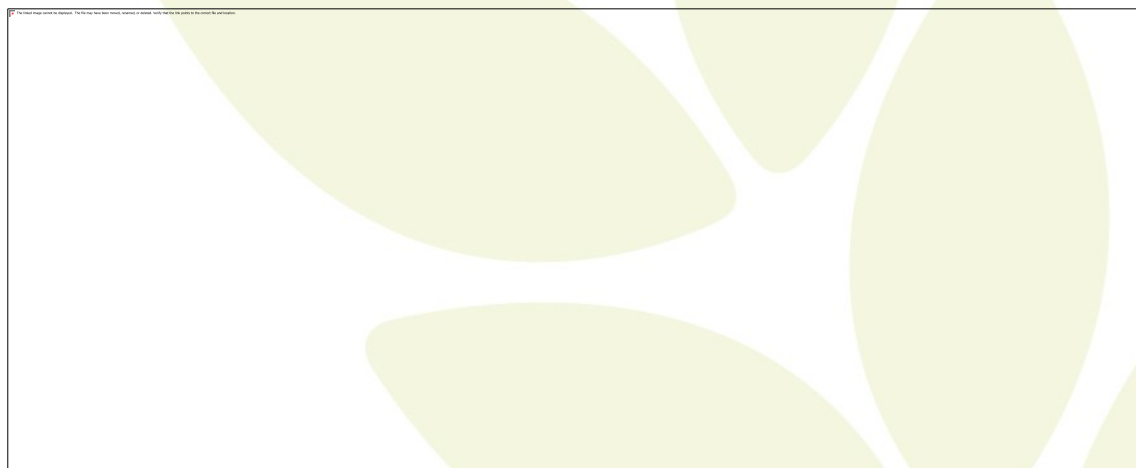
REPORTING OFFICER	Phil McMurray, Deputy General Manager
ATTACHMENTS	There are no attachments associated with this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Project is funded within Council's adopted budget.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report
POLICY IMPLICATIONS	There are no policy implications associated with this report

RECOMMENDATION

Council receive the February, 2018 report on the Gundagai Main Street Project.

Introduction

This monthly report provides Council with a snapshot of progress for this major project.
A Cost summary is provided below:



Discussion

(Block 1 – Otway to Byron Streets & Homer St. Intersections)

Major Road Pavement Reconstruction:

Over this period, staff and contractors have been able to complete a major portion of the main street reconstruction. The extent of this work has included:

- Excavation and pavement reconstruction of the parking areas of this block;
- Central pavement excavation and pavement reconstruction;
- Final trim and for seal; and
- Primer seal.

Initially our concrete gang has commenced the excavation and pavement reconstruction of the parking areas of this block. In addition we have installed subsoil drainage below the pavement surface to protect the road from subsoil water penetration.

Central pavement reconstruction in a similar manner to that of the previous block. This was achieved by the hire of a UTS controlled grader and experienced operator in conjunction with Councils staff and plant. This proved a success with work being completed in the nominated time frames.

Sealing of the pavement was completed on the 15 February, 2018.





Footpath and Paving Construction:

Paving contractors are well advanced and are nearing completion of northern footpath.

Stainless steel handrail provision has commenced on the split-level footpath section. Auxiliary brick lighting will also be installed at steps and ramps near the Blue Healers hostel

Proposed Landscaping and Garden Areas:

Landscaping and irrigation of the garden refuge areas has continued in the top block.

8 MOTIONS OF WHICH NOTICE HAVE BEEN GIVEN (NOTICES OF MOTIONS)

8.1 FEES AND CHARGES

I, Cr Gil Kelly, hereby give notice of my intention to move the following motion at the Council meeting of 27th February, 2018.

“Council undertake investigations for the consistency of fees and charges across both offices.”

8.2 REVERSAL OF FORCED MERGER

I, Cr Charlie Sheahan, hereby give notice of my intention to move the following motion at the Council meeting 27th February, 2018 of the CGRC.

That Cootamundra-Gundagai Regional Council acknowledges and accept its role under Section 223 and Section 232 of the Local Government Act, 1993 for the whole area of Cootamundra-Gundagai Regional Council, but as a matter of policy, Council support any proper and democratic process presented for a demerger of the Cootamundra-Gundagai Regional Council to reconstitute the former Councils of Cootamundra and Gundagai as existed prior to 12th May, 2016 when a proper and democratic process shows an overwhelming desire by the majority of citizens of either the former Gundagai Council or Cootamundra Council or both.

General Manager’s comments.

Sections 223 and 232 of the Local Government Act, 1993 are reproduced below for the information of Councillors;

Section 223: What is the role of the governing body?

The role of the governing body is to direct and control the affairs of the council in accordance with this Act.

Section 232: What is the role of a councillor?

(1) The role of a councillor is, as a member of the governing body of the council:

- *To provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council’s deliver program;*
- *To direct and control the affairs of the council in accordance with this Act;*
- *To participate in the optimum allocation of the council’s resources for the benefit of the area;*
- *To play a key role in the creation and review of the council’s policies and objectives and criteria relating to the exercise of the council’s regulatory functions; and*
- *To review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

(2) The role of a councillor is, as an elected person:

- *To represent the interests of the residents and ratepayers;*

- *To provide leadership and guidance to the community; and*
- *To facilitate communication between the community and the council.*

The Notice of Motion would seem to be somewhat unnecessary, in that Council is required by its charter to reflect the wishes of its citizens. Council is endeavouring to move forward as a single unit for the benefit of the whole community and needs to consider whether supporting the Notice of Motion would be seen as a distraction to its current objective.

8.3 DONATION FOR COOTAMUNDRA RIDING FOR THE DISABLED

I, Cr Leigh Bowden, hereby give notice of my intention to move the following motion at the Council meeting of Tuesday, 27 February, 2018:

“Council donate \$900 to Cootamundra Riding for the Disabled being for annual rent (paid in December, 2017) to the Cootamundra Showground Users’ Committee.”

Note from Councillor

Riding for the Disabled is a registered charity. All its funds come from donations and fund raising. In addition to rent, expenses include \$900 insurance and \$9,343 for the care of the horses. RDA have requested Council support of the program.

8.4 FREE ENTRY TO THE OUTDOOR SWIMMINGPOOLS

I, Cr Gil Kelly, hereby give notice of my intention to move the following motion at the Council meeting of 27th February, 2018

“Council undertake investigation with the intent to provide free entry to the outdoor swimming pools through the summer season. In addition, Council ensure adequate staffing to appropriately cater to the safety requirements and needs of the pool users throughout the free admission period”.

8.5 COUNCIL SUBMIT THE REQUIRED DOCUMENTATION TO APPLY FOR A LOAN TO COMPLETE THE WATER MAIN REPLACEMENT PROGRAM

I, Cr Gil Kelly, hereby give notice of my intention to move the following motion at the Council meeting of 27th February, 2018

“Council undertake preparation of the paperwork required to be submitted for application for a loan to cover the costs of completing the entire water mains replacement in Cootamundra”.

8.6 COUNCIL FORM A COMMUNITY ACCESS COMMITTEE

I, Cr Abb McAlister (Mayor), hereby give notice of my intention to move the following motion at the Council meeting of 27th February, 2018

“Council undertake the necessary arrangements for the formation of a Community Access Committee. The committee will service the community with the provision of assistance to those who have need of such services in the community.”



RECOMMENDATION

The questions with notice from Councillors and responses from officers be noted.

Councillor Leigh Bowden

1. Has Council been advised on any days and weeks of national or international significance (Council Resolution 23/11/17)? If so, what are those days and weeks? How is Council determining a suitable manner to acknowledge or observe them? Have the people who advised Council received a reply?

Officer's Response

It was resolved at the December Ordinary Meeting of Council for Council to engage with its communities seeking any days or weeks of national or international significance be provided to Council. Advertising was placed in the Cootamundra Herald on 22nd December, 2017 and 10th January, 2018 and the in the Gundagai Independent on 21st December, 2017 and 11th January, 2018. It is on Council's website on the homepage scrolling information and Council's Facebook page.

A second round of advertising is underway with its inclusion in the 15th edition of Council's Newsletter and again in the local newspapers.

2. Has a representative from the Aboriginal Community been invited to become a member of the Council's Planning and Development Committee (Resolution 17/12/17)? How is/has Council determined which Aboriginal community member to invite?

Officer's Response

Investigations are being undertaken into whom to send an invitation to, in both Cootamundra and Gundagai, to nominate to be a member of Council's Planning and Development Committee.

3. Has anything happened to establish a working party to review Council fees and charges for Council sporting facilities (Resolution 25/18)?

Officer's Response

Following a Notice of Motion in the name of Councillor Kelly at the Ordinary January, 2018 meeting Cr Kelly moved a Notice of Motion for the establishment of a Fees and Charges working group, Council resolved as detailed below. The working party will consider a draft of Fees and Charges prior to consideration of the Revenue Policy by Council for the 2018/19 financial year.

8.1 SPORTING FACILITIES FEES AND CHARGES – ESTABLISHMENT OF WORKING PARTY

23/2018

RESOLVED – Moved: Cr Kelly

Seconded: Cr Sheahan

Council establish a working party to include Cr Kelly and Cr Sheahan to investigate the fees and charges set by Council for sporting groups in the region.

4. Have the Award and Mayoral Honour Boards from Gundagai Chambers been relocated to a more publicly visible location. (Nancy Lawton's request 28/11/2017)

Officer's Response

It has been determined that the Award and Mayoral Honour Boards are to be rehomed in the Gundagai Library as part of the extensions that are to be undertaken.

Councillor Penny Nicholson

1. With planning underway for 2018 Christmas celebrations have funds been allocated to update Christmas decorations for Cootamundra and Gundagai? The vision of the Gundagai TAC is to purchase long term decorations which may be used yearly. The Gundagai TAC Christmas subcommittee felt that \$10,000 would be a solid investment into the future to purchase decoration that can be used for many years to come. Cr Bowden may also testify the importance and desire of similar funding to Cootamundra TAC.

Officer's response

Discussion has been undertaken with a company that tailors Christmas decoration design and supply to Councils of similar size to Cootamundra-Gundagai Regional Council. Part of the discussion outlined the need for reusable and durable decorations which will retain their presentation through the unrelenting summers endured in our area.

The cost of such quality decorations is high. It is anticipated Council will initially purchase an agreed set of decorations and add to the collection for a number of years. The cost is likely to be in the vicinity of \$20,000 per town for the decoration of the Council Administration Centres alone.

In discussions it was also raised that Council may engage with local business houses and gauge interest to purchase decorations to have consistency in the quality and type of main street decorations. Dependent on a variety of scenarios and budgetary limitations, Council may be able to provide a dollar for dollar scheme to encourage participation. Council would install and store the decorations on behalf of the business houses that participated.

A design and quote is currently being undertaken and it is anticipated to be received sometime in March. Additional discussions with alternative companies who deal in corporate Christmas decorations will be undertaken to ensure Council receives the best investment for the community. Upon satisfactory information being received a report will be prepared for Council's consideration.

2. Has the footpath sweeper/cleaner been ordered? When is the delivery?

Officer's response

The street sweeper has been delivered however, by request of the main street project officer it has not yet operated in Gundagai.

3. When will the consultant's report for the Dog on the Tuckerbox be available?

Officer's response

The final report has been received and will be available on the Councillor Portal next week.

4. Is the Boomerang Bag group donation request in the Business paper?

Officer's response

All donations received by Council will be dealt with in accordance with Council Policy.

5. Has the costing and planning of the roundabout at the corner of Sheridan and West Streets Gundagai been received by Council.

Officer's response

Concept plans have been received and costings have yet to be determined.

6. Is the Gundagai tree plan implementation still being undertaken? Is there any further advancement with this?

Officer's response

Quotes are soon to be received for trees which will be planted in accordance the autumn schedule with an annual budgetary allocation to be reviewed.

7. The official opening of the main street is tentatively scheduled for late April. Discussions are being undertaken, as part of the opening ceremony, with a proposed street closure with a market type set up with shops and stalls and live entertainment to celebrate the end of the long term project. Will Council provide financial support for the celebrations?

Officer's response

Council will commit to financial support of the event with an amount to be determined as costings are received.

8.

Councillor Gill Kelly

1. When is the installation of the boundary signage anticipated?

Officer's response

Quotes are currently being finalised for the supply and installation of the boundary signage. When a quotation have been accepted Council will inform Councillors of the installation schedule.

2. When will Rathmells lane be bitumen sealed given that approval was several months ago?

Officers Response

In the Works program which was submitted to the January Ordinary Council Meeting, it was intended that commence in early February, 2018. Unfortunately the pipes required for installation were not received. Consequently the work will have to be rescheduled around Council's current Works program with a major project now scheduled to commence in Stockinbingal.

Abb McAlister

1. When will the Harold Heydon Park sign be installed?

Officer's response

Harold Heydon Park signage has been ordered but have yet to arrive.

2. When will the plaque from Stan Crowe Oval be returned?

Officer's response

Arrangements have been made to install the sign on the new canteen building early next week.

10 CONFIDENTIAL ITEMS

10.1 CLOSED COUNCIL REPORT

Council's Code of Meeting Practice allows members of the public present to indicate whether they wish to make representations to the meeting, before it is closed to the public, as to whether that part of the meeting dealing with any or all of the matters listed should be closed.

Recommendation:

- (a) Item 10.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.**
- (b) That in accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to those items be withheld from the press and public.**

10.2 OPTIONS FOR OLD MILL SITE, GUNDAGAI

Provisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussions on this matter in open meeting would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

10.3 RESUMPTION OF OPEN COUNCIL MEETING

10.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS