



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
25 May 2016**

CONFLICTS OF INTEREST

A conflict of interest arises when the Administrator or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Administrator or any staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Administrator or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Administrator or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Administrator, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Administrator and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, Councillor or General Manager are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians. We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ORDINARY COUNCIL MEETING
TO BE HELD IN BOMBALA COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA
NSW 2632**

**ON WEDNESDAY 25 MAY 2016
COMMENCING AT 5.30PM**

BUSINESS PAPER

1. APOLOGIES

2. CITIZENSHIP CEREMONIES

3. PRESENTATIONS

4. PUBLIC FORUM

5. CONFIRMATION OF MINUTES

5.1 Snowy River Shire Council Ordinary Council Meeting held on 26 April 2016

5.2 Snowy River Shire Council Meeting as Delivery and Operations Committee held 10 May 2016

5.3 Snowy River Shire Council Meeting Closed Session as Delivery and Operations Committee held 10 May 2016

5.4 Bombala Shire Council Ordinary Council Meeting held 20 April 2016

5.5 Cooma-Monaro Shire Council Ordinary Council Meeting held 9 May 2016

6. DISCLOSURE OF INTEREST

(Declarations also to be made prior to discussions on each item)

7. MAYORS REPORT

8. DELEGATES REPORT

8.1 Matters Dealt with Under Delegation 4

9. STAFF REPORT

9.1 Council's Delegations to the General Manager 5

9.2 Code of Meeting Practice 38

9.3 Meeting times of Council & Committee Meetings - May 2016 to September 2017 77

9.4 Adoption of Council Policies - SMRC0001 (Code of Conduct); SMRC0002 (Councillor Expenses); SMRC0004 (Communications); SMRC0007 (Signing of Minutes) 81

9.5 Appointment of Auditor - Snowy Monaro Regional Council 161

9.6 Minutes of the Community Safety Precinct Committee (CSPC) Meeting held 3 February 2016 164

9.7 Bombala Office - Minutes of the Bombala Swimming Pool Complex Advisory Committee held 6 April 2016 170

| | | |
|------|--|-----|
| 9.8 | Cooma Office - Adoption of Cooma-Monaro Local Traffic Committee (LTC) held 11 May 2016 | 173 |
| 9.9 | Cooma Office - Infrastructure Strategic Working Party Minutes held 2 May 2016 | 178 |
| 9.10 | Adoption of the Snowy River Local Traffic Committee Recommendations from the 14 April 2016 Meeting | 182 |
| 9.11 | South East Regional Academy of Sport (SERAS) - Funding Request..... | 194 |
| 9.12 | Snowy Hydro SouthCare Request for Financial Support | 208 |
| 9.13 | In 2 Adventure - 2016 ITU World Cross Triathlon Championships - Request for Sponsorship | 212 |
| 9.14 | Berridale and Jindabyne Skate Park Maintenance and concept Design | 234 |
| 9.15 | Meeting Minutes of Aitchison House Cottage Section 355 Committee for 28 April 2016 | 241 |
| 9.16 | DA2016/0119 - Change of Use Serviced Apartments | 246 |
| 9.17 | Monthly Funds Management Report - April 2016 - Snowy Region | 303 |
| 9.18 | Bombala Office - FM 06/16 - Report on Council Investments | 314 |
| 9.19 | Bombala Office - FM 07/16 - March Quarterly Budget Review Statement | 319 |
| 9.20 | Review of Membership of Committees | 340 |
| 9.21 | Bombala Office - CSM 03/16 - Re-Appointment of Section 355 Committees | 347 |
| 9.22 | Resignation Received from Member of Dalgety Showground Section 355 Committee of Council | 350 |
| 9.23 | Acceptance of Training Tenders | 353 |
| 9.24 | Bombala Office - RPM 01/16 Classification of Land | 357 |
| 9.25 | Bombala Office - EDM 06/16 - Boco Rock Community Fund Grant Program | 359 |
| 9.26 | Bombala Office - DE 14/16 - Updated Costing for the Bombala Cemetery Projects | 361 |
| 9.27 | Bombala Office - DRS 08/16 - Upgrade of Bombala Saleyards Complex | 365 |
| 9.28 | Cooma Office - Extension of Waste Transport and Recycling Contract 2011/1 | 367 |
| 9.29 | Answers to Outstanding Questions With or Without Notice for the Period March 2016 to April 2016 | 370 |

10. NOTICES OF MOTION

Nil

11. MOTIONS OF URGENCY

(in accordance with Clause 241(3) of the local Government (General) Regulation 2005)

Nil

12. QUESTIONS WITH NOTICE

Nil

13. QUESTIONS TAKEN ON NOTICE

14. CONFIDENTIAL MATTERS 374

14.1 Council's Register of Approved Tradespersons Conflict of Interest

Item 22.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

14.2 Draft Review of Public Property Holdings for Snowy River Shire

Item 22.2 is confidential in accordance with s10(A)(2)(f) of the Local Government Act because it contains details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

8.1 MATTERS DEALT WITH UNDER DELEGATION

Record No:

Attachments: Nil

EXECUTIVE SUMMARY

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016 appointing Mr Dean Lynch as Administrator of the Snowy Monaro Regional Council. The Proclamation 2016 also detailed that as Administrator I would undertake the role and functions of the Mayor and Councillor as per the Local Government Act 1993.

Section 226 of the *Local Government Act 1993* details the Role of Mayor as follows:

The role of the mayor is:

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office.*

In order to maintain service continuity and deal with immediate matters, the following items were determined in accordance with Section 226 dot point 1:

- The Head Office will be Cooma Council Offices located at 81 Commissioner Street, Cooma
- The former council offices will be known as branch offices and will remain in Bombala, Berridale and Jindabyne
- The postal address for the council will be PO Box 714, Cooma NSW 2630
- The Creative Alliance was engaged to prepare council's logo and style guide as well as media information to be issued from the Administrator
- A logo and marketing material was produced and launched to the media on Monday 16 May 2016
- The date of the first meeting of Council will be Wednesday, 25 May 2016 and the meeting will be held at the Council Chambers in Bombala. This was advertised on all Council websites, advertised in the regional newspapers, the Monaro Post and Bombala Times and posted on Council's facebook page.

RECOMMENDATION

That the matters dealt with by the Administrator under in accordance with Section 226 dot point one (1) listed above are noted.

9.1 COUNCIL'S DELEGATIONS TO THE GENERAL MANAGER

Record No:

| | |
|--------------------------|--|
| Responsible Officer: | General Manager |
| Author: | Director Governance & Executive Services |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.1 Ensure that legislative obligations are met throughout all Council departments. |
| Operational Plan Action: | OP7.1 Ensure statutory registers are maintained and publicly available. |
| Attachments: | 1. Delegations Granted to the General Manager - May 2016 2. Delegations Granted to Non-Staff - May 2016 |
| Cost Centre | 3120 |
| Project | Operational Activity |

EXECUTIVE SUMMARY

Section 377 of the Local Government Act 1993 empowers Council to delegate its functions and defines those functions that can not be delegated.

The existing delegations are recorded in Council's Delegations Register which is available to be viewed by the public.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. delegates to the General Manager any functions of the Council, other than those listed in Section 377 (1) (a) to (u) of the *Local Government Act 1993*
- B. The delegations to the General Manager and to Non-Staff are documented in the Snowy Monaro Regional Council Delegations Register

BACKGROUND

Section, 22, 226 and Chapter 12, Part 3, Section 377-381 of the Local Government Act 1993 (the Act) Council delegates to the General Manager functions, powers and duties of the Council under the Act and Regulations and any other Act or law, except those functions prohibited by Section 377 of the Local Government Act.

Section 380 of the *Local Government Act 1993* (the Act) requires the Council to review all delegations within the first 12 months of each term of office, this occurred on 18 September 2012 with the Council resolution 224/12 detailing those delegations made under the *Local Government Act 1993*.

A review of the delegations granted across all three former councils of Bombala, Cooma and Snowy River has been undertaken and those that are recommended for endorsement by Snowy Monaro Regional Council is documented in Part A of the Delegations Register.

Powers of Delegation

The Councils power of delegation enables it to delegate to:

- The General Manager
- Any other person or body (not including another employee of the Council)

Section 377 of the Local Government Act 1993 states:

- (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 which are required under this Act to be invited by the council,*
 - (j) *the adoption of a management plan under section 406,*
 - (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.*
- (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 Director-General except as provided by the instrument of delegation to the council.*

Section 378 of the Local Government Act 1993 states:

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) *Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).*

A regulatory function of a Council under Chapter 7 must not be delegated or sub delegated (Section 379) to a person or body other than:

- a) *A committee of the Council of which all members are Councillors or of which all the members are either Councillors or employees of the Council; or*
- b) *An employee of the Council; or*
- c) *A county council*

A principle in administrative law is that where a delegated function has been duly exercised by a delegate it is taken to have been duly exercised by the delegator, be that the Council or the General Manager as the case may be. In other words, decisions made by Council Committees, the General Manager, or any other person or body under authority delegated by the Council, are legally binding on the Council and are taken to be a decision of Council.

Delegated authority and decisions made under delegation

The following extracts from the publication "Ombudsman's Good Conduct and Administrative Practice: Guidelines for state and local government (2nd edition)" are relevant and important in respect of decisions made under delegated authority:

Section 1.2.2 The rule against dictation

Public officials in a management position should not dictate how delegations of authority or statutory discretionary powers are to be exercised, or professional judgments made, in relation to any specific cases or circumstances. They can, however, set down guidelines or criteria on the basis of which delegations of authority or statutory discretionary powers are to be exercised.

Section 2.3.2 Responsibilities

Public officials exercising any delegated or statutory discretionary power should not:

- *exercise such a power for an improper purpose*
- *exercise such a power for a purpose other than for which it was conferred (eg, use a planning power for a non-planning related purpose)*
- *make a decision not authorised by or under the power (ie, ultra vires)*
- *take into account irrelevant considerations or fail to take into account relevant considerations when exercising the power*
- *exercise such a power in accordance with a rule or policy without regard to the merits of the particular case (ie, improperly fettering discretion), or*
- *exercise such a power at the direction of another person or body (ie, act under 'dictation').*

Section 6.3 Exercising discretionary powers appropriately

Section 6.3.1 The principle

Discretionary powers must be exercised by public officials and agencies in accordance with any applicable legal requirements, reasonably, impartially and avoiding oppression or unnecessary injury.

Section 6.3.2 Responsibilities

What are discretionary powers?

Discretionary powers are permissive, not mandatory. They are powers granted either under statute or delegation which do not impose a duty on the decision-maker to exercise them or to exercise them in a particular way. Within certain constraints, decision-makers are able to choose whether and/or how to exercise discretionary powers.

How must they be exercised

No public official has an unfettered discretionary power. Public officials must exercise discretionary powers in accordance with any applicable legal requirements, reasonably, impartially and avoiding oppression or unnecessary injury.

Exercise of discretionary power

Discretionary powers, whether granted by statute or under delegated authority, should be exercised:

- *promptly*
- *appropriately, given the circumstances of each particular case*
- *reasonably*
- *without prejudice*
- *in good faith (ie, honestly, for the proper purpose, on relevant grounds and without exceeding powers), and*
- *only in ways which are lawful and, where relevant, authorised by the instrument of delegation.*

It is a serious matter for a decision-maker to ignore valid advice or overrule valid considerations, particularly for the purposes of avoiding discomfort or embarrassment on the part of the government, agency or decision-maker.

Decisions made under delegation

The rescission power in the Act (Section 372) only applies to resolutions passed by a Council. It does not authorise a Council to “rescind” decisions made under delegated authority (whether a committee or a person). There is no provision in the Act or in any regulation, which empowers Councils to rescind or cancel any decisions made under delegated authority.

This does not, of course, prevent a Council from making a decision, which is different or contrary to a decision made under delegated authority. HOWEVER, whether such a different or contrary decision can be implemented, legally and in practice, will depend on such things as:

- Whether the decision made under delegated authority was one that could be made once only for example, the determination of a development application where the decision has been formally communicated, in which case the Council has no legal power to make any further and different determination;

or

- Whether the decision has been fully implemented (for example where works have been carried out), or implemented to such an extent that the Council is bound (for example where a binding contract has been entered into).

Decisions made by the General Manager or a delegate of the General Manager, in exercising the statutory functions of the General Manager may not be rescinded or changed by Council.

General Comments

The General Manager may, unless restricted by the Council, sub-delegate any function. Written delegations are in place from the General Manager to specific Officers to give effect to the implementation of actions.

The Council is required to maintain a register of all delegations given both by the Council and the General Manager. The register is available for public inspection at all times during normal office hours.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Delegations are a required function that enables internal control. The community can be confident that Council Officer's are acting within their authority, as well the Delegations granted to staff provide the General Manager with oversight as to how the organisation is managed.

2. Environmental

There are a number of Delegations that relate to protection of the environment as well as giving the General Manager the ability to manage the organisation in accordance with the principles of sustainability.

3. Economic

It is not considered that this report or the recommendation of this report will have a negative economic impact. The development, monitoring, maintenance and implementation of the Delegations Register is undertaken within the Senior Management budget.

4. Civic Leadership

We will ensure the quality of our leadership by remaining open and transparent; by acting ethically and efficiently; and by ensuring maintenance of systems that conform to our democratic processes.



Delegations To the General Manager

Section 377, Local Government Act 1993

Delegations Granted to the General Manager

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.001 | | |
| | 01.001.010 | Advertising signs - Unauthorised |
| | | To demolish or remove unauthorised advertisements or advertising under the Environmental Planning and Assessment (Amendment) Act, 1997 and Section 124 of the Local Government Act, 1993 (Orders) |
| 1.002 | | |
| | 01.002.010 | Advice |
| | | Subject to the limitations of the Local Government Act, authority to give advice to Councillors, corporations, members of the public, and Council employees on any issue relevant to Council or its business. |
| 1.003 | | |
| | 01.003.010 | Aged Care |
| | | Authority to provide care services to residents and clients as specified under the Aged Care Act 1997 and the HACC Act 1982 |
| 1.005 | | |
| | 01.005.010 | Annual Report - Council |
| | | To prepare an Annual Report in accordance with the provisions of Part 4 of Chapter 13 of the Local Government Act |
| 1.006 | | |
| | 01.006.010 | Annual Report - State of Environment (SoE) |
| | | To prepare an Annual Report as to the State of the Environment in accordance with Section 428(A) of the Local Government Act, 1993 as amended. |
| 1.007 | | |
| | 01.007.010 | Approvals - Environmental |
| | | Subject to Section 377 of the Local Government Act, to issue on behalf of Council all prescribed certificates, approvals, permits, statements, submissions, returns and licences that Council is authorised to issue. |
| | 01.070.020 | Approvals - Financial |
| | | Subject to Section 377 of the Local Government Act, to issue on behalf of Council all prescribed certificates etc relating to pension claims and S577 orders, pensioner rate rebates, rate deferment S601 certificates, S603 Certificates, rate notice affidavits. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.008 | | |
| | 01.008.010 | Authorisation of Action |
| | | <p>1. To authorise action to be taken by the responsible officer of Council to ensure compliance with any policy or code of the Council or any provision of the Local Government Act, 1993, the regulations thereunder or any other law, statutory or otherwise, rule or regulation, affecting the Council</p> <p>2. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolution of Council.</p> |
| 1.009 | | |
| | 01.009.010 | Authorised, designated or prescribed persons |
| | | To appoint any employee or other person as an 'authorised, designated or prescribed person or officer' for the purposes of any Act or regulation subject to such qualifications as may be required of the individual to be authorised. |
| 1.01 | | |
| | 01.010.010 | Authorised Officer/Enforcement Officer |
| | | Carry out the functions, duties and responsibilities of an Authorised Officer and/or Enforcement Officer within the area of responsibility |
| 1.011 | | |
| | 01.011.010 | Bank Guarantees / Bonds - Acceptance |
| | | <p>1. Accept bank guarantees or cash deposits as a Bond against completion of subdivision or development works where the outstanding works is of a relatively minor nature subject to a condition of completion within a maximum period of 12 months.</p> <p>2. Determine the amount of any bond required to be lodged by subdividers or developers as surety for completion of works required by any approval.</p> <p>3. Certify that bonded works have been completed to Council's satisfaction and arrange for the release of the relevant Bond.</p> <p>4. Development consent related guarantees.</p> |
| | 01.011.020 | Bank Guarantees / Bonds - Acceptance |
| | | <p>1. Accept bank guarantees or cash deposits as a Bond against completion of subdivision or development works where the outstanding works is of a relatively minor nature subject to a condition of completion within a maximum period of 12 months.</p> <p>2. Determine the amount of any bond required to be lodged by subdividers or developers as surety for completion of works required by any approval.</p> <p>3. Certify that bonded works have been completed to Council's satisfaction and arrange for the release of the relevant Bond.</p> <p>4. Development consent related guarantees.</p> |
| 1.012 | | |
| | 01.012.010 | Bank Guarantees / Bonds - Release |
| | | Accept Bank guarantees or cash deposits related to items 1 – 4 in Delegation 1.011 and arrange release of bond following approval by Officer delegated |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.013 | | |
| | 01.013.010 | Bush Fire |
| | | <ol style="list-style-type: none"> 1. Authority to introduce or revoke the "Bush Fire Danger Period" NOTE: instrument to be endorsed by the Mayor. 2. To sign Section 66 Notices under the Rural Fires Act 1997 3. Authority to accept quotations and have work undertaken for the reduction of a fire hazard under Section 66 of the Rural Fires Act 1997. 4. Authority to suspend a brigade officer until the matter is reported to the Delivery & Operations Committee for Determination 5. Authority to negotiate, prepare and determine fuel management policy and plans |
| 1.014 | | |
| | 01.014.010 | Business Papers |
| | | <p>To determine whether matters are to be included in the business papers of the Council or it's Committees subject always to the inclusion of the following items when they arise:</p> <ol style="list-style-type: none"> 1. Reports on matters which cannot be determined under delegated authority; 2. Reports required to be submitted under any act or regulation; 3. Matter requiring a determination of policy 4. Reports directed by the council or the responsible committee to be submitted; 5. Matters essential for the council's or committee's information; 6. Matters requiring voting of funds; 7. Give notice to the public of the times and places of council meetings and meeting of council committees of which all members are councillors |
| 1.015 | | |
| | 01.015.010 | Cash Handling |
| | | Authority to receive monies, issue receipts, deposit monies with Council's cashier |
| 1.016 | | |
| | 01.016.010 | Cemeteries |
| | | To issue burial permits and rights of burial in relation to all cemeteries |
| 1.017 | | |
| | 01.017.010 | Certificates - S64 Compliance |
| | | To determine compliance for a development carried out or proposed to be carried out, within the water supply's authority area |
| | 01.017.020 | Certificates - S307 Compliance |
| | | To determine compliance for a development carried out or proposed to be carried out, within the water supply's authority area in accordance with Section 307 of the Water Management Act 2000 |
| 1.018 | | |
| | 01.018.005 | Certificates - S88B |
| | | To execute in accordance with the Conveyancing Act 1919 council "linen plans" , section 88B Instruments and issue 88G certificates on behalf of Council |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| | 01.018.010 | Certificates - S88G |
| | | To execute in accordance with the Conveyancing Act 1919 council "linen plans" , section 88B Instruments and issue 88G certificates on behalf of Council |
| 1.019 | | |
| | 01.019.010 | Certificates - S109C |
| | | To determine within the policies, codes and guidelines adopted by Council, applications made pursuant to Section 109C of the Environmental Planning and Assessment Act - Subdivision Certificate |
| | 01.019.015 | Certificates - S109C and S109F |
| | | To determine within the policies, codes and guidelines adopted by Council, applications made pursuant to Section 109C and Section 109F of the Environmental Planning and Assessment Act – Construction Certificate |
| | 01.019.016 | Certificates - S109C and S109G |
| | | To determine within the policies, codes and guidelines adopted by Council, applications made pursuant to Section 109C and Section 109G of the Environmental Planning and Assessment Act – Compliance Certificate |
| | 01.019.017 | Certificates - S109C and S109H |
| | | To determine within the policies, codes and guidelines adopted by Council, applications made pursuant to Section 109C and Section 109H of the Environmental Planning and Assessment Act – Occupation Certificate |
| 1.02 | | |
| | 01.020.010 | Certificates - S149 |
| | | To sign certificates under Section 149 of the Environmental Planning and Assessment Act including Planning Certificates |
| 1.021 | | |
| | 01.021.010 | Certificates - S603 |
| | | To sign section 603 certificates under the Local Government Act 1993 |
| 1.022 | | |
| | 01.022.010 | Code of Conduct |
| | | Prepare and update as required a code of conduct for submission to Council in accordance with the requirements of chapter 14 part 1 of the Act and regulations thereto. |
| 1.023 | | |
| | 01.023.010 | Community Services - Negotiation |
| | | Negotiate with government departments and other external agencies regarding the provision of community service programs and services and complete agreements as authorised persons. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.024 | | |
| | 01.024.010 | Community Services - Support Services |
| | | Authority to provide services to clients in accordance with their individual goal plans, funding agreements and as specified under the Aged Care Act 1997, NSW Disability Services Act 1993 and NSW Disability Inclusion Act 2014 |
| 1.025 | | |
| | 01.025.010 | Community Services - Care Plans |
| | | Authority to sign off on performance of care plans |
| 1.026 | | |
| | 01.026.010 | Contracts and Agreements |
| | | Subject to Section 377 enter into binding contracts/funding agreements/brokerage agreements on behalf of Council within area of responsibility up to: \$150,000 |
| | 01.026.020 | Contracts and Agreements |
| | | Subject to Section 377 enter into binding contracts/funding agreements/brokerage agreements on behalf of Council within area of responsibility up to: \$100,000 |
| | 01.026.030 | Contracts and Agreements |
| | | Subject to Section 377 enter into binding contracts/funding agreements/brokerage agreements on behalf of Council within area of responsibility up to: \$10,000 |
| 1.027 | | |
| | 01.027.010 | Correspondence |
| | | Sign correspondence on behalf of Council within area of responsibility, except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner, Ministers of the Crown or staff complaints which are to be signed by either Mayor or General Manager, the Public Officer or another staff person nominated by the General Manager. |
| | 01.027.020 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Within area of responsibility as defined in position description |
| | 01.027.021 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Within area of responsibility as defined in position description |
| | | - Relating to vegetation management, notification of inspection and inspection reports |

| CATEGORY | SUB CATEGORY | DELEGATION |
|----------|-------------------|--|
| | 01.027.022 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - On behalf of supervisor, general and cemetery related correspondence, except those relating to advice of complaint outcomes |
| | 01.027.030 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Director of Division |
| | 01.027.031 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Director of Division matters relating to the following: |
| | | a) All correspondence relating to Development Applications |
| | | b) All correspondence relating to Part 4 Certificates |
| | | c) All correspondence relating to Caravan Park Approvals |
| | | d) All correspondence relating to Determinations and Orders |
| | 01.027.032 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Director of Division matters relating to the following: |
| | | a) Regulatory Control |
| | | b) Proforma Letters |
| | | c) Routine Correspondence |
| | | consistent with Council's policy and legislation requirements |
| | 01.027.035 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Director of Division matters relating to the following: |
| | | a) banking and grants with State and Federal Government |
| | 01.027.040 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Director of Division when: |
| | | a) relates to current policy, legislative requirements and not subject to legal action and when Director not available or out of office |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| | 01.027.045 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Within area of responsibility and where relates to current policy, legislative requirements and not subject to legal action |
| | 01.027.050 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | On behalf of: |
| | | - HCP Coordinator |
| | | - NRCP Respite Coordinator |
| | | - CHSP Coordinator |
| | | - Community Transport Coordinator |
| | 01.027.051 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | On behalf of: |
| | | - Community Care Manager |
| | 01.027.052 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | On behalf of: |
| | | - NRCP Respite Coordinator |
| | 01.027.053 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | On behalf of: |
| | | - Operations Program Managers |
| | 01.027.055 | Correspondence |
| | | Sign correspondence as delegated except correspondence relating to Parliamentarians, General Managers, Mayors of other Councils, the Ombudsman, ICAC Commissioner or Ministers of the Crown. |
| | | - Sign on behalf of Manager of Department when: |
| | | a) relates to current policy, legislative requirements and not subject to legal action and when Manager not available or out of office |
| 1.028 | | |
| | 01.028.010 | Correspondence - General Manager |
| | | Sign on behalf of General Manager where correspondence relates to current policy, legislative requirements and when director not available or out of office, and when not subject to legal action. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.029 | | |
| | 01.029.010 | Council leases |
| | | Authority to sign residential and commercial leases on behalf of Council, except where precluded by the Local Government Act, Crown Lands Act or other Acts requiring such documents to be executed under seal. |
| | 01.029.020 | Council leases |
| | | Authority to arrange and execute agreements, licences, franchises, etc where the term of such arrangements is less than 3 years. |
| | 01.029.030 | Council leases |
| | | Authority to institute legal action for the non-compliance with conditions of property arrangements and the recovery of any monies in relation thereto. |
| | 01.029.040 | Council leases |
| | | 1. Authority to enter leases on behalf of Council for the use of rooms at the Snowy River Health Clinic in accordance with Council's adopted fees and charges. |
| | | 2. Authority to institute action for the non-compliance with conditions of property arrangements and the recovery of any monies in relation thereto. |
| 1.03 | | |
| | 01.030.010 | Council Property |
| | | 1. Authority to grant owners consent for issues involving Council owned properties |
| | | 2. Authority to lodge DA and BA on behalf of Council in respect of Council Projects which require development consent |
| 1.031 | | |
| | 01.031.010 | Council property, facilities and plant |
| | | Authority to order keys to be cut for Council properties, facilities and plant within area of responsibility |
| 1.033 | | |
| | 01.033.010 | Credit Card |
| | | Authorise the use of expenditure against SRSC Corporate credit card for items such as travel, accommodation and meal expenses associated with conference or work related activities for the Program area, Councillors, staff and guests of Council; purchase of fuel for vehicles used on Council business and minor equipment and stationery up to the value of the delegates 'Expenditure - Goods and Services' delegation. |
| 1.034 | | |
| | 01.034.010 | Debt Recovery |
| | | Authority to undertake action to recover outstanding rates and charges on behalf of Council |
| 1.035 | | |
| | 01.035.010 | Delegations |
| | | Authority to amend the Delegation Register of Council, from time to time with the exception of the delegation given by Council to the General Manager. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.036 | | |
| | 01.036.010 | Development Control |
| | | Subject to the requirements of the Local Government Act and the Environmental Planning and Assessment Act determine within policies, codes and guidelines adopted by Council, land use, buildings and structures proposed within the Shire |
| 1.037 | | |
| | 01.037.005 | Development Control |
| | | Sign in accordance with decisions made by the General Manager under his delegation or authority |
| | 01.037.010 | Development Control |
| | | To determine development applications in accordance with decisions made by Council subject to Council's policy relating to developments which must be reported to Council |
| | 01.037.020 | Development Control |
| | | To determine, either refuse or approve development applications pursuant to section 80, 80A and 81 of the EPA Act within the policies, codes and guidelines adopted by Council. |
| | 01.037.030 | Development Control |
| | | Repealed - Council Meeting - 20 December 2011 |
| | 01.037.040 | Development Control |
| | | To exercise the powers of Council pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 to modify development consents. |
| | 01.037.050 | Development Control |
| | | To determine within the policies, codes and guidelines adopted by Council, applications made pursuant to Section 68 and consistent with the application descriptions listed in the Table – Approvals under Section 68 of the Local Government Act 1993 |
| 1.038 | | |
| | 01.038.010 | Development Control Unit |
| | | Authority to over rule and direct the Development Control Unit. |
| | 01.038.020 | Development Control Unit |
| | | To act as a member of the Development Control Unit |
| 1.039 | | |
| | 01.039.010 | Dog Control |
| | | Implement the primary functions of registrations, impounding and control of dogs and all other ancillary functions pursuant to the Companion Animals Act 1998 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.04 | | |
| | 01.040.010 | Emergency Situations |
| | | <ol style="list-style-type: none"> 1. To make available Council's plant equipment and personnel, in emergency situations, in response to any lawful direction given under the State Emergency and Rescue Management Act, 1989, or in response to any reasonable request made under any emergency situations 2. To take any other action pursuant to the State Emergency and Rescue Management Act, 1989. 3. To sign orders and authorise payment to a maximum of \$10,000 without prior reference to Council; for carrying out emergency where all or part of the Snowy River Disaster Plan is activated, or the Local Emergency Management Committee is acting in support of a designated combat agency or the Local Emergency Operations Controller (the Police Officer in charge) 4. To accept quotations and have work undertaken for the reduction or prevention of hazards identified by the Local Emergency Management Committee and are within budget amounts allocated to the activities. |
| 1.041 | | |
| | 01.041.010 | Emergency Work Fire |
| | | To sign orders and authorise payment for carrying out of fire observation and suppression work in an emergency to a maximum of \$5,000 without prior reference to Council |
| 1.042 | | |
| | 01.042.005 | Emergency work - essential services |
| | | In cases of emergency where an essential service provided by Council has been disrupted, to authorise expenditure up to amounts below to reinstate the service and report to Council on any action and costs involved. |
| | 01.042.010 | Emergency work - essential services |
| | | In cases of emergency where an essential service provided by Council has been disrupted, to authorise expenditure up to amounts below to reinstate the service and report to Council on any action and costs involved: \$20,000 |
| | 01.042.020 | Emergency work - essential services |
| | | In cases of emergency where an essential service provided by Council has been disrupted, to authorise expenditure up to amounts below to reinstate the service and report to Council on any action and costs involved: \$10,000 |
| | 01.042.030 | Emergency work - essential services |
| | | In cases of emergency where an essential service provided by Council has been disrupted, to authorise expenditure up to amounts below to reinstate the service and report to Council on any action and costs involved: \$5,000 |
| | 01.042.040 | Emergency work - essential services |
| | | In cases of emergency where an essential service provided by Council has been disrupted, to authorise expenditure up to amounts below to reinstate the service and report to Council on any action and costs involved: \$2,000 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.043 | | |
| | 01.043.005 | Enforcement functions |
| | | Implement the enforcement functions of the following: |
| | | - Local Government Act 1993 |
| | | - Food Act 2003 |
| | | - Environmental Planning and Assessment Act 1979 |
| | | - Public Health Act 1991 |
| | | - Protection of the Environment Operations Act 1997 |
| | | - Companion Animals Act 1998 |
| | | - Impounding Act 1993 |
| | | - Roads Act 1993 |
| | | - Road Transport (General) Act 1999 |
| | | - Rural Fires Act 1997 |
| | | - Noxious Weeds Act 1993 |
| | | - Nominate as an "authorised person" within the meaning of the Aged Care Act 1997 for the purpose of dealings with the Australian Department of Health and Aged Care |
| | | - Waste Minimisation and Management Act 1995 |
| | | Repealed and replaced by Waste Regulations under POEO Act |
| | | - Waste Avoidance and Resource Recovery Act 2001 |
| | | - Water Management Act 2000 |
| | | - Roads General Regulation 2000 |
| | 01.043.010 | Enforcement functions |
| | | Local Government Act, 1993 |
| | 01.043.020 | Enforcement functions |
| | | Food Act, 2003 |
| | 01.043.030 | Enforcement functions |
| | | Environmental Planning and Assessment Act, 1979 |
| | 01.043.040 | Enforcement functions |
| | | Public Health Act, 1991 |
| | 01.043.050 | Enforcement functions |
| | | Protection of the Environment Operations Act, 1997 |
| | 01.043.060 | Enforcement functions |
| | | Companion Animals Act, 1998 |
| | 01.043.070 | Enforcement functions |
| | | Impounding Act, 1993 |
| | 01.043.080 | Enforcement functions |
| | | Roads Act, 1993 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| | 01.043.090 | Enforcement functions Road Transport (General) Act, 1999 |
| | 01.043.100 | Enforcement functions Rural Fires Act, 1997 |
| | 01.043.110 | Enforcement functions Noxious Weeds Act, 1993 |
| | 01.043.120 | Enforcement functions Nominate as an "authorised person" within the meaning of the Aged Care Act, 1997 for the purpose of dealings with the Australian Department of Health and Aged Care |
| | 01.043.140 | Enforcement functions Waste Avoidance and Resource Recovery Act, 2001 |
| | 01.043.150 | Enforcement functions Water Management Act 2000 |
| | 01.043.160 | Enforcement functions Roads General Regulation 2000 |
| 1.044 | | |
| | 01.044.010 | Entry onto land and premises Subject to the requirements of the Local Government Act, authority is granted to exercise all relevant powers allowing entry onto land and premises for any legitimate Council purpose. |
| | 01.044.020 | Entry onto land and premises To exercise all powers under Section 191 of the Local Government Act 1993, Section 72 of the Public Health Act 1991, and the power of entry under Division 1A; Section 118(A) of the Environmental Planning and Assessment Act 1979 |
| | 01.044.025 | Entry onto land and premises To decide to apply to an authorised Justice to enter and inspect land for the purposes of the Roads Act and in circumstances set out in the section |
| | 01.044.030 | Entry onto land and premises Powers of entry for the purpose of construction and maintenance of water supply, sewerage and storm water drainage works under Section 191A of the Local Government Act without limiting Section 191 |
| | 01.044.040 | Entry onto land and premises Powers of entry under Section 339 of the Water Management Act 2000 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| | 01.044.050 | Entry onto land and premises Section 680 (demand name and place of abode of offender) of the Local Government Act 1993 |
| | 01.044.060 | Entry onto land and premises Authority to inspect private property for noxious weeds pursuant to Sections 43 and 44 of the Noxious Weeds Act 1993 |
| | 01.044.070 | Entry onto land and premises Authority to enter premises being land and places to control noxious weeds under Section 20(2) of the Noxious Weeds Act 1993 |
| | 01.044.080 | Entry onto land and premises Authority to exercise specified force to enter private property pursuant to Section 46 of the Noxious Weeds Act 1993 and Section 194 of the Local Government Act 1993, i.e. Specified force - cutting chain on gate and inserting Council lock, laying down old fences or crossing fences. If a Council lock has been previously removed, then gate may be secured without locking on departure. |
| | 01.044.090 | Entry onto land and premises To exercise all powers under Section 15 of the Food Act 2003 |
| 1.045 | | |
| | 01.045.005 | Environmental Planning and Assessment Act The function and powers delegated by the Director General of the NSW Department of Planning and Infrastructure (or equivalent) under Section 23 of the Environmental Planning and Assessment Act 1979 and any other relevant legislation which form part of the powers and functions delegated to Council pursuant to Sections 377, 378 and 381 of the Local Government Act and the authority to sub-delegate Council's delegations to the relevant senior planning staff |
| | 01.045.010 | Environmental Planning and Assessment Act 1. To carry out the functions and duties of the Council pursuant to the Environmental Planning and Assessment Act and in a manner consistent with policies, codes and guidelines adopted by Council 2. To determine Part V matters under the Environmental Planning and Assessment Act, which do not need an Environmental Impact Statement 3. To determine whether or not under Part V of the Environmental Planning and Assessment Act an Environmental Impact Statement is required. 4. To carry out functions of section 65 and 69 of the Environmental Planning and Assessment Act 1979 |
| | 01.045.020 | Environmental Planning and Assessment Act To determine Part V matters under the Environmental Planning and Assessment Act, which do not need an Environmental Impact Statement |
| 1.046 | | |
| | 01.046.010 | EPAA -Licence Authority to sign Environmental Protection Authority Annual Returns |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.047 | | |
| | 01.047.010 | Exercise Powers and Functions |
| | | Subject to any limitations that may be imposed by Council the General Manager is authorised to exercise all other powers and functions that in the ordinary course of Council's business may, from time to time, be conferred on the General Manager by any other Act of State or Federal Parliament. |
| 1.048 | | |
| | 01.048.010 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$150,000 |
| | 01.048.030 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$25,000 |
| | 01.048.040 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$10,000 |
| | 01.048.050 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$5,000 |
| | 01.048.060 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$1,500 |
| | 01.048.070 | Expenditure - Goods and Services |
| | | Authority to procure goods and services, sign purchase orders and authorise payment for the carrying out of all works, programs and provision of services within the framework of Council Policy, the delegate's approved budgets and the laws of the State, to allow Council to fulfil its adopted Operational Plan and budget objectives subject to the following limitations: \$500 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.049 | | |
| | 01.049.010 | Expenditure - Retail Outlets |
| | | Authority to purchase goods and materials, sign purchase orders and authorise payment for goods and materials from retail outlets within the framework of Council Policy the delegates approved budgets and the laws of the State, to allow Council to fulfil its adopted Delivery & Operational Plan and budget objectives which exceed Council's petty cash limit |
| 1.05 | | |
| | 01.050.010 | Filming - granting permission |
| | | To issue film permits in accordance with the Filming Policy |
| 1.051 | | |
| | 01.051.010 | Finance |
| | | Authority to affix the relevant signatures to the 'Statement by Council' in relation to the Financial Statements, as required by Section 413 (2) (c) of the Local Government Act 1993 and Clause 2 of the Local Government (Financial Management) Regulation 1993 |
| | 01.051.020 | Finance |
| | | Authority to direct a Council appointed Management Committee on procedural, financial, and legal issues subject to the concurrence of Council with any directions issued by the General Manager. |
| | 01.051.030 | Finance |
| | | Payment of all charges, taxes and levies imposed on Council by relevant legislation. |
| | 01.051.035 | Finance |
| | | To reduce fees or charges if special circumstances apply (to a maximum of 50%) |
| | 01.051.036 | Finance |
| | | To waive interest charges from rate balances in appropriate circumstances. |
| | 01.051.040 | Finance |
| | | Authority to write off accounts below \$5,000 |
| | 01.051.050 | Finance |
| | | Authority to write off accounts below \$1,000 |
| | 01.051.060 | Finance |
| | | Authority to write off accounts below \$500 |
| | 01.051.070 | Finance |
| | | Authority to designate a responsible accounting officer |
| | 01.051.080 | Finance |
| | | To sign funding (grant) applications except where the Seal is affixed |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.052 | | |
| | 01.052.010 | Finance- signatories |
| | | Countersign: <ul style="list-style-type: none"> - Cheques - Electronic funds transfers - Investment fund transfers - Remittance Register - All fund transfers such as group 'A' and 'B' signatory as required |
| 1.053 | | |
| | 01.053.010 | Food Act 2003 |
| | | Authority to exercise all powers and functions of authorised officers under Sections 114 and 115 of the Food Act 2003 |
| 1.054 | | |
| | 01.054.010 | Government Information (Public Access) |
| | | To be Council's designated Public Officer in accordance with the provisions of the Local Government Act and the Government Information (Public Access) Act. To approve or refuse applications under the Government Information (Public Access) Act and under Council's policy, for access to the records of the Council subject to compliance with the provisions of: <ul style="list-style-type: none"> - GIPA Act - Council's Policy on Access to Information - Privacy and Personal Information Protection Act - Council's Privacy Management Plan |
| 1.055 | | |
| | 01.055.010 | Impounding |
| | | To implement all the functions under the Impounding Act, 1993, in particular: <ul style="list-style-type: none"> - To make all reasonable enquiries to find the owner of impounded items in accordance with section 20 - To impound items - To care for impounded animals - To destroy animals impounded - To sell items impounded - To recover the cost of impounding - To keep a record of impounded items - To appoint impounding officers |
| 1.056 | | |
| | 01.056.010 | Information (Community Services) |
| | | Authority to supply information within the area of responsibility |
| 1.057 | | |
| | 01.057.010 | Inspections and Investigations |
| | | 1. Authority to undertake inspections and investigations under Section 192 of the Local Government Act 1993 and Section 118(B) of the Environmental Planning and Assessment Act 1979. 2. Authority to initiate investigation as set out in Chapter 7 of the Protection of the Environment Operation Act 1997 |

| CATEGORY | SUB CATEGORY | DELEGATION |
|---------------|--------------------|---|
| 1.058 | | |
| | 01.058.010 | Insurance |
| | | Authority to make arrangements for Council's adequate insurance |
| 1.0581 | | |
| | 01.0581.010 | Insurance Claims |
| | | Authority to accept or deny claims on behalf of Council |
| 1.059 | | |
| | 01.059.010 | Investment of Council Funds |
| | | Investment of Council funds in accordance with any policy adopted by Council |
| 1.06 | | |
| | 01.060.010 | Legal - Advice |
| | | Authority to obtain general legal advice on any aspect of Council's business or Council's powers within the delegate's area of responsibility. |
| 1.061 | | |
| | 01.061.010 | Legal - Proceedings |
| | | To initiate legal proceedings on behalf of Council in accord with Council's policy in respect of any failure to comply with any Act within the delegate's area of responsibility, notices or orders of conditions of property arrangements and the recovery of any monies in relation thereto |
| 1.062 | | |
| | 01.062.010 | Legal - Lay information |
| | | To lay information in respect of legal proceedings instituted on behalf of Council Pursuant to provisions of sections 684 and 687 of Local Government Act and Noxious Weeds Act |
| | 01.062.020 | Legal - Lay information |
| | | To lay information in respect of legal proceedings instituted on behalf of Council Pursuant to provisions of sections 684 and 687 of Local Government Act |
| 1.063 | | |
| | 01.063.010 | Legal - Representation |
| | | To represent Council in legal proceedings in respect of the Land and Environment Court and Local Court |
| | 01.063.020 | Legal - Representation |
| | | To represent Council legal proceedings in respect of the Land and Environment Court |
| | 01.063.030 | Legal - Representation |
| | | Local Court |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.064 | | |
| | 01.064.010 | Legal - Service |
| | | Accept the service of legal documents on behalf of Council |
| 1.065 | | |
| | 01.065.010 | Legal - Judgement |
| | | Enforce any court judgment by warrant or by bankruptcy proceedings. |
| 1.066 | | |
| | 01.066.010 | Liaison |
| | | To liaise, negotiate and enter into dialogue with organisations and/or individuals to achieve Council's stated aims as per the Delivery & Operational Plan. Negotiate with government departments and other external agencies regarding provision of programs and services |
| 1.067 | | |
| | 01.067.010 | Licences and permits |
| | | Subject to any relevant legislation, to issue, cancel or revoke any licence or permit issued by Council and to report to Council on the situation: - Any legislation |
| | 01.067.020 | Licences and permits |
| | | Subject to any relevant legislation, to issue, cancel or revoke any licence or permit issued by Council and to report to Council on the situation: - Local Government Act |
| | 01.067.030 | Licences and permits |
| | | Subject to any relevant legislation, to issue, cancel or revoke any licence or permit issued by Council and to report to Council on the situation: - Public Health Act |
| | 01.067.040 | Licences and permits |
| | | Subject to any relevant legislation, to issue, cancel or revoke any licence or permit issued by Council and to report to Council on the situation: - Explosives Act 2003/Explosives Regulations 2005 |
| | 01.067.050 | Licences and permits |
| | | Authority to sign water licences issued to Council in accordance with the Water Management Act 2000 and associated Regulations |
| 1.068 | | |
| | 01.068.010 | Media Liaison |
| | | To undertake media interviews relating to issues affecting Council within the delegates are of responsibility as defined by their position description subject to any Council policy |

| CATEGORY | SUB CATEGORY | DELEGATION |
|----------|--------------|------------|
|----------|--------------|------------|

1.069**01.069.010 Notices and Information**

To issue or serve notices, lay information, and complaints in respect of proper proceedings, actions and prosecutions against persons who have committed an offence under a relevant Act, Regulation or Ordinance lawfully given and which may be dealt with by the Council

1.07**01.070.010 Noxious Weeds Management**

To approve and sign Section 18 (1) Notices of the Noxious Weeds Act 1993

01.070.020 Noxious Weeds Management

To approve and sign Section 20(1) Notices under the provisions of the Noxious Weeds Act 1993

01.070.021 Noxious Weeds Management

To approve and sign Section 20(1) Notices under the provisions of the Noxious Weeds Act 1993
- Up to \$5,000

01.070.030 Noxious Weeds Management

To approve prosecutions under the Noxious Weeds Act 1993

01.070.040 Noxious Weeds Management

To issue Certificates of Authority under section 50 of the Noxious Weeds Act for staff/contractors to enter premises (being land and places) to inspect and control noxious weeds

01.070.050 Noxious Weeds Management

Authority to issue Penalty Notices for offences under the Noxious Weeds Act 1993, pursuant to Section 63 of the Noxious Weeds Act 1993

01.070.060 Noxious Weeds Management

Authority to sign noxious weeds certificates issued under Section 64(3) of the Noxious Weeds Act

1.071**01.071.010 Operation of Council**

Authority to organise and oversight the business of Council on a day to day basis consistent with the role of a General Manager and to deploy resources available to Council in a manner that, in the opinion of the General Manager, will achieve the best outcome for Council

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| 1.072 | | |
| | 01.072.010 | Orders |
| | | <ol style="list-style-type: none"> 1. Authority to issue 'orders' in compliance with the requirements of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1997 and in keeping with any Council policy or code the subject of the order. 2. To issue as set out in Local Government Act Section 7 <ul style="list-style-type: none"> - Notice of intention to serve an order(s) - An order(s) - Emergency order(s) |
| 1.073 | | |
| | 01.073.010 | Payment of expenses and provision of facilities to Councillors |
| | | Authority to approve payment and/or reimbursement of expenses and provision of facilities for Councillors in accordance with Council's Payment of Expenses and Provision of Facilities for Mayor and Councillors policy adopted under Section 252 of the Local Government Act 1993 |
| 1.074 | | |
| | 01.074.010 | Payroll |
| | | <p>Authority to process Council payroll for all staff each fortnight in accordance with relevant Awards, taxation and superannuation</p> <p>a) Authorise payment of Council payroll each fortnight, as a group 'A' signatory, as required</p> |
| | 01.074.020 | Payroll |
| | | <p>Authority to process Council payroll for all staff each fortnight in accordance with relevant Awards, taxation and superannuation</p> <p>b) Authorise payment of Council payroll each fortnight as a group "B" signatory as required</p> |
| 1.075 | | |
| | 01.075.010 | Penalty Infringement Notices |
| | | Authority to revoke, amend or cancel a Penalty Infringement Notice (PIN) as issued by a Council Officer |
| 1.076 | | |
| | 01.076.010 | Petty cash |
| | | <p>Authority to expend within budget for Petty cash. To the limit of \$50 for staff reporting to the Delegate.</p> <p>No one can approve own petty cash voucher</p> |
| | 01.076.020 | Petty cash |
| | | Authority to reimburse delegated staff petty cash to a limit of \$50 |
| 1.077 | | |
| | 01.077.010 | Plant equipment |
| | | <ol style="list-style-type: none"> 1. Authority to purchase motor vehicles and minor plant 2. Authority to hire out Council owned plant for the carrying out of private work in accordance with Council policy |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.078 | | |
| | 01.078.010 | Press Advertisement |
| | | To sign orders relating to the advertisement of Applications to Erect a Building (Section 114 LGA) |
| 1.079 | | |
| | 01.079.010 | Press Releases |
| | | To issue press releases as per the council communications policy where those statements are within the Delegate's area of responsibility as defined by position description. |
| 1.08 | | |
| | 01.080.010 | Public Land |
| | | Authority to grant approval or approval subject to conditions or refuse applications to conduct fundraising appeals or events on public land. |
| 1.081 | | |
| | 01.081.010 | Public Officer |
| | | To perform the function of Public Officer under Section 343 of the Local Government Act including dealing with requests from the public concerning the Council's affairs; assisting people to gain access to public documents of the Council; receiving submissions made to the Council; accepting service of documents on behalf of the Council; representing Council in any legal or other proceedings; other functions delegated by the General Manager or conferred/imposed by the Local Government Act |
| 1.082 | | |
| | 01.082.010 | Public Park or Reserve |
| | | Authority to temporarily close all or part of a public park or reserve or swimming pool for the purpose of public safety |
| 1.083 | | |
| | 01.083.010 | Quarry |
| | | Authority to act as Snowy Monaro Regional Council Quarry Manager as relates to the Mines Act |
| 1.084 | | |
| | 01.084.010 | Records destruction |
| | | To carry out the destruction of records of the Council in accordance with the provisions of the Local Government Act 1993, and Regulations thereunder and Local Government Records Disposal Schedule. |
| 1.085 | | |
| | 01.085.010 | Roads and Road Transportation |
| | | Authority to place load limits on roads and bridges for the purposes of public safety and/or protection of the pavement or structure |

| CATEGORY | SUB CATEGORY | DELEGATION |
|---------------|-------------------|---|
| | 01.085.020 | Roads and Road Transportation |
| | | Authority to appoint traffic controllers to control the flow of traffic |
| | | a) along any public road |
| | | b) within any public park or reserve for the purposes of road construction or maintenance activities |
| | 01.085.030 | Roads and Road Transportation |
| | | Temporarily close roads or parts thereof for repairs or construction work when necessary |
| 1.086 | | |
| | 01.086.010 | Roadwork |
| | | 1. Authority to approve designs for roadwork pursuant to Section 138 of the Road Act |
| | | 2. Authority to approve construction works completed in conformity with Section 238 approval |
| 1.087 | | |
| | 01.087.010 | Section 355 Committees |
| | | Authority to manage Council Assets or Services under Section 355 of the Local Government Act and within SRSC's Section 355 Committee Constitution. |
| 1.0875 | | |
| | 01.875.010 | Staff Appointment |
| | | Authorise the advertising, interview and appointment of staff to vacant positions within the established structure and budget. |
| | 01.875.020 | Staff Appointment |
| | | In accordance with the Children And Young People's Act 1998 the General Manager shall act as the Child Protection Disclosures Officer to: |
| | | i. Identify positions that are deemed child related within Council. This will include employees, Councillors, volunteers and contractors. |
| | | ii. Ensure policies and procedures are adhered to with regard to employment of prohibited persons. |
| | | iii. Ensure that all existing employees in child related employment (existing at the time legislation commences) returns a statutory declaration declaring that they are not a prohibited person or that they may be a prohibited person, within the timeframe as specified by the Commission for Children and Young People's Act 1998. |
| | | iv. Ensure that any employee transferring into child related positions are not prohibited persons. |
| | | v. In the case where existing employees declare that they are a prohibited person, all attempts will be made to relocate them to a position that is not child related. In the event that this is not possible, then the employment contract is null and void |
| 1.088 | | |
| | 01.088.010 | Staff Employment |
| | | 1. Authority to authorise and approve position descriptions, work re-design proposals and position classification recommendations from a job evaluation panel. |
| | | 2. Confirm appointment as part of the probation process for new external appointees. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.089 | | |
| | 01.089.010 | Staff - Casuals |
| | | Authorise the employment of casual, temporary and contract staff to carry out functional duties within the Delegate's area of responsibility subject to approved budget allocations |
| 1.09 | | |
| | 01.090.010 | Staff Termination |
| | | To terminate employees following investigation of complaints in accordance with Award and Council policies |
| 1.091 | | |
| | 01.091.010 | Staff conditions |
| | | Approve sick leave, carers leave and annual leave for staff within Delegate's area of responsibility |
| 1.092 | | |
| | 01.092.010 | Staff conditions - other leave |
| | | Approve long service leave, maternity leave, bereavement leave, jury service leave, trade union leave, union conference leave for staff within Delegate's area of responsibility |
| 1.093 | | |
| | 01.093.010 | Staff conditions - timesheets |
| | | Approve timesheets for staff within Delegate's area of responsibility |
| 1.094 | | |
| | 01.094.010 | Staff conditions - overtime |
| | | Approve overtime for staff within Delegate's area of responsibility and within budget |
| 1.095 | | |
| | 01.095.010 | Staff Employment - conditions |
| | | Approve flexible hours accrual and flexible leave for staff within Delegate's area of responsibility |
| 1.096 | | |
| | 01.096.010 | Staff Employment - Grievances |
| | | Investigate, manage, follow-up and take corrective action on grievances |
| 1.097 | | |
| | 01.097.010 | Staff Employment - Resignation |
| | | Formally accept resignations from staff within area of responsibility |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|---|
| 1.098 | | |
| | 01.098.010 | Standard Instrument—Principal Local Environmental Plan - Clause 4.6 - Variation |
| | | To approve variations to developmental standards pursuant to Clause 4.6 - exceptions to development standards (compulsory) and Council's assumed concurrence |
| 1.099 | | |
| | 01.099.010 | Swimming Pool - code of conduct |
| | | Authority to enforce the code of conduct for patrons of the Council swimming pools |
| 1.1 | | |
| | 01.100.010 | Swimming Pools - Fees and charges |
| | | Authority to negotiate entry fees to no less than 50% of the scheduled fees for occasional groups deserving of special consideration, or to promote increased patronage |
| 1.101 | | |
| | 01.101.010 | Tree removal |
| | | To determine within the policies ,codes and guidelines adopted by Council, development applications for tree removal |
| 1.102 | | |
| | 01.102.010 | Unpaid Accounts |
| | | To authorise the insertion and removal of flow restriction devices into water service connections with respect to unpaid water/sewerage accounts in accord with Council's policy. |
| 1.103 | | |
| | 01.103.010 | Water supply and sewerage works |
| | | Authority to design approvals for alterations and extensions of Council water and sewerage infrastructure |



Delegations To Non-Staff

Section 377, Local Government Act 1993
Delegations Granted to Non-Staff

Pursuant to section 355 and 377 of the Local Government Act 1993, the Snowy Monaro Regional Council does hereby delegate to the Non-Staff parties listed in Part B of the Delegations Register those powers, authorities, duties and functions that are listed

| CATEGORY | SUB CATEGORY | DELEGATION |
|----------|--------------|--|
| 2.001 | | |
| | 02.001.010 | Common Seal To attest to the affixing of the Council Seal to any document relating to the business of the Council and upon which Council has resolved to affix the Seal. |
| | 02.001.020 | Council Seal - Grant and Loan Documents Authority to affix the Council Seal to documents associated with grant applications and/or grant agreements/deeds and documents associated with loans obtained in accordance with Council's Delivery & Operational Plan. |
| | 02.001.030 | Conferences, Seminars and Meetings To approve (with the General Manager) the attendance of Councillors at any seminar, conference, meeting or training course, where funds have been provided in the budget, provided that such delegation shall not be exercised if there is a Council meeting prior to the closing date of registration unless the Mayor and General Manager are of the view that a delay in registration will preclude Councillors' attendance |
| | 02.001.040 | Correspondence To sign outgoing correspondence relating to the office of Mayor on behalf of the Council |
| | 02.001.050 | Meeting Recess To deal (with the General Manager) with matters requiring determination between the last Ordinary Meeting of the Council for the year and the first Ordinary Meeting of Council for the following year: a) which do not justify the calling of an Extra Ordinary Meeting of Council. B) authorise any work which in the Mayor's opinion, is urgent and does not exceed \$10,000. Delegation is subject to the provision that the delegation in relation to development applications which cannot be approved under officer's delegation is to be exercised only if at least four other Councillors concur to the approval or refusal of the subject development application. Any decision made under delegation to be reported to the Council at its first meeting of the New Year. |
| | 02.001.060 | Media Relations Pursuant to the provisions of Section 22, 226 and Chapter 12, Part 3, Section 377-381 of the Local Government Act 1993 every other enabling statutory power, Council delegates to the person who occupies the position of Mayor, to exercise or perform on behalf of the Council the following powers, authorities, duties or functions as well as those specifically described under Section 226 of the Act:- - Media Relations To advise and respond to enquiries from the media and to issue media releases and statements in respect of the affairs of Council on behalf of the governing body and the local government area generally. |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| | 02.001.070 | General Manager - Temporary Appointment |
| | | Pursuant to the provisions of Section 22, 226 and Chapter 12, Part 3, Section 377-381 of the Local Government Act 1993 every other enabling statutory power, Council delegates to the person who occupies the position of Mayor, to exercise or perform on behalf of the Council the following powers, authorities, duties or functions as well as those specifically described under Section 226 of the Act:- |
| | | - General Manager - Temporary Appointment To appoint a temporary replacement should the holder of the position of General Manager be sick or absent pursuant to Section 351 of the Act. |
| | 02.001.080 | General Manager - Leave |
| | | To approve leave of absences for the General Manager. |
| | 02.001.090 | Power of Expulsion |
| | | To expel any person (whether a Councillor or a member of the public) from any meeting of Council where acts of disorder occurred as prescribed in the Local Government Act 1993 and Regulations. |
| 2.002 | | |
| | 02.002.010 | Power of Expulsion |
| | | To expel any person (whether a Councillor or a member of the public) from any meeting of Council where acts of disorder occurred as prescribed in the Local Government Act 1993 and Regulations. |
| 2.003 | | |
| | 02.003.010 | Section 355 Committees - General Delegation |
| | | Subject to compliance with the requirements of the Act, any expressed policy of the Council or direction of the Council, pursuant to the provisions of Section 22, 226 and Chapter 12, Part 3, Section 377-381 of the Local Government Act 1993 every other enabling statutory power, Council delegates authority to each 355 Committee (as specified in their individual Committee Constitution) to carry out its function. |
| 2.004 | | |
| | 02.004.010 | Monaro Regional Library Committee - General Delegation |
| | | Authority to the Monaro Regional Library Committee all powers and duties in relation to the provision, control and management of libraries and library services as defined in Appendix 1 of the current Monaro Regional Libraries Agreement, except the power to borrow money, to make or levy a rate, to execute a deed or contract under the Library Act, 1939 (as amended) and the Library (Amendment) Act 1992, to institute proceedings at law or in equity on behalf of Council or to direct library staff |
| | 02.004.020 | Monaro Regional Library Committee - Agreements |
| | | Authority for the Chairperson and Deputy Chairperson of the Monaro Regional Library Committee to sign all agreements approved by resolution of the Library Committee |
| 2.005 | | |
| | 02.005.010 | General Delegation |
| | | Powers necessary to enable the delegate to exercise all administrative, accounting, financial, I.T, environmental and maintenance functions as defined in the Rural Fire Service District Agreement and utilise the resources of Council as defined in the Rural Fire Service District Agreement to carry out these functions |

| CATEGORY | SUB CATEGORY | DELEGATION |
|--------------|-------------------|--|
| | 02.005.020 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$150,000 |
| | 02.005.030 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$100,000 |
| | 02.005.040 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$50,000 |
| | 02.005.050 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$15,000 |
| | 02.005.060 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$5,000 |
| | 02.005.070 | Financial Delegation |
| | | Authority to sign all orders, using Council's purchasing book, for the carrying out of all works, programs and provision of services within the Rural Fire Services activity budget adopted and approved by Council and the Commissioner up to a maximum amount of \$0 |
| | 02.005.080 | Power of Entry |
| | | Powers necessary to enable the Officer to gain entry to and/or enter land for the purpose of carrying out the functions of fire hazard assessments, together with development control assessments under Sections 79 and 100 of the Rural Fires Act 1997 |
| 2.006 | | |
| | 02.006.010 | General Delegation |
| | | Authority to the Local Emergency Services Management Committee established pursuant to the requirements of the State Emergency Services Act 1989 to direct Council resources provided by Council at the Committees request in a manner commensurate with the Committee's Charter to recover from emergencies as deemed appropriate |
| 2.007 | | |
| | 02.007.010 | Local Government Act 1993, Section 679 |
| | | The nominated SEWOL Chief Inspector and SEWOL Inspectors be appointed as authorised officers for the specified purposes of Acts and Regulations including authorisation to proceed with prosecutions under the Road Transport (Mass, Loading and Access) Regulation 2005 (Council Resolution: 077/10) |

| CATEGORY | SUB CATEGORY | DELEGATION |
|----------|-------------------|---|
| | 02.007.020 | Roads Act 1993, Section 251 and other Enabling Powers |
| | | The nominated SEWOL Chief Inspector and SEWOL Inspectors be appointed as authorised officers for the purposes of Acts and Regulations including authorisation to proceed with prosecutions under the Road Transport (Mass, Loading and Access) Regulation 2005 (Council Resolution: 077/10) |
| | 02.007.030 | Road Transport (General) Act 2005, Section 121 |
| | | The nominated SEWOL Chief Inspector and SEWOL Inspectors be appointed as authorised officers for the purpose of the following sections of the Road Transport (General) Act 2005 (Council Resolution: 077/10) |
| | | Section 136: Direction to stop vehicle or combination; to enable exercise of other powers |
| | | Section 137: Direction to move vehicle or combination; to enable exercise of other powers |
| | | Section 138: Direction to move vehicle or combination; where danger or obstruction |
| | | Section 140: Manner of giving directions under this Division |
| | | Section 171: Authorised officer may require production of drivers licence and name and address from driver or rider |
| | | Section 173: Authorised officer may require responsible person for vehicle and others to disclose identity of driver who commits offence |

9.2 CODE OF MEETING PRATICE

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.7 Council will undertake effective regional partnerships that increase operational efficiency, while maintaining our own identify |
| Operational Plan Action: | OP7.23 Investigate and implement the outcomes of Council's completed Fit For the Future program. |
| Attachments: | 1. Cooma-Monaro Code of Meeting Practice |
| Cost Centre | 3120 Mayor and Councillors |
| Project | Operational Activity |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016 dissolving Bombala Shire Council, Cooma-Monaro Shire Council and Snowy River Shire Council. The proclamation states that the Code of Meeting Practice of the former Cooma-Monaro Shire Council is to be the Code of Meeting Practice of the new council until it is amended or replaced in accordance with the Act.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive and note the Snowy Monaro Regional Council meetings will operate under the provision of the former Cooma-Monaro Shire Council's Code of Meeting Practice as required by the NSW Government Proclamation No.242 of 12 May 2016.

BACKGROUND

On 12 May 2016 the NSW Government released the Local Government (Council Amalgamations) Proclamation 2016 which automatically dissolved a number of pre-existing councils. Bombala Shire Council, Cooma-Monaro Shire Council and Snowy River Shire Council ceased to exist at the time of the proclamation and have been replaced by the newly established Snowy Monaro Regional Council.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Adopting a Code of meeting Practice promotes and improves the accountability of decision making as well as giving people the opportunities for genuine participation and consultation about decisions affecting their lives.

2. Environmental

It is the responsibility of the council to consider all items of business dealt with in accordance with the quadruple bottom line, including environmental sustainability.

Council's Code of Meeting Practice itself will not have a negative impact on environmental sustainability.

3. Economic

Provision has been made in the 2016 and 2017 budgets for the servicing of Council.

4. Civic Leadership

The Code and its associate Codes are made as required by section 360(2) of the Act. The procedures outlined in the Code of Meeting Practice deal with matters governing the conduct of Council Meetings.

Council is required by the Local Government Act to meet at least 10 times in each year, in different months. Snowy Monaro Regional Council is committed to engaging with its communities across the region.

Cooma-Monaro Shire Council Policy

| | | | |
|--|---|--------------------------------|-------------------------------|
| Title of Policy | Code of Meeting Practice | | |
| This Applies to | Councillors, Staff, Community Committee Members | File Number | GO/COM/1 |
| Policy Author | Rebecca McLeod | Date of Council Meeting | 10 February 2014 |
| Position of Author | Executive Assistant | Resolution Number | 31/14 |
| Consultative Committee Review | <input type="checkbox"/> Complete <input type="checkbox"/> Not Applicable Date: | Authorised By | John Vucic General Manager |
| Work Health Safety Committee Review | <input type="checkbox"/> Complete <input type="checkbox"/> Not Applicable Date: | | |
| Comments | | Signature | |
| Legislation, Australian Standards, Code of Practice | Local Government Act 1993 Local Government (General) Regulation 2005 Meeting Practice Note 16 dated August 2009 and November 2005 Model Code of Conduct for Local Government Councils in NSW | | |
| Aim | To adopt a Code of Meeting Practice which determines the conduct of Ordinary and Extraordinary meetings of Council, Committees of Council, Sub-Committees, Working Parties and Workshops of Council. | | |
| Description | | | |

Part 1 – Preliminary 3

| | | |
|---|---|---|
| 1 | Definitions | 3 |
| 2 | Act and Regulation and Associated Documents | 3 |
| 3 | Notes to Text..... | 4 |

Part 2 – Convening of and attendance at Council meetings 4

| | | |
|----|---|---|
| 4 | Ordinary meetings of Council | 4 |
| 5 | Extraordinary Meetings..... | 5 |
| 6 | Notice of Meetings | 5 |
| 7 | Quorum | 5 |
| 8 | Absence of a quorum..... | 5 |
| 9 | Presence at Council meetings | 6 |
| 10 | Leave of absence from a Council meeting | 6 |
| 11 | Authority to cancel a scheduled Council meeting | 7 |

Part 3 – Procedure for the Conduct of Council Meetings 7

| | | |
|----|---|----|
| 12 | Chairperson of Council Meetings..... | 7 |
| 13 | Chairperson to have precedence..... | 7 |
| 14 | Agenda and business papers for Council meetings | 8 |
| 15 | Giving notice of business..... | 9 |
| 16 | Agenda for extraordinary meeting | 9 |
| 17 | Official (Mayoral) Minutes | 10 |
| 18 | Report of a representative of the Division of Local Government to be tabled at a Council Meeting .. | 10 |
| 19 | Order of Business | 10 |
| 20 | Minutes | 11 |
| 21 | Chairperson's duty with respect to motions | 12 |
| 22 | Notice of motion – absence of mover | 13 |
| 23 | Motions to be seconded..... | 13 |
| 24 | How subsequent motions may be moved..... | 13 |
| 25 | Motions of dissent..... | 13 |
| 26 | Petitions to be presented to Council..... | 14 |
| 27 | Public Forum..... | 14 |
| 28 | Items of correspondence | 15 |
| 29 | Questions may be put to Councillors | 15 |

| | | |
|---|---|-----------|
| 30 | Questions may be put to Council employees | 16 |
| 31 | Limitations as to questions put to Council employees | 17 |
| 32 | Addressing Councillors | 17 |
| 33 | Limitation as to number of speeches | 17 |
| 34 | Motions put without debate | 18 |
| 35 | Adopting reports by exception | 18 |
| 36 | Voting at Council meetings | 18 |
| 37 | Decision of the Council | 19 |
| 38 | Rescinding or Altering Resolutions | 19 |
| 39 | Motions of adjournment | 20 |
| 40 | Presentations by Councillors | 21 |
| Part 4 – Keeping order at meetings | | 21 |
| 41 | Questions of order | 21 |
| 42 | Acts of Disorder | 22 |
| 43 | How disorder at a meeting may be dealt with..... | 22 |
| 44 | Power to remove persons from a meeting after an expulsion resolution | 23 |
| Part 5 – Council Committees | | 23 |
| 45 | Council Committees..... | 23 |
| 46 | Council may establish committees | 24 |
| 47 | Functions of committees | 24 |
| 48 | Notice of committee meetings to be given..... | 24 |
| 49 | Non-members entitled to attend committee meetings | 24 |
| 50 | Procedure in committees | 25 |
| 51 | Chairperson and Deputy Chairperson of committees..... | 25 |
| 52 | Absence from committee meetings | 25 |
| 53 | Reports of committees | 26 |
| 54 | Disorder in committee meetings | 26 |
| 55 | Certain persons may be expelled from Council committee meetings | 26 |
| 56 | Sub Committees / Working Party..... | 26 |
| 57 | Workshops | 26 |
| 58 | Committee of the Whole | 27 |
| Part 6 – Closure of meetings to the press and public | | 27 |
| 59 | Closing a meeting to the press and public..... | 27 |
| 60 | Which parts of a meeting can be closed to the public? | 27 |
| 61 | Further limitation relating to closure of parts of meetings to the public | 28 |
| 62 | Notice of likelihood of closure not required in urgent cases | 29 |
| 63 | Grounds for closing part of a meeting to be specified | 30 |
| Part 7 – Pecuniary Interests | | 30 |
| 64 | Pecuniary interests | 30 |
| 65 | Interests that need not be declared | 30 |
| 66 | Disclosure and participation in meetings | 32 |
| 67 | Powers of Minister in relation to meetings | 32 |
| 68 | Disclosures to be recorded | 32 |
| Part 8 – Press and Public | | 32 |
| 69 | Public notice of meetings | 33 |
| 70 | Who is entitled to attend meetings? | 33 |
| 71 | Public access to correspondence and reports | 34 |
| Part 9 – Miscellaneous | | 34 |
| 72 | Disclosure and misuse of information – prescribed circumstances..... | 34 |
| 73 | Inspection of the minutes of the Council or a committee of Council..... | 34 |
| 74 | Tape recording of a meeting of Council or a committee of Council prohibited without permission...35 | |
| 75 | Certain circumstances do not invalidate Council decisions | 35 |
| 76 | Election of Deputy Mayor and delegates to committees | 35 |
| 77 | Mobile phones..... | 35 |
| 78 | Amendment of Code | 35 |
| 79 | Council Seal..... | 36 |
| 80 | Constitutional referendum..... | 36 |

Part 1 – Preliminary

1 Definitions

In this Code:

Amendment in relation to an original motion means a motion moving an amendment to that motion.

Authorised representative means a person who has sought and gained approval from the Chairperson to make a presentation to Council.

Chairperson

In relation to a meeting of Council, means the person presiding at the meeting as provided by clause 12 of this Code and;

In relation to a meeting of a committee, means the person presiding at the meeting as provided by clause 50 of this Code.

General Manager refers to the General Manager appointed under the Local Government Act 1993.

Committee means a committee established under clause 45, or the Council, when it has resolved itself into a Committee of a Whole.

Minister Means the Minister for Local Government

Record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disk, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council, and in particular, includes the minutes of meetings of Council or of a committee of Council.

The Act means the Local Government Act 1993.

The Code means this Code of Meeting Practice.

The Regulation means the Local Government (general) Regulation 2005.

The Guidelines refer to the Meeting Practice Note 16 dated August 2009 issued by the Division of Local Government, Department of the Premier and Cabinet.

2 Act and Regulation and Associated Documents

- (1) This Code and its associated Codes are made as required by section 360(2) of the Act. This Code incorporates relevant provisions of the Regulation and the Act. Where there is any inconsistency between the Code and the Act or the Regulation, the provisions of the Act or the Regulation prevail.
- (2) These procedures shall be applicable to the conduct of meetings of Council, Committees, Working Parties and Workshops of Council. They shall be read in conjunction with the provisions of the Local Government Act 1993, Local Government (General) Regulation 2005, Model Code of Conduct for Local Government Councils in NSW and Meetings Practice Note No 16 November 2005.
- (3) This Code of Meeting Practice deals specifically with the procedural matters governing the conduct of Council Meetings. It does not deal with other matters which affect the rights and obligations of Councillors and staff of Council. It should therefore be read in conjunction with the following Codes, policies and guidelines:

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 3 of 37 |

- Department of Local Government: Pecuniary Interest Guidelines 2006
- Department of Local Government in association with the Local Government Association of NSW: Councillor Handbook 2012
- Division of Local Government: Meeting Practice Note 16 2009
- Division of Local Government: Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013
- Division of Local Government: The Model Code of Conduct for Councils in NSW 2013
- Cooma-Monaro Shire Council: Code of Conduct
- Cooma-Monaro Shire Council: Management of Information for Council Meetings
- NSW Ombudsman: Good Conduct and Administrative Practice: Guidelines for state and local government 2006

3 Notes to Text

- (1) Any notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist with interpretation and understanding.
- (2) Where a clause or subclause contains a reference such as (s 365) at the end of the clause or subclause, this is a reference to the relevant section of the Local Government Act 1993.
- (3) Where a clause or subclause contains a reference such as (cl 231)) at the end of the clause or subclause, this is a reference to the relevant clause in the Local Government (General) Regulation 2005.
- (4) Where a clause or subclause contains a reference such as (Guidelines 1.1.1) at the end of the clause or subclause, this is a reference to the Meeting Practice Note 16 dated August 2009.
- (5) Where a clause or subclause contains no reference at the end of the clause or subclause, this indicates that this provision has been inserted by Council and is not a provision contained in the Act or Regulation.

Part 2 – Convening of and attendance at Council meetings

4 Ordinary meetings of Council

- (1) Council is required to meet at least ten (10) times each year, each time in a different month (s 365 of the Act).
- (2) Ordinary meetings of Council shall be held according to a schedule approved by the Council. Meetings will commence at 4.30pm and conclude approximately 4 hours later, except where there is a motion from the floor for an extension of time. An extension of time can be up to half an hour. A short break in general Council Meetings is to be held at 8.00 pm to allow those in attendance to obtain light refreshments. The time allowed is to be at the discretion of the Chairperson.
- (3) Council meetings are usually held at Council Chambers located at 81 Commissioner Street, Cooma. Council may resolve to hold its meetings at other appropriate venues from time to time.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 4 of 37 |

5 Extraordinary Meetings

- (1) The Mayor may call an extraordinary meeting of Council if the Mayor receives a request in writing signed by at least two (2) Councillors, one of whom may be the Mayor. The Mayor must call an extraordinary meeting of Council to be held as soon as is practicable, but in any event within 14 working days after the receipt of the request (s 366 of the Act).
- (2) If the Mayor fails, within four (4) working days of receipt of a request under subclause (1), to give a direction to the General Manager for the sending of notices to Councillors for an extraordinary meeting to be held within the period specified in subsection (1), the General Manager must send a notice to each Councillor specifying that the meeting be held on the eight (8) working day following the date of the receipt of the request.
- (3) For the purpose of subclauses (1) and (2), a Saturday, Sunday or public holiday is not a working day.

6 Notice of Meetings

- (1) The General Manager must send to each Councillor, at least three (3) business days before each meeting of the Council, a notice specifying the time, place and the date on which the meeting is to be held and the business proposed to be transacted at the meeting. (s 367(1) of the Act; cl 262 of the Regulation).
- (2) Notice of less than three (3) days may be given if an extraordinary meeting is called in an emergency, (s 367 (2) of the Act), but in no case shall notice of less than one day be given.
- (3) A notice under this clause and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form (s 367 (3) of the Act).
- (4) Council Committees, Working Parties and Workshops can be held as required.

7 Quorum

- (1) The quorum for a meeting of Council is a majority of the Councillors present who hold office for the time being and are not suspended from office and are present at the meeting (s 368 of the Act).
- (2) Councillors with a Pecuniary Interest in a matter are not counted for the purpose of a quorum.
- (3) In determining the number of Councillors for the purpose of calculating quorum, any casual vacancies in Councillor offices and any suspended Councillors are not to be counted (Guidelines 4.2.2)

8 Absence of a quorum

- (1) A Council meeting must be adjourned if a quorum is not present:
 - (a) within half an hour after the meeting is due to start; or
 - (b) At any time during the meeting when a quorum is not present (CI 233 (1) of the Regulation).
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:

- (b) By the Chairperson;
 - (c) In his or her absence, by the majority of the Councillors present; or
 - (d) Failing that, by the General Manager (cl 233(2) of the Regulation).
- (3) If so many Councillors disclose a pecuniary interest in a matter that the Council is unable to form a quorum to deal with the business before it, the Councillors concerned may apply to the Minister to allow them to participate in the discussion and vote on that matter (s 458 of the Act).
- (4) The General Manager must record in Councils minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present (cl 233 (3) of the Regulation).

9 Presence at Council meetings

- (1) A Councillor cannot participate in a meeting of Council unless personally present at the meeting (cl 235 of the Regulation).
- (2) A Councillor shall not be deemed to be present at any meeting of the Council unless he or she is within the Council chamber. In accordance with the Meeting Practice Note, if a Councillor is anywhere in the room where the Council meeting is being held, they are considered to be 'present' for the purposes of voting. (cl 251 (1) of the Regulation).
- (3) The General Manager is entitled to attend, but not to vote at a meeting of Council or a meeting of a committee of Council of which all the members are Councillors (s 376(1) of the Act).
- (4) The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote (s 376(2) of the Act).
- (5) However, the General Manager may be excluded from a meeting of Council or a committee while Council or the committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager (s 376(3) of the Act).

10 Leave of absence from a Council meeting

- (1) A Councillor must apply for leave of absence to the Mayor, the General Manager or the Public Officer prior to commencement of the meeting of Council, and should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent. (s 235A(1) of the Regulation).
- (2) A councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor (s 234(2) of the Act).
- (3) Council may resolve that an annual fee will not be paid to a Councillor or that a Councillor will be paid a reduced annual fee determined by the Council:
 - (a) For any period of not more than three (3) months for which the Councillor is absent, with or without prior leave, from an ordinary meeting or ordinary meetings of the Council; or
 - (b) In any other circumstances prescribed by the Regulation (s 254A(1) of the Act).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 6 of 37 |

- (4) If a Councillor is absent, with or without the leave of the Council, from ordinary meetings of the Council for any period of more than three (3) months, the Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of three (3) months (s 254A (2) of the Act).
- (5) If a Councillor is absent from three (3) consecutive ordinary meetings of the Council (unless the holder is absent because he or she has been suspended from office under section 482) without prior leave of the Council or leave granted by the Council at any of the meetings concerned, their position on Council becomes vacant (s 234(1)(d) of the Act).

11 Authority to cancel a scheduled Council meeting

There is no provision in the Act or the Regulation for a Council meeting to be abandoned or cancelled. If a notice of a meeting has been given, it must be held or at least opened. (cl 4.2.8 or Practice Note 16).

Part 3 – Procedure for the Conduct of Council Meetings

12 Chairperson of Council Meetings

- (1) The Mayor or, at the request of/ or in the absence of the Mayor, the Deputy Mayor presides at meetings of Council (s 369(2) of the Act).
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor, elected to chair the meeting by the Councillors present, presides at a meeting of Council (s 369(2) of the Act).
- (3) If no chairperson is present at a meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting. The election must be conducted by the General Manager or, in their absence, an employee of Council designated by the General Manager to conduct the election.
- (4) If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (5) For the purposes of subclause (4), the person conducting the election must:
 - (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - (b) Then fold the slips as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (6) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson (cl 236 or the Regulation).

13 Chairperson to have precedence

When the Chairperson rises or speaks during a meeting of Council:

- (a) Any Councillor then speaking or seeking to speak must, if standing, immediately resume their seat; and

- (b) Every Councillor present must be silent to enable the Chairperson to be heard without interruption (cl 237 of the Regulation).

14 Agenda and business papers for Council meetings

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
 - (a) All matters to be dealt with arising out of the proceedings of former meetings of the Council;
 - (b) If the Mayor (or the Deputy Mayor if acting for the Mayor) is the chairperson, any matter or topic that the chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
 - (c) Any business of which due notice has been given (cl 240 of the Regulation).
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council (cl 240 of the Regulation).
- (3) The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting (cl 240 of the Regulation).
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned. (cl 240 of the Regulation).
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.
- (6) Business papers shall take into consideration privacy matters and avoid, where possible, personal information and personal identifiers such as names and addresses unless such information is required by legislation (Guidelines 1.4.2).
- (7) Business papers shall not include cheque warrants (payments made by Council) or development plans for privacy and copyright reasons. However, development plans should be made available to interested members of the public to view at the Council main office. The plans must also be brought to Council meetings by Council staff. (Guidelines 1.4.4).
- (8) Business papers shall include provision for 'questions with notice' from Councillors. Such questions must be provided in writing to the Director Corporate Services, to be asked at the meeting in accordance with notice provisions of the Regulation (cl 241 of the Regulation).
- (9) Business papers shall not include provision for 'questions without notice' from Councillors. Such questions are inconsistent with notice provisions of the Regulation which require notice to be given of matter to be discussed at Council meeting.
- (10) Business papers that have been included in the agenda of the meeting that has been sent to Councillors cannot be removed prior to the meeting. If it is proposed that the item of business not be dealt with at the meeting, Council must resolve to:
 - (a) Defer the business at the meeting, or
 - (b) not consider the matter (Guidelines 1.4.12).

15 Giving notice of business

- (1) The Council must not transact business at a meeting of the Council:
 - (a) Unless a Councillor has given notice of the business in writing by 9.30am fourteen (14) days prior to the meeting; and
 - (b) Unless notice of business has been sent to the Councillors at least three (3) days prior to the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one (1) business day prior (cl 241 of the Regulation).
- (2) A Councillor may withdraw a notice of motion submitted if advised in writing by 9.30am nine (9) days prior to the meeting. Withdrawal of a notice of motion after this date must be dealt with in accordance with Clause 14 (10) above.
- (3) Notices of motion submitted by Councillors shall generally be limited to matters of policy, direction and resource allocation.
- (4) Subclause (1) does not apply to the consideration of business at a meeting if the business is:
 - (a) Already before, or directly relates to a matter that is already before the Council; or
 - (b) The election of a Chairperson to preside at the meeting is provided by clause 12; or
 - (c) A matter or topic put to the meeting by the Chairperson in accordance with clause 17; or
 - (d) A motion for the adoption of recommendations of a committee of Council (cl 241 of the Regulation); or
 - (e) Contained in a report of an urgent or extraordinary nature submitted by the General Manager after the notice of the meeting has been issued but prior to the commencement of the meeting.
- (5) Despite subclause (1), business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can only happen if:
 - (a) A motion is passed to have the business transacted at the meeting; and
 - (b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency (cl 241 of the Regulation).

Such a motion can be moved without notice.

- (6) Despite clause 250 of the Regulation, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put (cl 241 of the Regulation).

16 Agenda for extraordinary meeting

- (1) The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting (cl 242 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 9 of 37 |

- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors; however, this can happen only if:
- (a) A motion is passed to have the business transacted at the meeting; and
 - (b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency
- (3) Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of (cl 242 of the Regulation).
- (4) Despite clause 250 of the Regulation, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put (cl 242 of the Regulation).

17 Official (Mayoral) Minutes

- (1) If the Mayor (or deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of Council, the chairperson is, by minutes signed by the chairperson, entitled to put to the meeting without notice, any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge (cl 243 (1) of the Regulation).
- (2) Such a minute, when put to the meeting, takes precedence over all business on Councils agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded (cl 243 (2) of the Regulation).
- (3) Mayoral minutes may be amended by the Mayor.
- (4) A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, if adopted by Council, a resolution of the Council (cl 243 of the Regulation).

18 Report of a representative of the Division of Local Government to be tabled at a Council Meeting

When a report of a representative of the Division of Local Government has been presented to a meeting of Council in accordance with section 433 of the Act, Council must ensure that the report is:

- (a) Laid on the table at the meeting; and
- (b) Subsequently available for the information of Councillors and members of the public at all reasonable times (cl 244 of the Regulation).

19 Order of Business

- (1) At any meeting of Council (other than an extraordinary meeting), the general order of business shall be as follows: (cl 239 of the Regulation).

- 1 Apologies
- 2 Citizenship Ceremonies
- 3 Presentations
- 4 Public Forum

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 10 of 37 |

- 5 Confirmation of Minutes
- 6 Disclosure of Interest (pecuniary or non-pecuniary conflicts of interest)
- 7 Mayor's Report
- 8 Delegates' Reports
- 9 Staff Reports
 - (a) Items for Decision
 - (b) Committee Reports
 - (c) Items for Information Only
- 10 Notices of Motion
- 11 Motions of urgency (in accordance with Clause 241(3) of the Local Government (General) Regulation 2005)
- 11 Questions with notice
- 12 Questions taken on notice
- 13 Closed Council

- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice (cl 239 of the Regulation).
- (3) Despite clause 250 of the Regulation only the mover of a motion referred to in subclause (2) may speak to the motion before it is put (cl 239 of the Regulation).
- (4) Public notice of the time and place of ordinary Council meetings must be given and published in a local newspaper, at least two (2) weeks prior to the meeting.
Notice of less than three (3) business days may be given for an extraordinary meeting called in an emergency.
- (5) Condolences may be given at Council meetings under the following set of circumstances:
 - The passing of a current or retired local State or Federal Member of Parliament
 - The passing of a current or retired Councillor of Cooma-Monaro Shire Council
 - The passing of a community representative who, in the opinion of the Chairperson, has contributed significantly to the local community of the Cooma-Monaro Shire.
 - The passing of a community volunteer who, in the opinion of the Chairperson, has worked tirelessly within or for the local community of Cooma-Monaro Shire.
- (6) A minutes silence will be observed following the condolences being given.
- (7) The Chairperson, however, can still use their discretionary powers to give condolences for the passing of a person or persons outside the circumstances above.

20 Minutes

- (1) Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of Council (s 375 (1)). The following matters must be included in the minutes of Council meetings:
 - Details of each motion moved and of any amendments (cl 254 (a) of the Regulation);
 - The names of the mover and seconder of each motion and amendment (cl 254 (b) of the Regulation);
 - Whether each motion and amendment is passed or lost (cl 254 (c) of the Regulation);

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 11 of 37 |

- The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (cl 233 (3) of the Regulation);
 - The names of the Councillors who voted for a motion in a division and those who voted against it (cl 251 (4)). Note that a division is always required when a motion for a planning decision is put at a meeting of the Council (s 375A of the Act).
 - A report of the proceedings of the Committee of the Whole, including any recommendations of the Committee (cl 259 (3) of the Regulation).
 - The dissenting vote of a Councillor, if requested (cl 251 (2) of the Regulation).
- (2) The Local Government Act 1993 provides that the following matters must be included in the minutes of Council meetings (cl 259 (3) of the Regulation):
- The grounds for closing part of a meeting to the public (s 10D);
 - The report of a Council Committee leading to a rescission or alteration motion (s 372 (6) of the Act);
 - The disclosure to a meeting by a Councillor of a pecuniary interest (s 453 of the Act).
- (3) The confirmation of the minutes of a meeting, including extraordinary meetings, not previously confirmed must be dealt with at the next ordinary meeting of Council.
- (4) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- (5) Minutes may be confirmed at an extraordinary meeting of Council.
- (6) The minutes must, when they have been confirmed at a subsequent meeting of Council, be signed by the person presiding at that subsequent meeting (s 375 (2) of the Act).
- (7) For the purposes of compiling the minutes of meetings, each meeting shall be recorded, with the recordings kept, other than by resolution of Council, only until the minutes of that meeting are confirmed by Council and the recordings can be disposed of in accordance with the *General Records Disposal Schedule for Local Government*.
- (8) When Council makes a decision against the recommendation of officers or Council engaged experts, it should minute the reasons for this. Minuting the reasons for Council's decision is particularly important when determining development applications against the recommendation of Council officers. This process can reduce the cost to Council, of Land and Environment Court litigation, as well as achieving transparency and accountability in decision-making.
- (9) Minutes of closed parts of Council meetings must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions are passed or lost.
- (10) Council should, where possible, display the meeting business paper and minutes on a screen during the meeting for the information of Councillors and the public.

21 Chairperson's duty with respect to motions

- (1) It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 12 of 37 |

- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected (cl 238 of the Regulation).

22 Notice of motion – absence of mover

In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council:

- a) Any other Councillor may move the motion at the meeting; or
- b) The Chairperson may defer the motion until the next meeting of Council at which the motion can be considered (cl 245 of the Regulation).

23 Motions to be seconded

- (1) A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 18 (2) and 34 (5) (cl 246 of the Regulation).
- (2) Notwithstanding subclause (1), the mover of a motion may be allowed by the Chairperson to speak to the motion to enable other Councillors to determine whether or not to second the motion.
- (3) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
- (4) To ensure the accuracy of decision, Councillors should hand a copy of any lengthy motions in writing to the Chairperson.

24 How subsequent motions may be moved

- (1) If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but not more than one motion and one proposed amendment can be made before Council at any one time (cl 247 of the Regulation)
- (2) It is permissible to debate the motion and an amendment concurrently.
- (3) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- (4) An amendment shall be ruled out of order by the Chairperson if, in the opinion of the Chairperson, it directly contradicts the motion being debated.

25 Motions of dissent

- (1) A Councillor can, without notice, move dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent (cl 248 of the Regulation).
- (2) If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 13 of 37 |

restore the motion or business to the business paper and proceed with it in due course (cl 248 of the Regulation).

- (3) Despite clause 250 only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply (cl 248 of the Regulation).
- (4) After the mover and Chairperson have spoken, the motion of dissent shall be immediately put to Council.

26 Petitions to be presented to Council

- (1) A Councillor may present a petition to Council.
- (2) The Chairperson must not permit discussion on the petition.
- (3) All petitions received by Council shall be made available to Councillors for their information and consideration

27 Public Forum

Notes: Items relating to complaints against individuals must be in writing and addressed to the General Manager and will be processed in accordance with Council's complaints handling system. These items will not be heard in Public Forum.

(1) Public Forum

- (a) Any resident or ratepayer of Cooma-Monaro Shire or any authorised representative may request to make a presentation or representation to Councillors on any matter.
- (b) Thirty (30) minutes of Council meetings are available for members of the public to address the Council or submit questions, either verbally or in writing.
- (c) These Public Forum sessions form part of Council meetings and will be recorded in those meetings minutes.
- (d) Members of the public are permitted a maximum of five (5) minutes to address the Council. A three (3) minutes extension of time may be granted if deemed necessary by the Council.
- (e) If the matter relates to a development application or rezoning request, the applicant shall be granted a right of reply, if requested following the presentation of objections on the specific agenda item.
- (f) A maximum of three (3) representations for, and three (3) representations against, may be made on any matter.
- (g) Presentations or representations must be limited to matters which, in the opinion of the Chairperson, are under the jurisdiction or influence of Council.

(2) Representations and Presentations

- (a) People wishing to use Powerpoint presentations, or require maps or photos to be displayed on screen must provide their electronic files to the Public Officer by 4.00pm the business day prior to the meeting.
- (b) So as to improve transparency and accountability to the public, each speaker must provide the following details:
 - His or her name;
 - The organisation or group that he or she is representing (if applicable);
 - Details of the issue addressed and the item number of the report in the Business Paper;
 - Where he or she is opposing or supporting the matter (if applicable); and
 - The interest of the speaker (for example, affected person, neighbour, applicant, interested citizen, etc).
- (c) Speakers shall observe proper meeting procedure and be subject to the same rules of decorum and order as the Councillors. In this regard, personal allegations against Councillors, the Mayor, Council staff or any other persons shall not be made. It should be noted that speakers at Council meetings do not enjoy absolute legal protection (parliamentary-style privilege) and that any offensive or defamatory remarks about any other person may render him or her liable to legal action. Items relating to complaints against individuals must be in writing and addressed to the General Manager and will be processed in accordance with Council's complaints handling system. These items will not be heard in Public Forum.
- (d) The Chairperson may, at any time and at the Chairpersons absolute discretion, withdraw the permission to speak of any member of public if the Chairperson considers that the conduct of that member of the public disrupts the meeting or is inconsistent with the good order of the meeting or is in breach of Councils Code of Meeting Practice.
- (e) Upon withdrawal by the Chairperson of the permission to speak of a member of the public, the Chairperson may direct the member of the public to cease speaking and resume his or her position in the public gallery.
- (f) The failure of a member of the public to comply with the Chairperson's direction shall constitute disorderly conduct.

28 Items of correspondence

Any Councillor or the General Manager may request to have any item of Council correspondence placed on the agenda paper, providing such a request is made to the Public Officer by 9.30am nine (9) days prior to the meeting

29 Questions may be put to Councillors

- (1) A Councillor may, through the Chairperson, put a question to another Councillor (cl 249 of the Regulation).
- (2) Questions directed to Councillors must be submitted in writing to the Public Officer by the close of business nine (9) days prior to the meeting, to enable the question to be circulated

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 15 of 37 |

to the Councillor to whom the question is directed, and if necessary, to enable that Councillor to make reference to other persons or to documents (cl 249 of the Regulation).

- (3) The Councillor must put every such question directly, succinctly and without argument (cl 249 of the Regulation).
- (4) The Councillor, of whom the question has been asked, shall have the right to determine whether to answer the question.
- (5) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor under this clause (cl 249 of the Regulation).
- (6) Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

30 Questions may be put to Council employees

- (1) A Councillor may, through the General Manager, put a question to a Council employee (cl 249 of the Regulation).
- (2) Questions may be put to a Council employee either verbally or in writing, but any question which is put verbally must also be submitted in writing through the Public Officer at the conclusion of the meeting at which it is asked.
- (3) Questions put to a Council employee may be answered immediately or taken on notice for reply in writing within a period of three (3) days prior to the next scheduled Council meeting where:
 - a) the subject question is classified as normal business;
 - b) the answering of the question will utilise no more than two (2) hours of staff time;
 - c) the answering of the question will not incur more than \$500 in external costs.

In the event that the relevant information needed to answer the question properly is not available, the response is to be provided within a timeframe agreed between the questioning Councillor and the Council employee (cl 249 of the Regulation).

- (4) Where the question is determined to be classified as non-council business or will utilise more than two (2) hours of staff time or incur in excess of \$500 in external costs, the Councillor will be invited to submit the matter to Council for determination, in the form of a notice of motion.
- (5) Questions taken on notice by a Council employee shall be answered directly to the questioning Councillor.
- (6) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Council employee under this clause (cl 249 of the Regulation).
- (7) Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.
- (8) Questions asked in accordance with this clause shall generally be limited to matters of policy, direction, resource allocation or broad public interest. Operational and maintenance questions should ideally be referred directly to Council's relevant Director.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 16 of 37 |

- (9) Where the question proposes or may result in a change in current policy or procedure, or contravenes a previous Council resolution, a notice of motion must be submitted if the Councillor wishes the matter to be pursued.
- (10) Senior Staff of Council are available to meet with Councillors in Chambers between 3.30 pm and 4.30 pm, the day of the scheduled Council meeting, should they have any questions or seek clarification on any points, relating to the items listed on the current business paper. No appointments are necessary.

31 Limitations as to questions put to Council employees

- (1) Wherever possible, Councillors shall endeavour to ask questions relating to business paper items prior to the Council meeting at which the item is to be considered by either contacting the relevant Director directly, or by attending the open senior staff Councillor briefing session held in Chambers between 3.30pm and 4.30pm the day of the scheduled Council meeting. This enables the Director to appropriately research and respond to the question.
- (2) Where it is necessary to ask questions during a Council meeting, such questions should be limited to those necessary to assist a Councillor in determining whether to move, support or oppose a motion or amendment relating to a matter currently being debated by Council.
- (3) If a Councillor asks a question during a Council meeting which, in the opinion of the Chairperson, is not relevant to the matter which is before Council or could not reasonably be expected to assist the Councillor in determining whether to move, support or oppose a motion or amendment relating to the matter before Council, the Chairperson may rule the question out of order.
- (4) If during the debate on a matter before Council a Councillor asks two questions which are ruled to be out of order by the Chairperson in accordance with subclause (3), the Councillor shall not be permitted to ask any further questions in relation to that matter.
- (5) Nothing in this clause precludes a Councillor from exercising their right to debate a motion or amendment.
- (6) Nothing in this clause prevents a Councillor from submitting questions in writing to be answered after the meeting.

32 Addressing Councillors

Councillors shall at all times be addressed by their official designation. Eg Mayor or *Councillor X*, if the Chairperson is the Mayor he/she is to be addressed as *Mr Mayor* or *Madam Mayor*. When the Chairperson is not the Mayor he/she is to be addressed as *Mr/Madam Chair* or *Mr/Madam Chairperson*.

If a Councillor is prevented by physical infirmity, shall seek the call to speak by raising their hand.

33 Limitation as to number of speeches

- (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment (cl 250 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 17 of 37 |

- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it (cl 250 of the Regulation).
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding (cl 250 of the Regulation).
- (4) Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
 - a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it or;
 - b) If at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it (cl 250 of the Regulation).
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion (cl 250 of the Regulation).
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1) (cl 250 of the Regulation).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed (cl 250 of the Regulation).

34 Motions put without debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

35 Adopting reports by exception

- (1) Staff reports under the heading of *Committee Report (b)* or *Information Only (c)* may be adopted by a single motion.
- (2) The Chairperson shall invite each Councillor to nominate any reports that they wish dealt with separately.
- (3) The Chairperson shall call for a mover and seconder to the following resolution: '*That the reports and recommendations as listed in Staff Reports under Committee Reports and Information Only with the exception of [insert item number/s] be adopted.*'
- (4) On adoption of the motion the Chairperson will deal with each excluded report in their original order and call for a mover and seconder for each item.

36 Voting at Council meetings

- (1) Each Councillor is entitled to one vote (s 370 (1) of the Act).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 18 of 37 |

- (2) However, the Chairperson has, in the event of an equality of votes, a second or casting vote (s 370 (2) of the Act).
- (3) A councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest or a non-pecuniary conflict of interest in the subject matter of the motion (cl 251 of the Regulation).
- (4) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillors dissenting vote is recorded in the Council minutes (cl 251 of the Regulation).
- (5) The decision of the Chairperson as to the result of a vote is final, unless:
 - a) In the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - b) The decision is immediately challenged and not fewer than two Councillors rise and demand a division (cl 251 of the Regulation).
- (6) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Councils minutes (cl 251 of the Regulation).
- (7) In conducting a division, the Chairperson will declare that a division is called and then ask for a show of hands of those voting in favour of the motion and those who vote against it are respectively recorded in the councils minutes (cl 251 of the Regulation).
- (8) Voting at a Council meeting, including voting in an election at such a meeting is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot (cl 251 of the Regulation).
- (9) Voting on all matters relating to planning decisions (development application, an environmental planning instrument, a development control plan or a development contribution plan) s 375 (a) of the Act).
- (10) Voting on all matters relating to Council tenders shall be recorded in the minutes.
- (11) Councillors cannot participate in a meeting by video conferencing or tele-conference. There are no 'proxy' votes at Council or Committee meetings.
- (12) Councillors who have a pecuniary interest in a matter cannot be present at or in sight of the meeting that is considering the matter or voting on it.

37 Decision of the Council

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council (s 371 of the Act).

38 Rescinding or Altering Resolutions

- (1) A rescission motion means a proposal under section 372 of the Act to either rescind or alter a previous resolution of Council. The rescission motion includes the proposal to rescind or alter and the proposed replacement motion.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 19 of 37 |

- (2) A resolution which has been passed by the Council shall not be altered or rescinded, except by a motion to that effect (a rescission motion) of which notice has been given. A rescission motion must be signed by at least three (3) councillors.
- (3) A rescission motion may be given or initiated during the meeting at which the resolution to which it relates is made. Where the notice is given (30 minutes) and duly signed by three (3) councillors the motion to rescind the resolution may be put to that meeting in order to expedite the business of Council.
- (4) Where a rescission motion is not handed in at a Council meeting, the written notice, signed by three (3) councillors, must be received by the General Manager no later than 9.30am nine (9) days prior to the next Council meeting and must be dealt with at the next Council meeting after it is lodged.
- (5) If a notice of rescission is lodged, no decision of Council may be acted upon until the rescission motion has been determined. Where action on a rescission motion is required before the motion can come before an ordinary Council meeting, a special or extraordinary meeting of Council may be called to deal with that one issue in accordance with clause 16 of this Code.
- (6) Only one rescission motion relating to an original motion may be put forward by any Councillor.
- (7) A rescission motion on any matter can only be lost once before a three month ban is placed on any Councillor moving a motion to the same effect.
- (8) Any rescission motion which is withdrawn by the movers shall be deemed to have been withdrawn by the consent of Council. A similar or identical rescission motion shall not be resubmitted for three (3) months.
- (9) Procedural motions in respect of the conduct of meetings and motions for adjournment may not be subject of a rescission motion.
- (10) A motion to which this clause applies may be moved on the report of a committee of Council and any such report must be recorded in the minutes (s 372 (6) of the Act).
- (11) Rescission motions at Council meetings are to be dealt with as follows:
 - i. A rescission motion is to be moved and seconded prior to any debate.
 - ii. An amendment may be moved after any motion is moved and seconded, provided that only one amendment is before the Council at any one time.
 - iii. Further amendments may be foreshadowed provided such amendments are foreshadowed before the first amendment is dealt with by the Council.
 - iv. No amendment may be moved after the first amendment is considered unless it has been foreshadowed.

39 Motions of adjournment

- (1) Council may resolve at any time to adjourn its meeting. Debate shall not be permitted on any motion for adjournment of a meeting of Council.
- (2) If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- (3) A motion for adjournment may specify the time, date and place of the adjourned meeting, however, if a motion for adjournment is carried but does not specify the time, date and

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 20 of 37 |

place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.

- (4) Despite subclause (1), the Chairperson may call an adjournment of up to 15 minutes without a resolution of Council if the Chairperson considers that such an adjournment is necessary to ensure the proper conduct of the meeting.
- (5) As an adjourned meeting is a continuation of the same meeting (not a new meeting), Council does not need to issue a new agenda and business paper for an adjourned meeting. The agenda and business paper already issued are the proper documents for the business of an adjourned meeting. Business not already on the agenda may only be dealt with if the urgency procedure in clause 241 (3) of the Regulation is followed.

40 Presentations by Councillors

- (1) Councillors may make a brief presentation to Council regarding a significant civic event or activity which they attended as an official representative of Council or to which all Councillors were invited (e.g. advising Councillors of the success or failure of an event held recently, reminding Councillors of a significant upcoming event, recognising the significant achievements of a staff member, advising of the receipt by Council of an award).
- (2) The total time allowed at any one meeting for presentations by any one Councillor shall be two (2) minutes.
- (3) No debate shall be entered into in regard to a matter presented in accordance with this clause.
- (4) No motions may be moved in relation to an item presented in accordance with this clause, unless the provision of clause 15 of this Code has been complied with.
- (5) Presentations that do not strictly comply with the provisions of this clause shall be ruled out of order by the Chairperson.

Part 4 – Keeping order at meetings

41 Questions of order

Councillors must act honestly and reasonably in carrying out Council functions in accordance with the Local Government Act.

In addition, Councillors must comply with Council's adopted Code of Conduct and Code of Meeting Practice.

- (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so (cl 255 of the Regulation).
- (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter (cl 255 of the Regulation).
- (3) The Chairperson must rule on a question of order immediately after it is raised, but before doing so, may invite the opinion of Council (cl 255 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 21 of 37 |

- (4) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed (cl 255 of the Regulation).

42 Acts of Disorder

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a committee of Council:
- a) Contravenes the Act or any regulation in force under the Act or contravenes this Code; or
 - b) Assaults or threatens to assault another Councillor or person present at the meeting; or
 - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or a committee, or addresses or attempts to address Council or the committee on such a motion, amendment or matter; or
 - d) Insults or makes personal reflection on or imputes improper motives to any other Councillor; or
 - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the committee into contempt (cl 256 of the Regulation).
- (2) The Chairperson may require a Councillor to:
- a) Apologise without reservation for an act of disorder referred to in subclause 1(a) or (b); or
 - b) withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation; or
 - c) Retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e) (cl 256 of the Regulation).
- (3) A Councillor may, as provided by section 10 (4) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned (cl 256 of the Regulation).
- (4) Councillors, in the course of debate, shall not introduce material which is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking. Failure to do so constitutes an act of disorder.

43 How disorder at a meeting may be dealt with

- (1) If disorder occurs at a meeting of Council or a committee of Council, the Chairperson may adjourn the meeting for a period of no more than 15 minutes and leave the Chair. Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors (cl 257 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 22 of 37 |

- (2) A member of the public may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting (cl 257 of the Regulation).
- (3) Council's Code of Conduct details sanctions available for Councillor mis-behaviour in meetings. These include censure, apology, counselling, making a public finding of inappropriate conduct, and prosecution for any breach of the law (cl 12.25 and cl 12.27 of the Regulation).
- (4) Council may seek suspension of a Councillor from civic office under section 440H of the Act, which results in that person being excluded from civic office during the period of suspension. It also means being excluded from the rights and privileges of that office during the period of suspension. If the Councillor is also the Mayor, he/she is excluded from exercising the function, rights and privileges of both Councillor and Mayor during the period of suspension.

44 Power to remove persons from a meeting after an expulsion resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:

- a) Immediately after Council has passed a resolution expelling the Councillor or member from the meeting; or
- b) Immediately after being directed by the person presiding to leave the meeting.

A police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, to remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place (cl 258 of the Regulation).

Part 5 – Council Committees

45 Council Committees

- (1) Council may, by resolution, establish such committees as it considers necessary, and is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council (s 260 of the Regulation).
- (2) As a body corporate, Council can form committees and determine their functions, powers, membership and voting rights. Membership of a Council Committee is not restricted to Councillors.
- (3) In regards to committees consisting entirely of Councillors, Council can establish such a committee only by resolution. A committee can be advisory or it can have decision-making powers as delegated by Council. A committee can only exercise Council's regulatory functions under the Act, if all of its members are either Councillors or Council employees. Advisory committees have the power to make recommendations to Council, but not to make decisions.
- (4) The Mayor is automatically the Chairperson of each Council committee consisting only of Councillors, unless he/she does not wish to be the Chairperson. Each Councillor, whether a member of a committee or not, is entitled to attend and speak at a meeting of a Council committee. However only Councillors who are members of the committee are entitled to put business on the Committee's agenda, move or second a motion at the Committee meeting or vote at the meeting.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 23 of 37 |

- (5) Committee members must comply with the relevant meeting provision of the Local Government Act 1993, the Local Government (General) Regulation 2005, Council's Code of Conduct and Code of Meeting Practice.

46 Council may establish committees

- (1) Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council (cl 260 of the Regulation).
- (3) The quorum for a meeting of a committee is to be:-
 - a) Such number of members as the Council decides; or
 - b) If the Council has not decided a number, a majority of the members of the committee (cl 260 of the Regulation).

47 Functions of committees

Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions (cl 261 of the Regulation).

48 Notice of committee meetings to be given

- (1) The General Manager of Council must send to each Councillor, at least three (3) days before each meeting of the committee, a notice specifying:
 - a) The time and place at which the date on which the meeting is to be held; and
 - b) The business proposed to be transacted at the meeting.
- (2) However, notice of less than three (3) days may be given of a committee meeting called in an emergency (cl 262 of the Regulation).
- (3) The provisions of clause 14 (2) - (4) apply to the business papers of committee meetings in the same manner as they apply to the business papers of Council meetings.

49 Non-members entitled to attend committee meetings

- (1) A Councillor who is not a member of a committee of Council is entitled to attend, and to speak at a meeting of the committee (cl 263 of the Regulation).
- (2) However, the Councillor is not entitled:
 - a) To give notice of business for inclusion in the business paper for the meeting; or
 - b) To move or second a motion at the meeting; or
 - c) To vote at the meeting (cl 263 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 24 of 37 |

50 Procedure in committees

- (1) Subject to subclause (3), each committee of Council may regulate its own procedure. (cl 265 of the Regulation).
- (2) Without limiting subclause (1), a committee of Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote (cl 265 of the Regulation).
- (3) Voting at a committee meeting is to be by open means (such as on voices or by show of hands).
- (4) Community representatives who are members of Working Parties and Committees are allowed to vote.
- (5) A staff member who is a member of a Working Party or Committee, which has community representation, is allowed a vote.

51 Chairperson and Deputy Chairperson of committees

- (1) The chairperson of each committee of Council must be:
 - a) the Mayor; or
 - b) If the Mayor does not wish to be the Chairperson of a committee – a member of the committee elected by Council; or
 - c) If Council does not elect such a member, a member of the committee elected by the committee (cl 267 of the Regulation).
- (2) Council may elect a member of a committee of Council as Deputy Chairperson of the committee. If Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson (cl 267 of the Regulation)
- (3) If neither the Chairperson nor the Deputy Chairperson of a committee of Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee (cl 267 of the Regulation).
- (4) The Chairperson is to preside at a meeting of a committee of Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson or Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting (cl 267 of the Regulation).

52 Absence from committee meetings

- (1) A member ceases to be a member of a committee if the member (other than the Mayor):
 - (a) Has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the members absences; or
 - (b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the members absences (cl 268 of the Regulation).
- (2) Subclause (1) does not apply if all of the members of Council are members of the committee (cl 268 of the Regulation).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 25 of 37 |

*Note: The expression 'year' means the period beginning 1 July and ending the following 30 June.
See the Dictionary to the Act.

53 Reports of committees

- (1) If, in a report of a committee of Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation (cl 269 of the Regulation).
- (2) The recommendations of a committee of Council are, so far as adopted by the Council, resolutions of Council (cl 269 of the Regulation).
- (3) If a committee of Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
 - (a) Make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) Report the resolution or recommendation to the next meeting of Council (cl 269 of the Regulation).

54 Disorder in committee meetings

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings apply to meetings of committees of Council in the same way as they apply to meetings of Council (cl 270 of the Regulation).

55 Certain persons may be expelled from Council committee meetings

- (1) If a meeting or part of a meeting of a committee of Council is closed to the public in accordance with section 10A (2) of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act (cl 271 of the Regulation).
- (2) If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer or person authorised for the purpose by Council, the committee or the person presiding, may, by using only such force as is necessary, remove the first mentioned person from that place and, if necessary, restrain the person from re-entering that place (cl 271 of the Regulation).

56 Sub Committees / Working Party

- (1) Council may from time to time create new principal committees or working groups to provide advice and guidance to Councillors and/or staff.
- (3) Council may also from time to time create management committees to manage/assist in managing council facilities. These committees cannot exercise regulatory functions. (s 355 of the Act)

57 Workshops

- (1) For equity in access to information, Council may hold workshops from time to time. Such workshops are informal gatherings to provide useful information to Councillors and/ or the public.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 26 of 37 |

- (2) Council workshops may involve Councillors, staff and may involve invited participants where necessary. There is no obligation on Councillors to attend workshops, but they are invited to every workshop.
- (3) Council may invite the public and/ or media to attend workshops.
- (4) Workshop briefing papers contain information but no recommendations.
- (5) No recommendations are to be put to, and no agreement sought from, the Councillors or other participants in the course of the workshop.
- (6) No decision-making process can form part of any particular workshop.
- (7) Workshops are not formal meetings of Council and are therefore not constrained to the provisions of this Code for the conduct of such. Misconduct rules apply.

58 Committee of the Whole

- (1) Council may resolve itself into a Committee of the Whole to consider any matter before the Council (s 372 of the Act).
- (2) All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions limiting the number and duration of speeches (cl 259 of the Regulation).
- (3) The General Manager, or in their absence, an employee of Council designated by the General Manager, is responsible for reporting to Council, proceedings in a Committee of the Whole. It is not necessary to report the proceedings in full, but any recommendations of the Committee must be reported. (cl 259 of the Regulation).
- (4) Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes, however, the Council is not taken to have adopted the report until a motion for adoption has been made and passed. (cl 259 of the Regulation).

Part 6 – Closure of meetings to the press and public

59 Closing a meeting to the press and public

- (1) All meetings of Council will be held in public session, unless Council resolves that certain business should be conducted in closed session, with the press and public excluded.
- (2) Council may only conduct its business in closed session where the matter to be discussed is consistent with the provisions of clause 58; and
 - (i) where disclosure would result in unfair damage or distress to a third party; or
 - (ii) where serious damage would be caused to the interests of residents and ratepayers

60 Which parts of a meeting can be closed to the public?

- (1) Council must give prior public notice in the agenda of the intention to debate a matter in closed session. Public presentations before the proposed closed session will not be permitted unless there is a motion carried to suspend Standing Orders.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 27 of 37 |

- (2) Council, or a committee of Council, may allow members of the public to make representation to or at a meeting, before any part of that meeting is closed to the public, as to whether that part of the meeting should be closed (s 10A (4) of the Act).
- (3) Council, or a committee of Council of which all the members are Councillors, may close to the public so much of its meetings as comprises:
- (a) The discussion of any of the matters listed in subclause (4); or
 - (b) The receipt or discussion of any of the information so listed (s 10A (10) of the Act).
- (4) The matter and information are the following:
- (a) personnel matters concerning particular individuals (other than Councillors);
 - (b) the personal hardship of any resident or ratepayer;
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the Council; or
 - (iii) reveal a trade secret;
 - (e) information that would, if disclosed, prejudice the maintenance of law;
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440 of the Act;
- (5) Council, or a committee of Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (s 10A (3) of the Act).
- (6) The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- (7) A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.

61 Further limitation relating to closure of parts of meetings to the public

- (1) A meeting is not to remained closed during the discussion of anything referred to in clause 57 (2) of the Regulation:

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 28 of 37 |

- a) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - b) If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret, unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest (s 10B (1) of the Act).
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 60(4)(g) unless the advice concerns legal matters that:
- a) Are substantial issues relating to a matter in which the Council or committee is involved, and
 - b) Are clearly identified in the advice, and
 - c) Are fully discussed in that advice (s 10B (2) of the Act).
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public, the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting.
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a) A person may misinterpret or misunderstand the discussion, or
 - b) The discussion of the matter may:
 - i. Cause embarrassment to the council or committee concerned, or to Councillors or to employees of the Council; or
 - ii. Cause a loss of confidence in the Council or committee (s 10B (4) of the Act).
- (5) In deciding whether part of a meeting is to be closed to the public, Council or the committee of Council concerned must have regard to any relevant guidelines issued by the Division of Local Government.

62 Notice of likelihood of closure not required in urgent cases

- (1) Part of a meeting of Council, or of a committee of Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
- a) It becomes apparent during the discussion of a particular matter that the matter is one referred to in clause 60(4)
 - b) Council or the committee, after considering any representations made under clause 60(2), resolves that further discussion of the matter:
 - i. Should not be deferred (because of the urgency of the matter); and
 - ii. Should not place in a part of the meeting that is closed to the public (s 10C of the Act).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 29 of 37 |

63 Grounds for closing part of a meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting (s 10D (1) of the Act).
- (2) The grounds must specify the following:
 - a) The relevant provision of section 10A (2) of the Act;
 - b) The matter that is to be discussed during the closed part of the meeting,
 - c) The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) and explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest (s 10D (2) of the Act).

Part 7 – Pecuniary Interests**64 Pecuniary interests**

- (1) A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443 of the Act (s 442 (1) of the Act).
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in clause 61 (s 442 (2) of the Act).

65 Interests that need not be declared

The following interests do not need to be disclosed for the purposes of this part (s 448 of the Act):

- a) An interest as an elector; or
- b) An interest as a ratepayer or person liable to pay a charge; or
- c) An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part; or
- d) An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
- e) An interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not); or

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 30 of 37 |

- f) An interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee; or
- g) An interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - i. Which the person or another person with whom the person is associated as provided in section 443 of the Act has a proprietary interest (which, for the purpose of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or
 - ii. Land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal; or
- h) An interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed to per cent of the voting rights of the company; or
- i) An interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership; or
- j) An interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - i. The performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation; or
 - ii. Security for damage to footpaths or roads;
 - iii. Any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract;
- k) An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor) or;
- l) An interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the Act;
- m) An interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor; or

- n) An interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person; or
- o) An interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committee; or
- p) An interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

66 Disclosure and participation in meetings

- (1) A Councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable (s 451 (1) of the Act).
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
 - a) At any time during which the matter is being considered or discussed by the Council or committee; or
 - b) At any time during which the Council or committee is voting on any question in relation to the matter.
- (3) A person who, at the request or with the consent of Council or a Council committee, gives advice on any matter at any meeting of Council or the committee must disclose the nature of any pecuniary interest the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given (s 456 (1) of the Act).
- (4) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest (s 457 of the Act).

67 Powers of Minister in relation to meetings

The Minister may, in certain circumstances, allow a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned and to be present at a meeting of the Council or committee to take part in the consideration or discussion of the matter and to vote on the matter if the minister is of the opinion:

- a) That the number of Councillors prevented from voting would be so great a proportion of the Whole as to impede the transaction of business, or
- b) That it is in the interests of the electors for the area to do so (s 458 of the Act).

68 Disclosures to be recorded

A disclosure made at a meeting of Council or a Council committee must be recorded in the minutes of the meeting (s 453 of the Act).

Part 8 – Press and Public

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 32 of 37 |

69 Public notice of meetings

- (1) Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors (s 9 (1) of the Act).
- (2) A notice of a meeting of Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place (cl 232 of the Regulation).
- (3) The notice must specify the time and place of the meeting (cl 232 of the Regulation).
- (4) Notice of more than one meeting may be given in the same notice (cl 232 of the Regulation)
- (5) This clause does not apply to an extraordinary meeting of a Council or committee (cl 232 of the Regulation).
- (6) Council and each such committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by any persons) of the agenda and associated business paper (such as correspondence and reports) for the meeting. (s 9 (2) of the Act).
- (7) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
 - a) The agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item); and
 - b) The requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business. (s 9 (2A) of the Act).
- (8) The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors. (s 9 (3) of the Act).
- (9) The copies are to be available free of charge. (s 9 (4) of the Act).
- (10) A notice given under this clause or a copy of an agenda or of a business paper made available under this clause, may in addition, be given or made available in electronic form. (s 9 (5)).

70 Who is entitled to attend meetings?

- (1) Except as provided by this Part:
 - a) Everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors; and
 - b) A Council must ensure that all meetings of the Council and of such committees are open to the public. (s 10 (1) of the Act).
- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting:
 - a) By a resolution of the meeting; or
 - b) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion (s 10 (2) of the Act).

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 33 of 37 |

- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Regulation (s 10 (3) of the Act).

71 Public access to correspondence and reports

- (1) Council and Council committees of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting (s 11 (1) of the Act).
- (2) This clause does not apply if the correspondence or reports:
- a) Relate to a matter that was received or discussed; or
 - b) Were laid on the table at, or submitted to the meeting, when the meeting was closed to the press and public (s 11 (2) of the Act).
- (3) This clause does not apply if Council or a Council committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in clause 57(2) of the Regulation, are to be treated as confidential (s 11 (3) of the Act).

Part 9 – Miscellaneous

72 Disclosure and misuse of information – prescribed circumstances

- (1) If a part of a meeting of Council or a committee of Council is closed to the public in accordance with clause 60 of this policy, a person must not, without the authority of Council or the committee, disclose (otherwise than to the Council or Councillor of Council) information with respect to the discussion at, or the business of the meeting unless authorised to do so by section 664 of the Act (s 664 (1A) of the Act).
- (2) A breach of clause 69 (1) of the Regulation shall be treated as a breach of both the Act and Council's Code of Conduct and will be investigated in accordance with the provision of the Code of Conduct.
- (3) For the purposes of section 664 (1)(B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Chief Executive of the Division of Local Government to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance (cl 412 of the Regulation).

73 Inspection of the minutes of the Council or a committee of Council

- (1) An inspection of the minutes of Council or a committee of Council is to be carried out under the supervision of the General Manager or the Public Officer (cl 272 of the Regulation).
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Note: The Government Information (Public Access) Act 2009 confers a right to inspect the minutes of a Council or committee of a Council.

74 Tape recording of a meeting of Council or a committee of Council prohibited without permission

- (1) A person may use a tape recorder to record the proceedings of a meeting of Council or a committee of Council, only with the authority of Council or the committee (Cl 273 of the Regulation).
- (2) A person may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of Council or a committee of Council for using or having used a tape recorder in contravention of this clause (cl 273 of the Regulation).
- (3) If any such person, after being notified of such a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first mentioned person from that place, and if necessary, restrain that person from re-entering that place (cl 273 of the Regulation).
- (4) In this clause, tape recorder includes a video camera, mobile phone, Ipad and any electronic device capable of recording speech, whether a magnetic tape is used to record or not (cl 273 of the Regulation).

75 Certain circumstances do not invalidate Council decisions

Proceedings at a meeting of Council or a Council committee are not invalidated because of:

- a) A vacancy in a civic office; or
- b) A failure to give notice of the meeting to any Councillor or a committee member; or
- c) Any defect in the election or appointment of a Councillor or a committee member; or
- d) A failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- e) A failure to comply with this Code (s 374 of the Act).

76 Election of Deputy Mayor and delegates to committees

At a meeting in September each year, Council shall, by resolution, elect persons to all positions, including Deputy Mayor, Chairpersons, delegates to all community committees and affiliated bodies. The method of election for all positions shall be determined by Council.

77 Mobile phones

All mobile phones in the chamber and public gallery are to be turned off or switched to silent/vibrate.

78 Amendment of Code

This Code may be amended only in accordance with the provision of Division 1 of Part 2 of Chapter 12 of the Act, provided that the Council authorises the General Manager to reissue this Code without public exhibition in order to incorporate any relevant amendments to NSW Acts and Regulations, or relevant Practice Notes or Guidelines issued by the Division of Local Government.

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 35 of 37 |

79 Council Seal

- (1) Council's seal is like the signature of Council and can only be used in relation to Council business. It approves the content of the document and shows what Council has done or agreed to.
- (2) Clause 400 (4) of the Regulation requires a Council resolution before each use of the seal. The resolution must specifically refer to the document to be sealed. Council uses its seal sparingly (usually when there is a legal requirement to do so or when specifically requested to do so, e.g. by another government agency). The General Manager has been delegated to function of fixing the Council Seal to documents.
- (3) Council can resolve to approve a specific activity that requires the use of the seal on several occasions.
- (4) In deciding whether the Council seal should be used on a particular document, Council needs to consider any legislative requirements and the Regulation which states that the seal of Council must not be placed on a document unless the document relates to the business of Council.
- (5) Council Seal is kept secure by the General Manager.

80 Constitutional referendum

- (1) A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16 of the Act. (s 16 of the Act)
- (2) A council may not do any of the following unless approval to do so has been given at a constitutional referendum:
 - (a) divide its area into wards or abolish all wards in its area;
 - (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors);
 - (c) increase or decrease the number of councillors in accordance with the limits under section 224;
 - (d) change the method of ordinary election of councillors for an area divided into wards.
- (3) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.
- (4) However, such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.

DOCUMENTATION

Code of Meeting Practice Notification of Declaration of Interest Form

Variation

| | | | | |
|------------------|---------------------------|---------------------|-----|----------------------------|
| Document Number: | GO - CO - RT - PL - 00002 | Issue/Revision No: | 1/6 | COOMA-MONARO SHIRE COUNCIL |
| Issue Date: | 12-02-14 | Document Issued By: | DC | Page 36 of 37 |

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

9.3 MEETING TIMES OF COUNCIL & COMMITTEE MEETINGS - MAY 2016 TO SEPTEMBER 2017

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments. |
| Attachments: | Nil |
| Cost Centre | 3120 Mayor and Councillors |
| Project | Operational Activity |

EXECUTIVE SUMMARY

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016. The Proclamation established 19 new councils across the state and automatically dissolved the pre-existing councils. This meant Bombala Shire Council, Cooma-Monaro Shire Council and Snowy River Shire Council ceased to exist at the time of the proclamation and have been replaced by the newly established Snowy Monaro Regional Council.

Discussion between the Administrator and senior staff have determined that it would be advantageous for Council to meet on the last Wednesday of each month. Accordingly it was agreed it would be appropriate for meetings to alternate between the council chambers in Bombala, Berridale and Cooma.

Key matters to be dealt with at the first meeting of the council include a schedule of council and committee of council meetings.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- (a) Subject to the right to amend the schedule for any reason from time to time Council Meetings for the period May 2016 to August 2017 be held on the last Wednesday of each month commencing at 5.30pm as follows:
 - (i) May 2016 - in the Council Chambers, 71 Caveat Street, Bombala
 - (ii) June 2016 - in the Council Chambers, 2 Myack Street, Berridale
 - (iii) July 2016 - in the Council Chambers, 81 Commissioner Street, Cooma
 - (iv) August 2016 - in the Council Chambers, 71 Caveat Street, Bombala
 - (v) September 2016 - in the Council Chambers, 2 Myack Street, Berridale

- (vi) October 2016 - in the Council Chambers, 81 Commissioner Street, Cooma
- (vii) November 2016 - in the Council Chambers, 71 Caveat Street, Bombala
- (viii) December 2016 - in the Council Chambers, 2 Myack Street, Berridale
- (ix) February 2017 - in the Council Chambers, 81 Commissioner Street, Cooma
- (x) March 2017 - in the Council Chambers, 71 Caveat Street, Bombala
- (xi) April 2017 - in the Council Chambers, 2 Myack Street, Berridale
- (xii) May 2017 - in the Council Chambers, 81 Commissioner Street, Cooma
- (xiii) June 2017 - in the Council Chambers, 71 Caveat Street, Bombala
- (xiv) July 2017 - in the Council Chambers, 2 Myack Street, Berridale
- (xv) August 2017 - in the Council Chambers, 81 Commissioner Street, Cooma
- (b) That with regards to item (viii) above, the ordinary meeting of council be brought forward by one week and held on Wednesday 21 December
- (c) Determine that there are no standing committees of Council during the period
- (d) Determine that no Council meetings be held during the month of January 2017

BACKGROUND

The relevant sections of the *Local Government Act* relating to meetings are:

- *Section 9 - A Council must give notice to the public of the times and places of its Council meetings and Committees of which all the members are Councillors.*
- *Section 365 - The Council is required to meet at least 10 times each year, each time in a different month.*
- *Section 366 - If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting to be held as soon as practicable but within 14 days after the receipt of the request.*
- *Section 367 and Clause 31 Meeting Regulations - The General Manager must send to each Councillor, at least 3 days before each meeting of the Council and of a Committee, a notice specifying the time, place and the date of the meeting and the business proposed to be transacted at the meeting. Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.*
- *Section 368 - The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.*
- *Section 369 - The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council. If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.*

Due to the nature of January being a regular holiday period, it is suggested that Council does not hold a meeting in that month.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Establishment of meeting cycles and times for Council and its committees recognises and promotes people's rights and improves the accountability of decision makers as well as giving people better opportunities for genuine participation and consultation about decisions affecting their lives.

Council should consider meeting times that best promote and encourage public participation.

2. Environmental

It is the responsibility of the council to consider all items of business dealt with in accordance with the quadruple bottom line, including environmental sustainability.

Council's consideration and setting of meeting times itself will not have a negative impact on environmental sustainability.

3. Economic

Provision has been made in the 2016 and 2017 budgets for the servicing of Council.

Executive support to Mayor and Council is provided within the salary and wages account of the respective cost centres.

4. Civic Leadership

Council is required by the Local Government Act to meet at least 10 times in each year, in different months. Snowy Monaro Regional Council is committed to engaging with its communities across the region and has committed to a rotating cycle across the new local government area, commencing in Bombala. This will allow continued accessibility to the Administrator and senior staff by members of the community as well as endeavouring to minimise travel times for individuals to attend, participate and address Council.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments. |
| Attachments: | <ol style="list-style-type: none">1. SMRC0001 - Policy - Code of Conduct2. SMRC0001 - The Model Code of Conduct for Local Government in NSW3. SMRC0001 - Procedures for the Model Code of Conduct for Local Government in NSW4. SMRC0002 - Policy - Payment of Expenses and Provision of Facilities to Councillors5. SMRC0004 - Policy - Communications6. SMRC0007 - Policy - Signing of Council and Committee Minutes |
| Cost Centre | 3120 – Corporate Governance |
| Project | Policy Review |

EXECUTIVE SUMMARY

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016.

Key matters to be dealt with at the first meeting of the council include a number of policies. The Director Governance and Executive Services has consulted with the appropriate staff and now presents four policies recommended for adoption. These policies are:

SMRC0001 – Code of Conduct

SMRC0002 – Payment of Expenses and Provision of Facilities to Councillors

SMRC0004 – Communications

SMRC0007 - Signing of Council and Committee Minutes

The above policies have been recorded in the Snowy Monaro Regional Council policy register and nominate respective dates to be reviewed.

The following officer's recommendation is submitted for Council's consideration.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

OFFICER'S RECOMMENDATION

That Council adopt the following policies:

- (a) SMRC0001 – Code of Conduct
- (b) SMRC0002 – Payment of Expenses and Provision of Facilities to Councillors
- (c) SMRC0004 – Communications
- (d) SMRC0007 - Signing of Council and Committee Minutes

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

| Policy Number | Supporting Notes |
|---------------|---|
| SMRC0001 | This policy and the Model Code of Conduct Documents apply to every Councillor whilst holding office, every delegate of the Council whilst holding that authority, every staff member engaged by the Council in any form of employment arrangement, including contracts, secondment, temporary, casual, or fee for service terms of employment. Contractors working with Council are expected to comply with the relevant provisions during their contract period. The code also applies to volunteer, and community representatives working for Council. |
| SMRC0002 | Usually, the Payment of Expenses and Provision of Facilities to Councillors would be placed on public exhibition, however the policy presented is the former Cooma Council policy with minor amendments incorporated from the Bombala and Snowy River policies that were the subject of public exhibition. In addition, the policy review date has been nominated as September 2016 as an annual review is required under the Local Government Act. |
| SMRC0004 | This policy will be supported by a documented communications strategy for the Snowy Monaro Regional Council which is to be developed. This policy is supported by a number of procedures outline internal protocols for media relations and corporate communication. |
| SMRC0007 | <p>The Signing of Council and Committee Minutes falls under the Local Government Act 1993, which states in Section 375(2):</p> <p><i>“The Minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting”.</i></p> <p><i>Councils have up until recently hand-signed and bound hard copies of business papers and minutes which are then archived.”</i></p> <p>With advancement of technology over recent years it is no longer a requirement to maintain paper copies nor hand-sign minutes. Council staff sought confirmation from NSW State Records as to whether it was permissible to use an electronic signature for this purpose.</p> <p>Their advice was as per the Practice Notes that relates to the Local Government Act is as follows.</p> <p>11.2 Signing Council Minutes</p> <p>11.2.3 Can the Mayor use a stamp or electronic signature to sign minutes?</p> <p><i>A rubber stamp or electronic facsimile of a person’s signature, which is put on the document by that person, may be legally acceptable on the minutes, provided that the following safeguards are met:</i></p> <p><i>The rubber stamp or electronic signature should be kept under proper security to prevent its unauthorised use. The chairperson should verify the</i></p> |

| | |
|--|---|
| | <p><i>use of the rubber stamp or electronic signature.</i></p> <p>In addition, NSW State Records advised that:</p> <p><i>“State Records does not require Councils to create paper copies of the minutes and business paper of Council meetings. So if are creating digital minutes you do not need to print them out and bind them.”</i></p> <p>Adoption of the policy will enable Council staff to change administrative procedures to enable the insertion of the Mayor’s electronic signature and file the electronic version as the official adopted Council or Committee minutes. This will meet the requirements under the Evidence Act, as well as reduce the need to retain hard copies.</p> <p>To meet security requirements, it is proposed that the electronic signature of the Mayor be kept as an electronic record file with security access designated to the General Manager, Executive Assistant and Secretary – Council & Committees only.</p> <p>A letter of authorisation will be sought from the Mayor at the beginning of each calendar year. This letter will authorise the use of the Mayor’s signature on all approved minutes, as Chairperson, and will be saved in each relevant Committee or Council electronic folder. Should the presiding Chair differ from the Mayor than a letter of authorisation would need to be sort from the relevant Chairperson</p> |
|--|---|

QUADRUPLE BOTTOM LINE REPORTING

1. Social

When undertaking a review of a policy, Council ensures that access and equity matters are considered and amended where required. A policy review is undertaken with a view that participation will be encouraged and in a manner that values and respects the community.

The Code of Conduct provides all representatives of Snowy River Shire Council with a common understanding of the professional standards of behaviour required in our work within Council for the Community. This framework ensures that our business is always conducted in an open and democratic manner that values and respects the community

2. Environmental

It is considered that with each policy reviewed or developed the quadruple bottom line provisions are considered and the recommendations will have given due consideration to environmental sustainability.

Council’s decision making gives due consideration to each aspect of the quadruple bottom line. The Code of Conduct framework ensures that these decisions are made in the best interests of the community and therefore at all times the impact these will have on environmental sustainability is undertaken as a matter of process.

3. Economic

Preparation of this report has been undertaken within the salaries and wages account of cost centre 3120 – Corporate Governance.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

Provisions in the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct reflect greater flexibility to resolve non-serious complaints and therefore will minimise the costs to councils.

4. Civic Leadership

Clear policies and guidelines result in more efficient and effective responses to community needs. Policies that affect the public are available on Council's website for information and policies that relate to internal operations undergo internal consultation prior to be recommended to council for adoption.

Key features of the model Code of Conduct framework include greater fairness and rigour in the investigation process through clearer procedures. It also provides for improved complaints management by qualified independent reviewers and stronger penalties for ongoing disruptive behaviour, allowing councils to get on with the business of serving their communities.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 1 SMRC0001 - POLICY - CODE OF CONDUCT

Page 86



Policy Number: SMRC0001

| Title of Policy | Code of Conduct | | |
|---|--|--|----------------|
| Responsible Department | Governance | File Numbers B-TRIM ID: ED/ C-TRIM ID: ED/ ECM ID: Doc Set ID | |
| Policy Owner | Director Governance & Executive Services | Review Date | September 2017 |
| Date of Council Meeting | DRAFT | Resolution Number | DRAFT |
| Legislation, Australian Standards, Code of Practice | Local Government Act 1993 Local Government (General) Regulation 2005 Children and Young Persons (Care and Protection) Act 1998 Crimes Act 1900 Election Funding, Expenditure and Disclosures Act 1981 Environmental Planning and Assessment Act 1979 Government Information (Public Access) Act 2009 Health Records and Information Privacy Act 2002 Independent Commission Against Corruption Act 1988 NSW Anti-Discrimination Act 1997 Ombudsman Act 1974 Privacy and Personal Information Protection Act 1998 Public Interest Disclosures Act 1994 The Ombudsman Amendment (Child Protection and Community Services) Act 1998 Work Health and Safety Act 2011 Federal Disability Discrimination Act 1992 Federal Human Rights and Equal Opportunity Commission Act 1986 Federal Racial Discrimination Act 1975 Federal Sex Discrimination Act 1984 Health Privacy Principles Information Privacy Principles | | |
| Aim | Snowy Monaro Regional Council endorses the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW issued by Premier & Cabinet, Division of Local Government, March 2013 | | |

1 Policy Details

1.1 Introduction

Snowy Monaro Regional Council has a commitment to providing all staff with a common understanding of the professional standards of behaviour required in our work within Council for the Community and as such has also produced guidelines which must be read in conjunction with the Model Code of Conduct.

1.2 The Model Code of Conduct

The *Model Code of Conduct* sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

1.3 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and *Model Code Procedures* respectively.

In adopting procedures for the administration of their adopted codes conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent those prescribed under the Model Code Procedures will have no effect.

1.4 Conduct Reviewer and Conduct Review Panel

The South East Regional Organisation of Councils (SERO) sought expressions of interest from suitably qualified persons for appointment to a regional panel from which member Council's could select when the need arose. Council resolved at its ordinary meeting held on 21 February 2012 (Council Resolution: 018/12) that in the event there is a need to appoint a conduct reviewer or conduct review panel, the regional panel as adopted by SEROC would be used.

1.5 Complaints Coordinator

In accordance with the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the Complaints Coordinator shall be Council's Public Officer.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 1 SMRC0001 - POLICY - CODE OF CONDUCT

Page 88

Documentation

Model Documents

The Model Code of Conduct for Local Councils in NSW - March 2013

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - March 2013

Supporting Documents

The Model Privacy Management Plan for Local Government

Template - Report - Assessment of Code of Conduct Complaint

Policies and Procedures

SMRC0002 Policy on the Payment or Reimbursement of Expenses and Provision of Facilities for Mayor and Councillors

Policy Designated Persons

Policy Tendering, Purchasing, Contracting, and the Engagement of Suppliers, Consultants & Professional Services under Delegated Authority

SMRC0004 Policy Communications

Policy Corporate Credit Card

Policy on Access to Council Information

Policy Grievance

Policy Internet Usage

Policy - Public Interest Disclosures - Internal Reporting

Private Use and Leaseback of Council Vehicles

Forms

Code of Conduct - Reporting Form

Blank Councillor and Employee Gift Register Form

PID - Internal Reporting Form

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.



The Model Code of Conduct for Local Councils in NSW



March 2013

ACCESS TO SERVICES

The Division of Local Government, Department of Premier and Cabinet is located at:

Levels 1 and 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100

Fax 02 4428 4199

TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000

Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au

Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday

8.30am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Operations Group on 02 9289 4000.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Division of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Division of Local Government, Department of Premier and Cabinet 2012
ISBN 978-1-922001-12-2

Produced by the Division of Local Government



Premier & Cabinet
Division of Local Government

www.dlg.nsw.gov.au

TABLE OF CONTENTS

| | | |
|--------|---|----|
| PART 1 | INTRODUCTION | 4 |
| PART 2 | PURPOSE OF THE CODE OF CONDUCT | 4 |
| PART 3 | GENERAL CONDUCT OBLIGATIONS | 5 |
| PART 4 | CONFLICT OF INTERESTS | 7 |
| PART 5 | PERSONAL BENEFIT | 12 |
| PART 6 | RELATIONSHIP BETWEEN COUNCIL OFFICIALS | 14 |
| PART 7 | ACCESS TO INFORMATION AND COUNCIL RESOURCES | 16 |
| PART 8 | MAINTAINING THE INTEGRITY OF THIS CODE | 19 |
| PART 9 | DEFINITIONS | 21 |

PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

3.3 You must treat others with respect at all times.

Fairness and equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors

conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

5.3 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- e) prizes of token value.

Gifts and benefits of value

5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty

- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

6.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

| | |
|----------------------------|--|
| the Act | the <i>Local Government Act 1993</i> |
| act of disorder | see the definition in clause 256 of the Local Government (General) Regulation 2005 |
| administrator | an administrator of a council appointed under the Act other than an administrator appointed under section 66 |
| Chief Executive | Chief Executive of the Division of Local Government, Department of Premier and Cabinet |
| committee | a council committee |
| conflict of interests | a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty |
| council committee | a committee established by resolution of council |
| “council committee member” | a person other than a councillor or member of staff of a council who is a member of a council committee |
| council official | includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council |
| councillor | a person elected or appointed to civic office and includes a Mayor |
| delegate of council | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated |
| designated person | see the definition in section 441 of the Act |
| election campaign | includes council, State and Federal election campaigns |
| personal information | information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion |

the Regulation

the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.



Premier & Cabinet
Division of Local Government

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW



March 2013

ACCESS TO SERVICES

The Division of Local Government, Department of Premier and Cabinet is located at:

Levels 1 and 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000
Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Operations Group on 02 9289 4000.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Division of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Division of Local Government, Department of Premier and Cabinet
2012
ISBN 978-1-922001-13-9

Produced by the Division of Local Government



Premier & Cabinet
Division of Local Government

www.dlg.nsw.gov.au

TABLE OF CONTENTS

| | | |
|---------|--|----|
| PART 1 | INTRODUCTION | 4 |
| PART 2 | DEFINITIONS | 4 |
| PART 3 | ADMINISTRATIVE FRAMEWORK | 5 |
| PART 4 | HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE? | 7 |
| PART 5 | HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED? | 9 |
| PART 6 | PRELIMINARY ASSESSMENT | 15 |
| PART 7 | OPERATIONS OF CONDUCT REVIEW COMMITTEES | 19 |
| PART 8 | INVESTIGATIONS | 21 |
| PART 9 | RIGHTS OF REVIEW | 29 |
| PART 10 | PROCEDURAL IRREGULARITIES | 31 |
| PART 11 | PRACTICE DIRECTIONS | 31 |
| PART 12 | REPORTING ON COMPLAINTS STATISTICS | 32 |
| PART 13 | CONFIDENTIALITY | 32 |

PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

| | |
|-----------------------------|--|
| "the Act" | the <i>Local Government Act 1993</i> |
| "administrator" | an administrator of a council appointed under the Act other than an administrator appointed under section 66 |
| "code of conduct" | a code of conduct adopted under section 440 of the Act |
| "code of conduct complaint" | a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct |
| "complainant" | a person who makes a code of conduct complaint |
| "complainant councillor" | a councillor who makes a code of conduct complaint |
| "complaints coordinator" | a person appointed by the general manager under these procedures as a complaints coordinator |

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 3 SMRC0001 - PROCEDURES FOR THE MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT IN NSW

| | |
|----------------------------|---|
| “conduct reviewer” | a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager |
| “council committee” | a committee established by resolution of council |
| “council committee member” | a person other than a councillor or member of staff of a council who is a member of a council committee |
| “councillor” | a person elected or appointed to civic office and includes a Mayor |
| “council official” | includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council |
| “delegate of council” | a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated |
| “the Division” | the Division of Local Government, Department of Premier and Cabinet |
| “investigator” | a conduct reviewer or conduct review committee |
| “the Regulation” | the <i>Local Government (General) Regulation 2005</i> |
| “subject person” | a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures |

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct,
 - b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - c) liaise with the Division of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.

5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.

5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.

5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.

5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.

- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

[How are code of conduct complaints about conduct reviewers to be dealt with?](#)

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

[How are code of conduct complaints about administrators to be dealt with?](#)

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
- c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.

5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.

5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

- 5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.
- 5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or

- d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.

5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.

5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.

- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a “code of conduct complaint” for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

- 6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.

- 6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
 - e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
 - f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
 - g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
 - h) whether the conduct complained of forms part of a pattern of conduct,
 - i) whether there were mitigating circumstances giving rise to the conduct complained of,
 - j) the seriousness of the alleged conduct,
 - k) the significance of the conduct or the impact of the conduct for the council,
 - l) how much time has passed since the alleged conduct occurred, or

- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
 - a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.

- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.

8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.

8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

8.34 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,

- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.

- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and

- ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.

8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e),

may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.

- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and

- c) the general manager or Mayor must consider the Division's recommendation in doing so.

9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Division's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

PART 11 PRACTICE DIRECTIONS

11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.

11.2 The Division will issue practice directions in writing, by circular to all councils.

11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

PART 12 REPORTING ON COMPLAINTS STATISTICS

12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

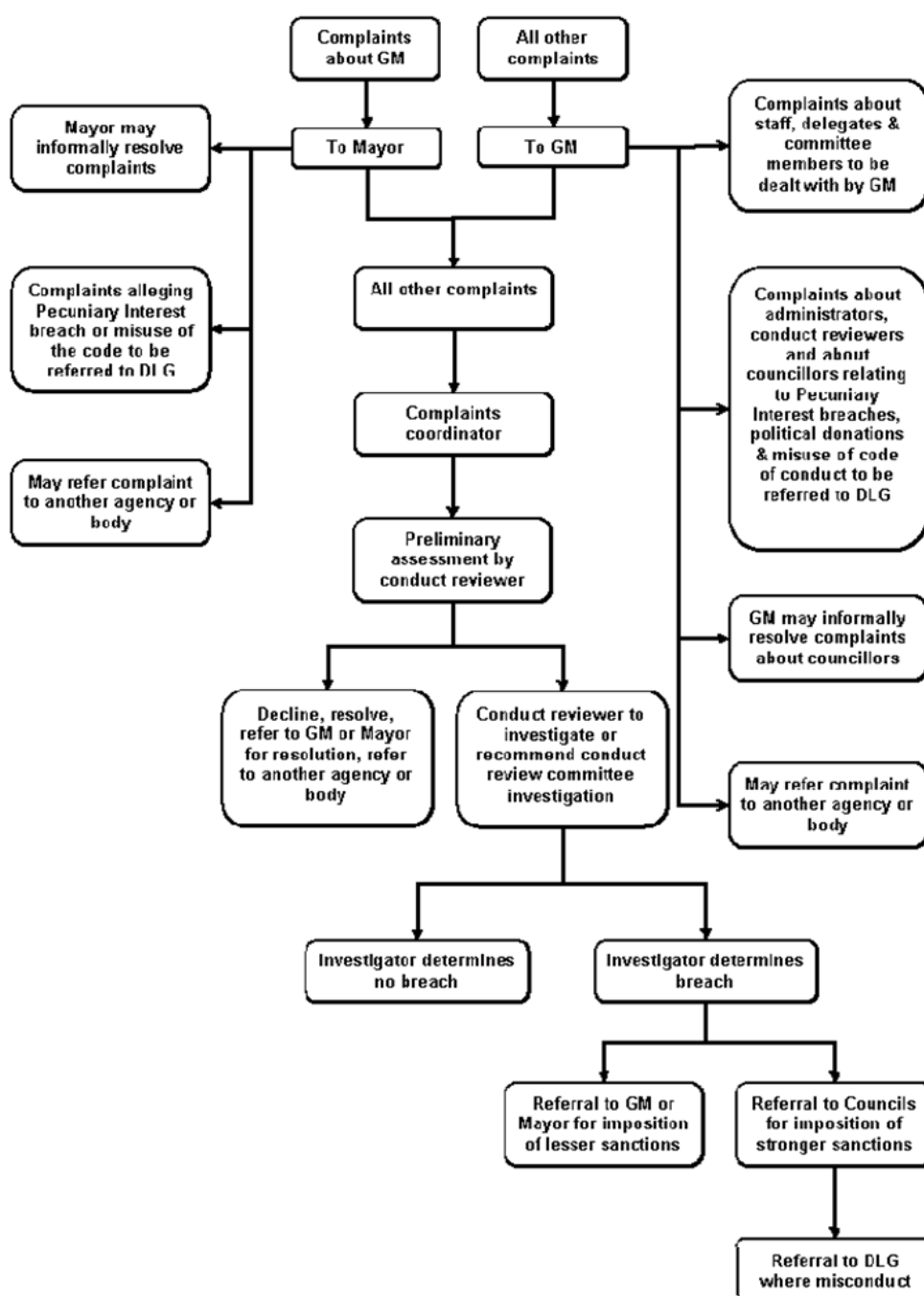
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
- b) the number of code of conduct complaints referred to a conduct reviewer,
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
- d) the number of code of conduct complaints investigated by a conduct reviewer,
- e) the number of code of conduct complaints investigated by a conduct review committee,
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

Model Code Procedure Flowchart



9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 144



Policy Number: SMRC0002

| Title of Policy | Payment of Expenses and Provision of Facilities for Mayor and Councillors | | |
|---|--|---|-----------------------|
| Responsible Department | Governance | File Numbers B-TRIM ID: C-TRIM ID: ECM ID: | ED/ ED/ 2933597 |
| Policy Owner | Director Governance & Executive Services | Review Date | September 2016 |
| Date of Council Meeting | DRAFT | Resolution Number | DRAFT |
| Legislation, Australian Standards, Code of Practice | Local Government Act 1993; Division 5 Local Government (General) Regulation 2005; Division 4 Government Information (Public Access) Regulation 2009 Department of Local Government Guidelines Department of Local Government Circular 09/36 Department of Local Government Circular 04/60 Department of Local Government Circular 05/08 Department of Local Government Circular 07/22 Department of Local Government Circular 11/27 ICAC Publication – No Excuse for Misuse | | |
| Aim | To provide guidelines on the payment of expenses and the provision of facilities to the Mayor and Councillors | | |

1 Introduction

This policy aims to establish guidelines for the reimbursement and payment of expenses incurred by Councillors in attending conferences, seminars, training and development and other events relevant to local government. The purpose of this policy is to ensure that there is accountability and transparency in the re-imbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

1.1 Definitions

The Act Local Government Act 1993

The Regulation Local Government (General) Regulation 2005

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 145

| | |
|--|---|
| <i>Expenses</i> | Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees. |
| <i>Facilities</i> | Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors. |
| <i>Functions of civic office/civic functions</i> | Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area. |
| <i>LGA</i> | Local Government Area |

1.2 Purpose

This policy aims to establish guidelines for the reimbursement and payment of expenses incurred by Councillors in attending conferences, seminars, training and development and other events relevant to local government. The purpose of this policy is to ensure that there is accountability and transparency in the re-imbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

1.3 Reporting Requirements

Section 248 of the Local Government Act 1993 requires councils to include in their annual report:

- the council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- the total amount of money expended during the year on providing those facilities and paying those expenses.

Clause 217 of the Local Government (General) Regulation 2005 requires councils to include additional reporting information in their annual reports.

Details of the total cost during the year of the payment of the expenses of and the provision of facilities to, councillors in relation to their civic functions, including separate details on the total cost of the following:

- the provision during the year of dedicated office equipment allocated to Councillors on a personal basis;
- telephone calls made by Councillors from phones provided by Council;
- the attendance of Councillors at conferences and seminars;
- the training of Councillors and the provision of skill development for Councillors;
- interstate visits undertaken during the year by Councillors while representing Council;
- overseas visits undertaken during the year by Councillors while representing Council;
- the expenses of any spouse, partner or other person who accompanies a Councillor in the performance of his or her civic functions;
- expenses involved in the provision of care for a child of, or an immediate family member of a Councillor, to allow the Councillor to undertake his or her civic functions.

| | | | | |
|---------------------------|-----------|-------------|----------------|--------------|
| IS - IM - MS - TM - 00001 | Issue No. | Issue Date: | Revision Date: | Page 2 of 10 |
|---------------------------|-----------|-------------|----------------|--------------|

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 146

1.4 Approval Arrangements

Approval for discretionary trips and attendance at conferences and the like should be where possible approved by a full meeting of Council. If this is not possible, then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside Council meetings, it should be given jointly by the Deputy Mayor and the General Manager.

Council appointed delegates have approval to travel outside the Shire only to attend meetings of the applicable Committee.

Prior approval of travel will be required for interstate travel or to undertake Council business if not attending a meeting as a nominated Council delegate. The application for approval shall include full details of the travel, including itinerary, costs and reasons for the travel.

After returning the Councillor or an accompanying member of staff shall provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local Community.

2 General Provisions

- a. In recognition of the fact that Councillors incur expenses and require the use of Council facilities for the effective discharge of the functions of Civic office, Council will provide reasonable access to facilities and payment of reasonable expenses.
- b. Payment of expenses and provision of facilities shall only be made where it is clearly demonstrated by the claimant Councillor the associated activity is directly related to the discharge of the functions of civic office.
- c. The terms of this policy are in addition to the payment of annual fees for Councillors and the Mayor provided in accord with s 248-249 of the Act.

2.1 Payment of Expenses Generally

- a. Councillors are bound by the provisions of the Act in relation to obtaining the necessary approvals from Council prior to incurring expenses.
- b. The policy applies to the Mayor, Deputy Mayor and all Councillors such that the following expenses will be reimbursed and facilities provided by Snowy River Shire Council.
- c. A Council may disburse money only if the disbursement is authorised by the Act 1993 either expressly or because it is supplemental or incidental to or inconsequential upon the exercise of its function.

2.1.1 Allowances and Expenses

Clause 403 of the Local Government (General) Regulation 2005 provides that council must not include in its policy any provision to pay Councillors an allowance in the nature of a general expense allowance. The policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties.

2.1.2 Reimbursement and Reconciliation of Expenses

Reimbursement of costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim form within one month. Expenses and costs incurred must be in accordance with the requirements of Council's expense policy.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 147

2.1.3 Payment in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy. However Councillors must fully reconcile all expenses against the cost of the advance when they return, within one month of their return date.

2.2 Establishment of Monetary Limits and Standards

The Mayor and Councillors may claim a reasonable level of expenses incurred in relation to their civic duties as prescribed within this policy.

The monetary limits are in accordance with the adopted Operational Plan budget and will be reviewed annually.

3 Specific Expenses for Mayors and Councillors

3.1 Mayor

In addition to those facilities provided to the Councillors below, the Mayor is entitled to receive the benefit of:

- use of the Mayoral office;
- allocation of a Council vehicle for official duties;
- a mobile telephone for use in relation to official duties, (if required);
- secretarial services associated with office of the Mayor;
- cost of transport to official functions (if required);
- provision and maintenance of mayoral chain and robes;
- access to Council meeting rooms as provided by the General Manager; and
- catering services as provided by the General Manager.

3.2 Councillors

The Councillors, including the Mayor and Deputy Mayor, are to receive the benefit of:

- use of official Council stationery;
- postage of official correspondence – all mail is to be directed through the Council's own mailing system;
- meals/refreshments prior to Council meetings, Committee meetings and workshops which will not be completed until after 7.30pm;
- cost of transport to official functions (if required) when deputising for the Mayor;
- access to the Council meeting rooms, computer access and photocopier;
- use of an Apple iPad2 or similar for official Council business and specifically for the download and storage of Council Business Papers/Agenda, Minutes and Policies etc;
- minor secretarial services associated with duties of Councillors; and
- access to appropriate training programs for Councillors.

3.3 Private Use of Equipment and Facilities

Council acknowledges that incidental private use of equipment and facilities may occur from time to time and such use is not subject to compensatory payment.

Councillors should not obtain a private benefit from the provisions of equipment and facilities and this includes travel hours that accrue from Council funded travel through "frequent flyer" schemes or any other loyalty programs. Where such benefits accrue, then free flights or other

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 148

subsidised travel should benefit Council related business travel and that an annual report be submitted to Council by the Mayor on travel bonuses and their intended use.

3.4 Return of Equipment and Facilities by Councillors

- a. Councillors are required to return all Council issued equipment to Council after the completion of the Councillors term of office or at the cessation of their civic duties.
- b. Alternatively, Councillors have an option to purchase council equipment previously allocated to a Councillor at an agreed fair market price or written down value.

3.5 Spouses, Partners and Accompanying Persons Expenses

- a. Council is prepared to meet reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions within the Shire that are of a formal and ceremonial nature.
- b. Council is also prepared to meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Shires Association of NSW annual conference. These expenses are limited to registration and official conference dinner costs.
- c. Payment of expenses for the spouse, partner or accompanying person of the Mayor, or a Councillor when they are representing the Mayor will be made when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Shire but within NSW.
- d. An accompanying person is a person who provides carer support to the Councillor.
- e. Where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions, then those costs will be reimbursed to the Councillor.
- f. Reimbursement of the reasonable costs of spouses, partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the local government area. Examples include Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the Council.
- g. Reimbursement for the payment of expenses for the spouse, partner or accompanying person of the Mayor (or a Councillor when they are representing the Mayor) for attendance at an official function of Council or an official ceremonial duty while accompanying the Mayor outside the local government area, but within the State and ACT, is considered appropriate. Examples include charitable functions to which the Mayor has been invited and award ceremonies and other functions to which the Mayor is invited to represent the Council.
- h. Reimbursement of expenses, limited to the cost of registration and the official conference dinner, of spouses, partners or accompanying persons associated with attendance at the Local Government Shires Association's annual conference is considered appropriate. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc. would be the personal responsibility of individual Councillors.
- i. Councillors' spouse, partner or accompanying person may attend seminars, conferences or the like with Councillors (any event or function outside the Council area, including interstate and overseas), subject to any additional travel, accommodation, partner/accompanying person tours sustenance costs, and the like being met by the

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 149

individual Councillor concerned by his/her partner (with the exception of attendance at Local Government Shires Association Annual Conferences).

- j. The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions, as permitted above, is confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.
- k. In the event of a Councillor seeking an advanced payment or reimbursement of expenses for attendance at any seminar, conference or the like, a written claim is to be submitted to the General Manager providing appropriate details with official receipts for expenditure. Councillors must fully reconcile all expenses against the cost of the advance within one (1) month of their return.

4 ANNUAL FEES

4.1 Mayor and Councillors

The Councillors are paid an annual fee and, in addition, the Mayor receives an annual allowance. Member's fees and the Mayoral allowance are set by resolution of Council in accordance with the determination of the Local Government Remuneration Tribunal for the category of Council each year.

5 PAYMENT OF EXPENSES FOR MAYOR AND COUNCILLORS

5.1 Transport

- a. In addition to the payment of annual fees in accordance with Sections 248 and 249 of the Act, Councillors are entitled to claim "mileage" allowance for use of private vehicles to drive between their place of residence and the Council Chambers, inspections within the area of the Council undertaken in compliance with a resolution of the Council, meetings which Council has endorsed the Councillor's membership, civic receptions hosted by Council, or meetings or functions approved by the Mayor or General Manager, and return. "Mileage" rates will be paid at the then current rate set by the appropriate Local Government Industrial Award or equivalent.
- b. Travel to meetings will not be reimbursed unless a Councillor is an endorsed member by a Council resolution, has prior Council approval by resolution or has approval of the Mayor and General Manager to attend a meeting or function.
- c. Other out of pocket expenses associated with travel by motor vehicle such as parking fees and road toll charges may be claimed, noting that the driver is personally liable for all traffic or parking fines while travelling in private or a Council vehicle on Council Business.
- d. Reimbursement is subject to a formal claim being lodged no later than one (3) months after the expense was incurred.
- e. Where ever possible, Councillors shall use a Council vehicle when travelling on Council business.

5.2 Conferences and Seminars

- a. Councillors may be nominated to attend conferences, seminars and similar functions by:
 - i. The Council, through resolution duly taken, or
 - ii. The Mayor and General Manager acting under delegated authorities and subject to budget requirements being adhered to.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 150

- b. In addition, the Mayor may nominate the Deputy Mayor as a substitute attendee for functions within the Council area or the ACT Sub Region, or on those occasions where the Mayor is unable to be in attendance.
- c. Council may also resolve to delegate authority to the Mayor to appoint Councillors to attend specific conferences, seminars or similar functions.

5.2.1 What Conferences and Seminars May be Attended

The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- a. Local Government Shires Annual Conference (State);
- b. Special “one-off” conferences called by Local Government Association on important issues;
- c. NSW Country Mayor’s Association;
- d. Annual conferences and congresses of the major industry associations and professions in local government; and
- e. Seminars which further the training and development efforts of the Council and within the budget framework.

5.2.2 Overseas Travel

The cost of overseas travel for purposes such as conferences and delegations to Council’s Sister City shall not be met by Council unless Council determines otherwise for specific visits. In extenuating circumstances, any agreement to meet the costs of overseas travel either in whole or in part, shall be specifically resolved by a meeting of Council and subject to a detailed report to Council on all aspects of the trip relevant to Council Business within one (1) month of the completion of the travel.

5.2.3 Registration

The Council will pay all normal registration costs which are charged by organisations, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

5.3 Expenses Incurred and Reimbursement

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- a. Travel expenses relate to travel that is on Council business, being to and from the periodical conferences and seminars of local government related organisations (generally as listed above) at which attendance has been approved.
- b. The travel is undertaken with all due expedition, and by the shortest route and the most practicable and economical transport.
- c. Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses.
- d. Out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like.
- e. Any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid.
- f. Telephone costs and expenses – the Mayor, Deputy Mayor and Councillors shall be provided access to office telephones for calls in discharging the function as Councillors.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 151

Also the costs of Council related calls will be reimbursed to the value of \$50.00 per month for Councillors and \$50 per month for the Mayor.

- g. At the Councillor's place of residence, Councillors will have access to an internet connection and email service for council business. Council will pay all reasonable costs associated with the internet connection, email service and the internet service provider fee up to a combined maximum of \$50 per month. Council will make available the Councillors email address for general public information.
- h. Paper – Council will provide six (6) reams of paper per annum to cover printing expenses.
- i. The claim is made not later than one (1) month after the expenses were incurred, and upon an approved claim form, supported by appropriate receipts and tax invoices.
- j. Any expenses in relation to Council related business should only be incurred by Councillors in accordance with the provision of this policy. All claims shall be submitted for approval by the General Manager or his delegate, and

5.3.1 Payment in Advance

The Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance.

An allowance for estimated "out-of-pocket" expenses may be paid to an attendee in advance upon request.

Any advance payments are subject to a reconciliation statement accompanied by tax invoices/receipts, verification of expenses and the refund of any unexpended amount being submitted within two (2) weeks of the close of the conference, seminar or function. This is the only circumstance in which payment will be made in advance.

5.4 Categories of Payment of Reimbursement

Subject to nomination in accordance with the provisions of Clause 4.4, the categories of payment or reimbursement are as follows:

5.4.1 Travel

- a. All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car. However, car travel should not be encouraged for long distance travel.
- b. Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle subject to prior approval from the General Manager. Persons using private vehicles will be paid the "mileage" allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.
- c. Costs of vehicle hire parking and toll costs and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by Council.

5.4.2 Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 152

5.4.3 Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function including meals but excluding expenses of a normal private nature.

5.4.4 Spouse/Partner

All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

5.4.5 Expense Allowance

Due to the nature of some travel and, where applicable, a daily allowance may be paid in accordance with the Federal Public Service standard travel and allowance scale applicable from time to time.

5.4.6 Child Care Costs

Councillors will be reimbursed for reasonable child/dependent care costs incurred in attending Council meetings, Committee meetings, workshops, briefing sessions and official site inspections relating to Council's operations.

Councillors will be reimbursed for expenses associated with child/dependent care paid to providers other than immediate family members, spouse or partner up to 1 hour before and after such meetings (based on advertised commencement times) subject to the production of appropriate documentation/receipts.

The maximum entitlement for reimbursement for each Councillor is \$3,000 per annum (July to June).

5.5 INSURANCE - COUNCILLORS

Councillors are to receive the benefit of insurance cover for:

- a. Personal injury while on Council business,
- b. Professional Indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- c. Public Liability insurance (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- d. Councillors and Officers Liability insurance (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- e. Council will reimburse any insurance excess payment and loss of no claim bonus or any increase in premium subsequent to an accident to a Councillors private vehicle whilst on official Council business and the accident is not the Councillors fault.
- f. Where a Councillor is without transport during repairs to their private vehicle damaged whilst on official Council business, Council will reimburse costs of a hire vehicle or a Council vehicle be made available during the period the repairs are being made. The Councillor will be responsible for all fuel costs incurred during this time.
- g. For matters arising out of Councillor's performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is authorised under the Act, was carried out in good faith and is in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out

6 LEGAL ASSISTANCE FOR COUNCILLORS

| | | | | |
|---------------------------|-----------|-------------|----------------|--------------|
| IS – IM – MS – TM – 00001 | Issue No. | Issue Date: | Revision Date: | Page 9 of 10 |
|---------------------------|-----------|-------------|----------------|--------------|

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 4 SMRC0002 - POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

Page 153

6.1 Legal Expenses and Assistance

Council will determine by resolution the reimbursement of the reasonable legal expenses of a Councillor:

- a. A Councillor defending an action arising from the performance, in good faith, of a function under the Local Government Act; or
- b. 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; or
- c. A Councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function of under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Such payments are recommended for approval in accordance with Department of Local Government Circular No. 05/08 – Legal assistance for Councillors and Council Employees.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act, should be distinguished from expenses incurred in relation to proceedings arising merely from something which a Councillor has done during his or her term of office.

Documentation

| | |
|----------|---|
| SMRC0001 | Policy – Code of Conduct |
| SMRC0001 | The Model Code of Conduct for Local Councils in NSW - Adopted 26 February 2013 |
| SMRC0001 | Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - Adopted 26 February 2013 |
| | Policy - Private Use and Leaseback of Council Vehicles |
| | Policy - Mobile Phone |
| | Policy - Councillor Training and Development |
| | Policy - Access to Council Information |

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.



Policy Number: SMRC0004

| Title of Policy | Communications Policy | | |
|---|---|---|----------|
| Responsible Department | Governance Department | File Numbers B-TRIM ID: ED/ C-TRIM ID: ED/ ECM ID: 2933659 | |
| Policy Owner | Director Governance and Executive Services | Review Date | May 2018 |
| Date of Council Meeting | DRAFT | Resolution Number | DRAFT |
| Legislation, Australian Standards, Code of Practice | Local Government Act Environmental Planning and Assessment Act Copyright Act Spam Act Privacy and Personal Information Protection Act State Records Act Anti-Discrimination Act Defamation Act Government Information (Public Access) Act NSW Government Advertising Guidelines - December 2010 - Appendix 1 Relating to Social Media | | |
| Aim | <p>As an organisation responsible and accountable to its local community, Snowy Monaro Regional Council has an obligation to ensure information about its programs and services is conveyed to the public in a professional manner. It is also important that Council's public image reflects Council's commitment to customer service. Effective communication between the Council and the community is vital.</p> <p>This policy aims to ensure that the flow of information to residents and ratepayers is accurate, timely and informative. This will help improve Council's public image by keeping the community up to date on its decisions, activities and achievements, with an emphasis on promoting a positive, progressive and professional image of Council and staff.</p> | | |

1 POLICY DETAILS

1.1 Introduction

The objectives of this policy are to:

- Create a positive public image about Council, its services and staff;
- Create and maintain Council's corporate image as a professional and efficient organisation committed to working in partnership with its community;
- Develop positive working relationships with the local media;

| | | | | |
|---------------------------|-----------|-------------|----------------|-------------|
| IS – IM – MS – TM – 00001 | Issue No. | Issue Date: | Revision Date: | Page 1 of 6 |
|---------------------------|-----------|-------------|----------------|-------------|

- d) Ensure provision of accurate and timely information on Snowy Monaro Regional Council services, facilities and policies to the community on a regular basis; and
- e) Management of difficult/controversial issues.

1.2 Public Comment

Public comment can include public speaking engagements (including comments on radio and television), expressing views in letters to the press, or in books or notices where it is reasonably foreseeable that publication or circulation will enter the public domain.

This policy aims to ensure that comment made to the public through the media is accurate and in the best interests of the Council.

1.2.1 Mayor/Administrator

The Mayor/Administrator (or their nominated representative) shall at all times be the official spokesperson for the Council.

1.2.2 Councillors

Councillors may express their view to print or electronic media on any matter relating to routine Council business unless certain information contravenes Council's duty of care or could infringe laws or regulations which govern Council's operation.

This policy shall not be construed to inhibit the right of individual Councillors to express their own views to the media. However, Councillors must clarify if they are speaking as individuals or on behalf of Council.

1.2.3 General Manager and Directors

On matters of Council policy or operations, the General Manager shall be the official spokesperson.

Council directors or managers may comment or provide information on matters of fact and other matters not involving opinion, interpretation of Council policy or making predictions as to future Council actions. However, prior approval of the General Manager is required.

1.2.4 Council Employees

While it is recognised that Council employees, as members of the community, have the right to make public comment and enter into public debate on political and social issues, care is to be taken not to convey the impression that such comment is official or made in the capacity as a Council employee.

The General Manager and senior staff must be sensitive to the fact that their responsibility and status may imply that any public comment is in some way an official comment of the Council.

It must be clear that any public comment made by a member of staff as a private citizen is personal opinion only.

1.3 Approval and Authorisation

All information provided to the media by Snowy Monaro Regional Council is to be approved by one central point within Council. The General Manager is that central point.

All information is to be approved by the General Manager or Directors before distribution. Only council employees specifically delegated by the General Manager can make public comment.

- a) All media releases, statements or announcements are to be cleared for release by the

- General Manager or the relevant director.
- b) Urgent or immediate announcements occurring out of hours are to be issued by the General Manager or director of the section. The General Manager and Mayor are to be advised of the issue and announcement.
 - c) All technical/procedural releases go out under the signature of the General Manager or director. A copy of all proposed technical procedural releases should be approved and signed by the General Manager.

Approval by the Mayor/Administrator, General Manager or director for a media release to be circulated allows for the Council Officer (author) to speak on the content.

1.4 Media Advertisements

Council, at the discretion of the General Manager, will consider placing advertisements in various publications from time to time as appropriate depending on the issue involved and whether there is a need for Council to reach a specific target audience. Advertisements to be placed in the local paper are to be sent to the General Manager's Executive Assistant for inclusion on Council's page in the local paper.

At times, paid media advertising may be required. (To meet statutory obligations) Items such as advertising tenders, development proposals, positions vacant, public notices or public exhibitions and are placed in the local, regional and/or metropolitan newspapers. The budget for the advertisement is the responsibility of the director or manager of the relevant department.

1.5 Information in Local Print Media (Shire Wire)

Every two years, Snowy Monaro Regional Council calls for Expressions of Interest for the Local Print Media to display a weekly one page colour Council advertisement (Shire Wire) and includes:

- a) employment advertisements
- b) public notices
- c) media releases
- d) other council news / editorial / events / project updates etc.

1.6 Media Releases and Public Notices

All media releases and/or public notices will be circulated as matters arise and in accordance with the purpose and objectives of this policy.

These will be made available through:

- a) Council's website
- b) Council's official social media pages
- c) Circulated to print and broadcast media
- d) Via e-mail distribution lists

Approval by the Mayor/Administrator, General Manager or director for a media release to be circulated allows for the Council Officer (author) to speak on that content.

1.7 Regular News Columns

A regular news column in the local media is to be written by the Mayor/Administrator, a Councillor nominated by the Mayor, or the General Manager. This column is to be used to advise the community of factual issues including procedural matters, new laws or regulations, reminders, and local government items of specific interest not normally covered by reporters attending Council meetings.

The space is not to be used as a personal column or to express personal views.

Items of interest should be submitted to the General Manager's Executive Assistant for editing. Where appropriate the assistance of a professional journalist may be called upon to prepare the column.

1.8 Social Media

Social media represents a new opportunity where consultations and community interactions can be supplemented (although not replaced) by online engagement and participation.

Social media enables Council to develop relationships with groups in the community that would otherwise be difficult to reach such as young people, people with disabilities, seniors, and time poor families.

Snowy Monaro Regional Council acknowledges social media has great potential:

- a) as a two-way mechanism to encourage feedback and comment from staff and residents
- b) as a listening mechanism to improve our understanding of public attitudes towards particular topics or issues
- c) to assist Council to monitor and gauge the sentiment in the community in real time
- d) as a tool to share information and consult with specific communities on current or planned policies, programs or services
- e) as a tool to share highly targeted information, for example media releases to journalists, activities and events to subscribers
- f) to provide legislative and policy information to stakeholders
- g) to foster debate on a topic or issue
- h) as an innovative way of delivering or supporting direct services such as self-help
- i) to provide programs, lifestyle activities, advice services and more.

1.8.1 Uses of Social Media

Snowy Monaro Regional Council uses social media to:

- a) create a social media presence as an official representative of the Council
- b) publish messages, respond to comments and upload content
- c) promote Council's policies, programs, events and services
- d) to engage with the community or to distribute content
- e) enhance Council's reputation
- f) develop stronger relationships with community members
- g) provide an informal and accessible way for the public to communicate with Council
- h) support traditional media by broadening its reach and scope
- i) promote selected services, events, projects, policies and activities
- j) expand Council's community engagement opportunities
- k) provide essential updates to the community during a crisis or emergency

Council also uses specific online media sites (including our website) selectively to:

- a) protect Council's reputation by monitoring social media activity that relates to Snowy Monaro Regional Council
- b) place Council's statements of facts directly onto the public record
- c) respond or clarify an issue in detail

The use of social media must follow the same principles and standards of professional practice and conduct, specifically:

- a) be honest, polite and considerate

- b) be apolitical and impartial when using social media for official purposes
- c) demonstrate Council's values of respect, integrity, fairness and responsibility

It does not apply:

- a) to staff in their private use of social media where the staff member makes no reference to Council, its services, its people, Ministers, the Government and/or other related business and organisations
- b) to advertising any commercial enterprise operations, events or functions

1.8.2 Organisational Responses to Public Comments

Council will not tolerate content that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, or is otherwise unlawful. Such content will be removed. Council also reserves the right to moderate content from individuals who seek to monopolise and dominate Council's social media sites for their own purposes.

Antagonistic, negative, explicit comments from the public will be referred to the Director Governance and Executive Services or the General Manager to decide further action. A decision will be made if Council's position is to post a reply or remove the comment from the page. If a comment is requesting specific information or posting a negative comment the Council may respond by requesting the user formally submit their concerns to Council in writing, or direct them to the customer service number (6455 1777) for more information. This provides the user an opportunity to provide any comments, in accordance with Council's Customer Service Charter, directly and for Council to respond appropriately.

1.8.3 Elected Officials and Staff Comments via Social Media

Whether using social media for official use, or in a private capacity, elected officials and staff must not do anything that may adversely affect their standing as a public official or which could bring themselves, the Council, or the public sector into disrepute. Any actions or comments that could bring the Council into disrepute, even if using social media in a private capacity, may be subject to disciplinary action.

1.9 Organisational Responses to Enquires

That all Council staff adhere to Snowy Monaro Regional Council's Customer Service Charter.

1.10 Public Relations

Public Relations relates to Council's corporate image and community information activities. Council's public image is reflected in its letterhead, publications, organised events, media coverage, and customer perceptions of its programs and services.

Items produced and activities undertaken include: media releases, media features, fliers, posters, brochures, photographs, annual reports, monthly newsletter, co-ordination of major events, displays and specific purpose campaigns.

Council's style guide and communications strategy and procedures ensure a cohesive and professional approach in improving and maintaining Council's image and information services.

As part of the two-way communication and participative approach to working with the community, Council may utilise a community focus group to provide strategic guidance.

Council's Governance Department is responsible for providing guidance and advice where necessary.

| | | | | |
|---------------------------|-----------|-------------|----------------|-------------|
| IS – IM – MS – TM – 00001 | Issue No. | Issue Date: | Revision Date: | Page 5 of 6 |
|---------------------------|-----------|-------------|----------------|-------------|

9.4 ADOPTION OF COUNCIL POLICIES - SMRC0001 (CODE OF CONDUCT); SMRC0002 (COUNCILLOR EXPENSES); SMRC0004 (COMMUNICATIONS); SMRC0007 (SIGNING OF MINUTES)

ATTACHMENT 5 SMRC0004 - POLICY - COMMUNICATIONS

Page 159

1.11 References

- a) Wollondilly Shire Council – Public Relations Policy – GOV0034 (November 2008)
- b) Wollondilly Shire Council – Media Liaison Policy – GOV0006 (November 2008)
- c) Randwick City Council – Social Media Policy – (December 2011)
- d) Randwick City Council – Public Comment to the Media – December 2007

Documentation

SMRC 0001 – Policy – SMRC Code of Conduct

SMRC 0001 – The Model Code of Conduct of Local Councils in NSW

SMRC 0001 – Procedures for the Administration of Model Code of Conduct of Local Councils in NSW

SMRC Customer Service Charter

Procedure – Community Consultation

Procedure – Social Media

SMRC Integrated Communications Strategy

SMRC Style & Formatting Guide

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.



Policy Number: SMRC0007

| Title of Policy | Signing of Council and Committee Minutes | | |
|---|--|---|-----------------------|
| Responsible Department | Governance | File Numbers B-TRIM ID: C-TRIM ID: ECM ID: | ED/ ED/ 2933801 |
| Policy Owner | Director Governance & Executive Services | Review Date | September 2017 |
| Date of Council Meeting | DRAFT | Resolution Number | DRAFT |
| Legislation, Australian Standards, Code of Practice | The Local Government Act, 1993, Section 375(2) State Records Act 1998 Snowy Monaro Regional Council Code of Meeting Practice | | |
| Aim | To ensure Council's procedure for signing Council and Committee Minutes complies with the Local Government Act, 1993. | | |

1 Policy Details

This policy shall be implemented immediately upon adoption by Council and shall be applied to all Council and Committee Minutes from 12 May 2016.

With regards to the signing of Council Minutes, the Local Government Act 1993, Section 375(2) states that:

"The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting."

With regards to the signing of Council Committee Minutes, the Local Government (General) Regulation, Clause 266 states that:

"As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting"

All Council and Committee minutes require one signature, on the last page. The signature is to be of the Chairperson of the meeting where the minutes were confirmed and adopted.

Documentation

Nil

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

9.5 APPOINTMENT OF AUDITOR - SNOWY MONARO REGIONAL COUNCIL

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Corporate Services |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.1 Ensure that legislative obligations are met throughout all Council departments. |
| Operational Plan Action: | OP7.3 Completion of Financial statutory and regulatory reports in accordance with specified requirements. |
| Attachments: | Nil |
| Cost Centre | 4010 Financial Services |
| Project | Auditor |
| Further Operational Plan Actions: | OP7.5 Provide timely, accurate and relevant information to council to enable informed decision making |
| OP7.17 | Effective management of Council funds to ensure financial sustainability |
| OP7.23 | Investigate and implement outcomes of Council's completed Fit For The Future program. |

EXECUTIVE SUMMARY

Snowy Monaro Regional Council was proclaimed on 12 May 2016. It is formed from the Amalgamation of Bombala Council, Cooma-Monaro Shire Council and Snowy River Shire Council.

As per the Department of Premier & Cabinet (DPC) issued "Administrator Governance Action Checklist – first 30 Days", the newly formed Council is to adopt the Appointment of Auditor.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Appoint Crowe Horwath Auswild as Auditor to Snowy Monaro Regional Council to 30 June 2019
- B. Delegate the Interim General Manager to negotiate the new terms of Contract with Crowe Horwath Auswild
- C. Delegate the Interim General Manager to negotiate the termination of Contract with Auswild & Co

BACKGROUND

The former Councils appointed Auditors as following:

| Former LGA | Auditor | Contract End (for Financial | Auditors Remuneration |
|------------|---------|--------------------------------|--------------------------|
|------------|---------|--------------------------------|--------------------------|

| | | Statements ending 30 June) | (Reported 2015 - 000's) |
|----------------------------|-----------------------|---|------------------------------------|
| Bombala Council | Auswild & Co | 2019 | \$26 |
| Cooma-Monaro Shire Council | Crowe Horwath Auswild | 2019 | \$42 |
| Snowy River Shire Council | Crowe Horwath Auswild | 2019 | \$45 |

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Crowe Horwath Auswild already audits the Cooma Branch and the Snowy Region Financial Statements. Bombala Branch is audited by Auswild & Co, whose principal, Graham Bradley, has affiliations with Crowe Horwath Auswild.

Clare Wagner, from Crowe Horwath Auswild, has been contacted. Graham Bradley, from both Auswild & Co and Crowe Horwath Auswild, was also contacted. Both were advised of the new Council and that a report regarding appointment of Auditor would be presented to Council.

Both stated that there is still confusion around the timeframe of appointment and the involvement of the Auditor General.

2. Environmental

The contents and recommendation of this report is not considered to have any environmental impacts.

3. Economic

The contract costs of Auditors has been budgeted within each of the three former Councils 2016 budgets.

Financial Statements for the Period ending 12 May 2016 will be prepared by each of the former three Councils.

It is expected that the cost of Auditing the newly formed Snowy Monaro Regional Council will not be significantly different to the sum of the previous annual contracts amounts. There may be savings in Audit costs once Corporate Systems are harmonised.

4. Civic Leadership

The appointment of Auditors to 30 June 2019 will provide Snowy Monaro Regional Council with continuity and the community with assurance of independence and value for money.

9.6 MINUTES OF THE COMMUNITY SAFETY PRECINCT COMMITTEE (CSPC) MEETING HELD 3 FEBRUARY 2016

Record No:

Responsible Officer: Director Governance & Executive Services

Attachments: 1. Minutes of the Community Safety Precinct Committee (CSPC)
Meeting Held 3 February 2016

EXECUTIVE SUMMARY

The Community Safety Precinct Committee (CSPC) met on 3 February 2016 in Morisset House, Queanbeyan. The minutes were provided to Council on Friday 29 April 2016 and are now presented for Council's information.

OFFICER'S RECOMMENDATION

That the Minutes of the meeting of the Community Safety Precinct Committee (CSPC) held on 3 February 2016 be received and noted.

Monaro Local Area Command
Community Safety Precinct Committee Action Minute
Report to Crime Prevention Partnership (February, 2016)

Participating Agencies/Community members

NSW Police Force:

Monaro Crime Manager, Chief Detective Inspector Grey
Monaro Crime Prevention Officer: Senior Constable Nemec

Bombala Council:

Cooma-Monaro Shire Council:

General Manager, Mr. John Vucic

Queanbeyan City Council:

Mz. Debbie Gillman

Palerang Council:

Mayor, Mr. Harrison
Councillor Mr. Marshal

Snowy River Shire Council

Councillor Mr. Peter Beer

Public Schools NSW:

Apologies

Monaro Local Area Manager, Superintendent Smith
Mz. Dianne Hampshire, Bombala Council
Mr. Lynch, Mayor Cooma Monaro Shire Council
R/Director Mr. Mathew Brown
Mayor, Mr. Overall

Welcome 10.10am

Conducted by Chief Detective Inspector Grey, Crime Manager for Monaro.

Attendance and apologies as listed above.

Previous minutes acceptance

Mr. Vucic and Mr. Beer.

Action items from previous meeting:

- 1: Senior Constable Nemec to forward previous risk assessment of Bungendore skate park to Mr. Harrison and Mr. Marshall.
Completed
- 2: D/Chief Inspector Grey will ask for 'taskings' of the area from both local police and highway patrol police.
Completed
- 3: Monaro Licensing Officer to make contact with Mr. Beer re Liquor Accord concerns (completed at end of meeting).
Completed
- 4: D/ Inspector Grey to liaise with Superintendent Smith and ensure Council is engaged with the planning for both events.
Ongoing.

Crime Review:

Detective Chief Inspector Grey:

Statistics are travelling down command wide.
Assaults are low.
Break and Enters are dropping
Frauds are dropping
Motor vehicle accidents and Malicious Damages are down
Stealings are down.
Stolen vehicles are down over past two months.
Proactivity is up.

Jindabyne Area:

D/C/Inspector Grey:

All crimes down in the summer months
No reported frauds or break and enters
A few malicious damages

Mr. Beer: Good to hear considering it was a busy time at Christmas and the New Year. Different crowds, mainly family and retired people.

Braidwood Area:

D/C/Inspector Grey:

Break and enters – up. Some from possible past tenants. Rural areas and shipping containers still being targeted.

Frauds up – with fail to pay for fuel

Mr. Marshall: That may be due to a petrol station going 24/7 about 6 months ago.

D/C/Inspector Grey: Malicious damages up, mostly at schools and sale yards. Possibly due to school holidays.

Cooma Area:

D/C/Inspector Grey:

Malicious Damages are up – Cooma pool, race track and schools where windows and plants were smashed. People have been charged in relation to some of the incidents. Increase possibly due to the school holiday period.

All other areas are good.

No break and enters reported

Mr. Vucic: Police visibility is very high which is good. No issues in the main street. A few reported rural crime incidents with a cow or two being stolen. Drug and ice appears to be our main issues.

ACTION 1: S/C Nemec to discuss possibility of Drug/Alcohol forum to be held in Cooma Area.

Bungendore Area

D/C/Inspector Grey:

Very good. Most incidents are down.

Motor Vehicle accidents spiked in November but went back down in December.

Malicious Damage at schools and infrastructure are up. Police have been tasked to patrol set areas.

Mr. Marshall: We had reports of lights being stolen.

Captains Flat Area:

D/C/Inspector Grey:

No concerns in the area.

Mr. Marshall: New land lady at the pub may be making a difference around town. She is strict.

Queanbeyan Area:

D/C/Inspector Grey:

Rise in crime in November but down in December due to some good arrests.

Fail to pay for fuel is up in line with ACT stolen motor vehicles making it difficult to police.
Malicious Damage is down.
A robbery occurred in Yass Road – Investigations are continuing.
We will run operations on stealings in the area.
Golf Club Heritage House was victim to a fire.

General Business:

Mr. Vucic: Chief Inspector Tramby has introduced himself. Happy with interactions.

Mz. Gillman: We are conducting an Ice forum, “Breaking the Ice” in Queanbeyan soon with assistance from Queanbeyan CDAT and NSW Drug and Alcohol Foundation. We will open it up to be regional and will approach councils soon. Will include panel discussions and how services can work together.

Mr. Beer: Concerned about drug and drive in our area.

D/C/Inspector Grey: Will commence snow planning meetings next week and this issue will be addressed.

Mr. Beer: Could we have an ice forum in our area?

ACTION 2: S/C Nemec can discuss after the meeting.

D/C/Inspector Grey: Bias crime. Rally on the 6th in the ACT to reclaim Australia. Will be liaising with AFP tomorrow.

Mr. Vucic: We have received abuse on our facebook page re civil processes going through. (names withheld)

D/C/Inspector Grey: No Australia Day issues reported – despite reports received.

Mr. Vucic: Have received two families of refugees in Cooma – no issues reported. Happy with our Australia Day event both policing and public wise.

Mr. Marshall: Trying to get refugees into the Braidwood area but there has been some protests against this. There are a few in the Captains Flat area which may raise issues and concerns in relation to the proposed Mosque.

Operational Requirements:

D/C/Inspector Grey and Mr. Beer: Discussions around “LeTape’ event and other bike events to be held within the snowy region during the year with over 7000 bikes expected to be in attendance. This includes a Defence Force bike ride.

ACTION 3: Sergeant Hughes to be tasked to follow up policing side within local area.

Mr. Harrison: Country muster will be held this weekend in our area. Older crowd. Not anticipating issues.

Mr. Vucic: Nimmitabel show is on this weekend.

Back to Cooma week celebrations will commence soon.

We have had a 30% increase in traffic coming through our area.

Even with increased flow no issues have been reported.

| | | | |
|--|--|---|-------------------------|
| Meeting closed: 11.10am. | | | |
| Next meeting 4th May, 2016 at Monaro Crime Management Unit, Morisset House – Morisset Street, Queanbeyan | | | |
| Agreed updates to Crime Prevention Action Plan | | | |
| Intended Outcome | Agreed Strategies | Partner Agencies/Community member | Timeframe |
| Reduced number of incidents involving Drug and Alcohol | <i>Drug and Alcohol information sessions to be conducted</i> | <i>All councils encouraged to assist</i> | 2016 |
| Bias Crime to be monitored and actioned | <i>To ensure exchange of information continues between public and police</i> | <i>All councils encouraged to assist</i> | Ongoing |
| Adequate assistance provided to bike races within the Snowy Region | <i>Local and Command police to liaise with organisers and local councils for required assistance</i> | <i>Jindabyne Police, Monaro Local Area Command, Organisers and local councils</i> | Report May 2016 meeting |
| Attachments Nil. | | | |

9.7 BOMBALA OFFICE - MINUTES OF THE BOMBALA SWIMMING POOL COMPLEX ADVISORY COMMITTEE HELD 6 APRIL 2016

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | 1. Minutes of the Bombala Swimming Pool Complex Advisory Committee - 6 April 2016 |
| Cost Centre | Bombala Council |
| Project | Bombala Council |
| Further Operational Plan Actions: | Refer Bombala Council |

EXECUTIVE SUMMARY

The Bombala Swimming Pool Complex Advisory Committee met on 6 April in Bombala Council Chambers. The minutes are new presented for Council's information.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council received and note the Minutes of the meeting of the Bombala Swimming Pool Complex Advisory Committee held on 6 April 2016.

PRESENT:

Rhonda Stewart (Chairperson)
Cr Diane Hampshire
Cr Sue Haslingden
Jo Vincent
Michelle Peisley
Donna Maples

APOLOGIES:

RECOMMENDED: Peisley/Maples, the apologies be received and accepted for Paul Perkins.

CONFIRMATION OF PREVIOUS MINUTES:

RECOMMENDED: Haslingden/Hampshire that the Minutes of the Meeting of the Bombala Swimming Pool Complex Advisory Committee held on 2 December 2015 be confirmed as a true and accurate record of such meeting.

PECUNIARY AND NON-PECUNIARY INTEREST DECLARATIONS:

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES:

The committee had a discussion on the proposed health & fitness facility within the pool complex.

ACTION: Cr S Haslingden to ask for a progress report, including concept plans, via a Councillor Question at the Council Meeting to be held 20 April 2016.

DISCUSSIONS

The Committee sent a letter to the General Manager, Bombala Council, dated 8 March 2016, recommending that Council look at a retractable structure to cover the Bombala Swimming Pool. The suggested options for the pool coverings were a retractable structure similar to the Glenbrook Pool or alternatively a similar product which would work on a rail system along the current amenities block.

The General Manager sent the committee a responding letter, dated 18 March 2016, advising that the Committee's letter was included in a report to the Council Meeting held on 16 March 2016 in relation to investigating a concept for covering the Bombala Swimming Pool. Council resolved to commence initial investigations into costs and designs for a moveable cover at the Bombala Swimming Pool and report to Council on a potential project and budget.

RECOMMENDED: Hampshire/Vincent, in response to the General Manager's letter dated 18 March 2016 and taking into consideration the proposed Council amalgamation, the Bombala Swimming Pool Complex Advisory Committee would like to request a further response from Council with timeframes for the commencement of investigations by Council into the pool covering concept, the reporting to Council on the potential of the project and inclusion into the budget.

9.7 BOMBALA OFFICE - MINUTES OF THE BOMBALA SWIMMING POOL COMPLEX ADVISORY
COMMITTEE HELD 6 APRIL 2016

ATTACHMENT 1 MINUTES OF THE BOMBALA SWIMMING POOL COMPLEX ADVISORY COMMITTEE - 6
APRIL 2016

Page 172

ACTION: Cr S Haslingden to forward her contact information to Council and a brief report on her communications with the Blue Mountains Council, prior to the Council Meeting to be held 18 May 2016. The Swimming Pool Committee also to get a copy of the brief report.

URGENT GENERAL BUSINESS FOR WHICH NO DUE NOTICE HAS BEEN GIVEN:

Nil

DATE OF NEXT MEETING:

The next meeting of the Bombala Swimming Pool Complex Advisory Committee will be held by teleconference on Wednesday, 13 April 2016 at 10.00am

CLOSURE:

The meeting closed at 6.50pm

**9.8 COOMA OFFICE - ADOPTION OF COOMA-MONARO LOCAL TRAFFIC COMMITTEE (LTC)
HELD 11 MAY 2016**

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes of the Cooma-Monaro Local Traffic Committee
Meeting held 11 May 2016

EXECUTIVE SUMMARY

The Cooma-Monaro LTC met on Wednesday, 11 May 2016 in Council Chambers, Cooma. The minutes are presented for Council's information.

OFFICER'S RECOMMENDATION

That Council

- A. Receive and not the Minutes of the meeting of the Cooma-Monaro Local Traffic Committee held on 11 May 2016 are confirmed as a true and accurate record of proceedings; and
- B. Adopt the Cooma-Monaro Local Traffic Committee Recommendation.



Minutes

SC253

Cooma Monaro Local Traffic Committee

Date/Time Wednesday 11 May 2016 at 10.05am
Location Council Chambers

Attendance

| Member (Representing) | Present | Apology | Absent |
|--|---------|---------|--------|
| Clr Tony Kaltoum, CMSC, Chair (TK) | ✓ | | |
| Ben Borger, Roads & Maritime Services (BB) | ✓ | | |
| Kristian Pinochet, Roads & Maritime Services (KP) | | | |
| Senior Constable Sam Morabito, NSW Police (SM) | ✓ | | |
| Des Trute, Member for Monaro Community Representative (DS) | ✓ | | |
| Observers | | | |
| Rob Staples, CMSC Convenor (RS) | ✓ | | |
| Linda Nicholson, Director of Engineering, CMSC (LN) | ✓ | | |

1 Apologies

Nil.

2 Confirmation of Previous Minutes – 10 February 2016

It was noted that the Minutes of the meeting held on 10 February 2016 were an accurate record of the meeting.

3 Business Arising from the Previous Minutes

3.1 Cooma Hospital Signage

RMS advised they are preparing designs for new signage.

4 Disclosure of Interest

Nil disclosure of interest.

5 Correspondence

Nil.

6 Report of Acting Manager Infrastructure Planning

6.1 Community Garden

No traffic committee objection on safety issues. Council can determine the matter.

Action: Street Name Sign to be placed on top of guide signs.

Recommendation

That Council approve the installation of the sign as per the request.

6.2 Lambie Street U Turns in Sharp Street

Enquiry regarding legality of U-turn at the Sharp Street/Lambie Street intersection.

Action: RMS to check standards.

6.3 Cinema

RMS spoke to person who complained and determined there was no warrant for the sign on a main road.

6.4 Historic Rally Club

Snr Constable Morabito advised speed trial at Mt Gladstone Road per SRSC Traffic Committee.

No issues from Cooma Monaro Local Traffic Committee.

Local Traffic Committee raises no objections to the proposal as users acting within road rules.

Recommendation

That Council approve the proposal as presented.

6.5 Sharp Street/Baron Street Roundabout

Enquiry regarding Sharp Street/Baron Street roundabout project status.

Previous designs completed by RMS. RMS advised no pattern of crashes – one vehicular and one pedestrian accident only in recent times. Minor improvements may be considered as the first step.

Possible funding (partial) through Safer Roads Programs.

Recommendation

That Council submit request formally to RMS.
RMS to consider under Safer Roads Proposal.

6.6 Clear View Road Sign

Issue of complaint that signage obstructing view.

Action: RMS to check clearances.

6.7 Lambie Street Pre-School

Enquiry received from Lambie Street Pres-School regarding installation of School Zone.
RMS advised regulatory solutions not applicable in this location.

Council to investigate alternative options to advise road users of Pre-School zone.

Recommendation

That Council investigate advisory options to improve road safety at Lambie Street Pre-School.

7 General Business

7.1 Des Trute

Request for handrail for disability access users at both the "Percy's Intersection" and the Pedestrian Refuge opposite Coles.

Action: RMS preparing designs for refuge and Council to review Vale/Sharp Street roundabout.

Incorrect Parking Signage – Advised that rear to kerb sign for Angle Parking adjacent P D Murphy's in Vale Street, should be "front to kerb".

Action: Council to investigate and correct.

Parking on Grass Verge – Parking on grass verge/pedestrian path.

Action: Council refer to Compliance Officer to investigate.

8 Next Meeting

The next meeting is to be held on Wednesday, 8 June 2016 at 10.00am in Council Committee Room.

There being no further business, the meeting closed at 11.05am.

9.8 COOMA OFFICE - ADOPTION OF COOMA-MONARO LOCAL TRAFFIC COMMITTEE
(LTC) HELD 11 MAY 2016

ATTACHMENT 1 MINUTES OF THE COOMA-MONARO LOCAL TRAFFIC COMMITTEE MEETING
HELD 11 MAY 2016

Page 177



9.9 COOMA OFFICE - INFRASTRUCTURE STRATEGIC WORKING PARTY MINUTES HELD 2 MAY 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes of the Infrastructure Strategic Working Party held 2 May 2016

EXECUTIVE SUMMARY

The Infrastructure Strategic Working Party met on 2 May 2016 in Cooma. The minutes are presented for Council's information.

OFFICER'S RECOMMENDATION

That Council receive and note the Minutes of the meeting of the Infrastructure Strategic Working Part held on 2 May 2016 and recommendations adopted.



Minutes

SC257

Infrastructure Strategic Working Party

Date/Time Monday, 2 May 2016, at 3.00pm
Location Committee Room

Attendance

| Member (Representing) | Present | Apology | Absent |
|--|---------|---------|--------|
| Dean Lynch, Councillor (Mayor), Chairperson | ✓ | | |
| Tony Kaltoum, Councillor, Vice-Chairperson | ✓ | | |
| Martin Hughes, Councillor (Chair) | ✓ | | |
| Craig Mitchell, Councillor | ✓ | | |
| Winston Phillips, Councillor | | ✓ | |
| Rogan Corbett, Councillor | ✓ | | |
| Ignazio Mondello, Councillor | ✓ | | |
| John Vucic, Staff, General Manager | | ✓ | |
| Linda Nicholson, Staff, Director of Engineering Services | ✓ | | |
| Ross Lawley, Staff, Recreation & Property Manager | ✓ | | |
| Arthur Wilkinson, Staff, Works Manager | | ✓ | |
| Rob Staples, Staff, Acting Infrastructure Planning Manager | ✓ | | |
| Ash Ahamat, Staff, Assets Manager | ✓ | | |

1 Apologies

That the apologies as above be accepted.

2 Confirmation of Previous Minutes – 2 November 2015

It was noted that the Minutes of the meeting held on 2 November 2015 were an accurate record of the meeting. (Clr Corbett/Clr Mitchell)

3 Business Arising from the Previous Minutes

Nil.

4 Disclosure of Interest

Nil.

5 Correspondence

Nil.

6 General Business

6.1 CBRJO Infrastructure / Freight Working Party Update

Linda Nicholson provided a copy of the current 'regional' priority projects for Cooma / Snowy River and Bombala that have been submitted to the CBRJO last year. The focus of this group is to look strategically at projects that have a regional priority, with the view to working together to achieve a more productive outcome. List of project is due for review at the moment.

Categories of Projects are: Roads, Water, Wastewater, Waste, Rail / Air, Recreational, Livestock, Telecommunications, Renewable Energy.

6.2 Terms of Reference

Discussion of what the current terms of reference is for this group, and what the group is aiming to achieve.

The following 3 aims of the groups were established:

- 1 Property / Asset Management
 - Existing property assessment reports
 - Development of strategic direction of property assets
- 2 Structure / Strategy Plans
 - Update of actions of Plan
 - Review plans and update to incorporate vision from the Settlement Strategy
- 3 Rural Roads Communication Plan
 - Undertake 'Rural Roadshow' to areas
 - Investigate ability to put 'Grading Schedule' on to Council's website

Recommendation

That Council accept the new terms of reference for the Infrastructure Strategic Working Party.

(Moved by Kaltoum, Seconded by Hughes)

6.3 Property/Asset Management

Asset assessment reports for existing property need to be developed to allow Council to formulate its intention for future planning and development.

6.4 Structure and Strategic Plans

Councillors to review and provide comments on the existing structure / strategic documents in conjunction with the Settlement Strategy:

- i. Polo Flat Structure Plan
- ii. Cooma CBD Structure Plan
- iii. Recreational Facilities Strategy
- iv. Playground Strategy
- v. Bicycle Plan
- vi. Pedestrian Access and Mobility Plan

6.5 Rural Roads Communication Plan

That staff goes to the rural area and talk to the Community about how Council manages the Rural Roads, listen to local concerns of the area, and address and issues that may arise.

That staff develops a method to have the Council's grading schedule available to the community on the Website. Broken into 3 monthly sections, with details of how the roads are managed. This schedule would need to be managed, and updated regularly. Need to allocate resource for the up-keep of this information to ensure it is accurate.

7 Action Items

| Item | Description | Responsible Person | Due Date |
|------|--|------------------------------------|-------------|
| 1 | Develop Asset Assessment Reports | Ross Lawley / Ashraf Ahamat | 6 June 2016 |
| 2 | Councillors review all Structure / Strategic Documents | All Councillors | 6 June 2016 |
| 3 | Develop Rural Roadshow plan | Arthur Wilkinson / Linda Nicholson | 6 June 2016 |
| 4 | Grading Schedule for the Website | Arthur Wilkinson / Linda Nicholson | 6 June 2016 |

8 Next Meeting

The next meeting is to be held on Monday 6 June 2016 at 3.00pm in the Committee Room.

There being no further business, the meeting closed at 4.30pm.

9.10 ADOPTION OF THE SNOWY RIVER LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS FROM THE 14 APRIL 2016 MEETING

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Director Technical Services & Operations |
| Author: | Development Engineer |
| Key Direction: | 2. Expanding Connections Within the Shire and Beyond |
| Delivery Plan Strategy: | DP2.3 Continually monitor and improve traffic management throughout the Shire. |
| Operational Plan Action: | OP2.6 Investigation into the use of appropriate Traffic Management measures as an aid to increase road safety throughout the Shire. |
| Attachments: | 1. SRLTC Minutes from 14 April 2016 meeting |
| Cost Centre | 1510 Engineering and Operations Management |
| Project | Local Traffic Committee |

EXECUTIVE SUMMARY

A copy of the Minutes from the Snowy River Local Traffic Committee Meeting held on 14th April 2016 is attached for Council's consideration and adoption of the recommendations.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the minutes of the Snowy River Local Traffic Committee meeting held on 14th April 2016; and
- B. Adopt the Snowy River Local Traffic Committee recommendations LTC 05/2016, 06/2016, 07/2016 and 08/2016 of 14th April 2016.

BACKGROUND

The adoption of LTC 05/2016 will allow the event organiser to hold the Snow Tunes event. The event will not impact Council's budget as assistance from Council, relating to traffic matters, has not been requested.

The adoption of LTC 06/2016 will require the installation of two new mobility impaired parking signs, pavement and Line marking and a 1.8m wide short section (approximately 8m long) of concrete pathway at a total cost estimated to be \$2500. Funds will need to be made available in the current budget previously under the "Urban Roads – local" cost centre: 10-1814-1001-62060.

The adoption of LTC 07/2016 will not impact Council's budget as the matters raised are part of the required consultation process to ensure that all aspects relating to prescribed traffic control devices or facilities of the proposed reconstruction of Snowy River Avenue and Gippsland Street are provided with a technical review.

The adoption of LTC 08/2016 will not impact Council's budget as no action is proposed.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The adoption of LTC 05/2016 will only have a minor impact upon other road users while the event takes place. The SRLTC has endeavoured to minimise this impact. The adoption of LTC 06/2016 may have some impact upon regular users of the car park during peak times, however there is generally sufficient parking available. The adoption of LTC 07/2016 and LTC 08/2016 will have no social impact.

2. Environmental

The adoption of LTC 05/2016 will have a noise impact in the immediate vicinity of the event. However, there were no complaints received after last years' event and this years' event will be of a similar format. The adoption of all other recommendations should have no impact upon the environment.

3. Economic

The adoption of LTC 06/2016 will impact Council's budget and Council will need to make the funds available as previously indicated.

The adoption of all other recommendations should have no impact upon Council's budget and should also have a positive impact upon the local economy around Jindabyne and Berridale.

4. Civic Leadership

By adopting the recommendations, Council is demonstrating leadership by ensuring that proposals are appropriately considered. The recommendations also demonstrate that Council is consulting with a technical committee (SRLTC), keeping its standards up to date and ensuring that it complies with its delegation provided by the Roads and Maritime Services and under legislation.



Minutes

Local Traffic Committee Meeting

14 April 2016

LOCAL TRAFFIC COMMITTEE MEETING
HELD IN SNOWY RIVER EDUCATION ROOM, SNOWY RIVER HEALTH CENTRE, JINDABYNE

ON THURSDAY 14 APRIL 2016

MINUTES

Notes:

| | | |
|------------|--|----------|
| 1. | OPENING OF THE MEETING..... | 2 |
| 2. | APOLOGIES..... | 2 |
| 3. | DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST..... | 2 |
| 4. | ADOPTION OF MINUTES OF PREVIOUS MEETING | 2 |
| 4.1 | Extraordinary Local Traffic Committee Meeting 9 March 2016..... | 2 |
| 5. | BUSINESS ARISING..... | 2 |
| NIL | 2 | |
| 6. | ACTION SHEET | 3 |
| 7. | CORRESPONDENCE..... | 4 |
| 8. | GENERAL BUSINESS | 4 |
| 8.1 | Proposal to hold the "Snow Tunes" music festival at the Clay Pits in Jindabyne on 3 September 2016. | 4 |
| 8.2 | Proposal to install 2 Mobility Impaired Parking bays in Bay Street, Jindabyne, near the shared pathway along the lake foreshore. | 5 |
| 8.3 | Presentation to SRLTC by The Snowy River Avenue Upgrade Project Team. | 6 |
| 9. | MATTERS OF URGENCY..... | 8 |
| 9.1 | Email from Director Technical Services and Operations..... | 8 |
| 10. | NEXT MEETING..... | 8 |

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD IN SNOWY RIVER EDUCATION ROOM, SNOWY RIVER HEALTH CENTRE, JINDABYNE**

**ON THURSDAY, 14 APRIL 2016
COMMENCING AT 9.30 AM**

PRESENT:

| | |
|-------------------------------------|---|
| Mr Volker Georgi | Chair, SRSC Development Engineer |
| Councillor Bob Frost | Council Representative |
| Councillor Collin Stewart-Beardsley | Alternate Council Representative |
| Snr Const. Sam Morabito | NSW Police Force Representative (Queanbeyan) |
| Ms Judie Winter | Local MP Representative |
| Nathan Brown | Roads & Maritime Services (RMS) Representative (Via Teleconference) |
| Erin Donnelly | Secretary Council and Committees |
| Rochelle Crowe | Manager Community and Strategic Planning |
| Adam Wood | Strategic Planner |

1. OPENING OF THE MEETING

The Chair opened the meeting at 9.56am. The Chair welcomed to the meeting Nathan Brown via teleconference.

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 EXTRAORDINARY LOCAL TRAFFIC COMMITTEE MEETING 9 MARCH 2016

Extraordinary Local Traffic Committee Meeting held 9 March 2016 were received by Council and recommendations adopted at Council meeting as Delivery and Operations Committee Meeting of 12 April 2016, pending amendments to include documentation of the committees discussions.

5. BUSINESS ARISING

NIL

6. ACTION SHEET

| Item | Reference | Date | Action | Comments | Target Completion Date | Responsibility |
|------|-------------|----------|--|--|------------------------|----------------|
| 1 | LTC 10/2015 | 16/07/15 | <p>Proposal to install "3 Hour Timed Parking" signs along Thredbo Terrace, Jindabyne</p> <p>That Council approves 2 hour parking restriction between 8am and 5pm seven (7) days a week in Thredbo Terrace (on the side of the street that dwellings are located) from the police station to Park Road.</p> | <p>Email Sent to Roads Section</p> <p>Reminder sent on 8 March 2016 to Roads Section</p> | Sept 2015 | SRSC |
| 2 | LTC 22/2015 | 8/09/15 | <p>Proposal to hold the Ultimate Snowy Challenge on 12 - 13 March 2016.</p> <p>That Council endorses the Ultimate Snowy Challenge events on the designated public roads proposed to be held on 12 and 13 March 2016 subject to the submission of an amended Event Management Plan to include the following:</p> <ul style="list-style-type: none"> A. Amend the Traffic Management Plan and Traffic Control Plans as requested by the police Representative, B. Provided copies of the Event Marshalls induction documents, C. Provide the RMS Road Occupancy licenses, D. Provide written consent from NPWS and E. Provide an up to date Certificate of Currency stating SRSC, NSW Police Force and NSW RMS as interested parties. | Event organiser has withdrawn this application | Dec 2015 | SRSC |

7. CORRESPONDENCE

8. GENERAL BUSINESS

8.1 PROPOSAL TO HOLD THE "SNOW TUNES" MUSIC FESTIVAL AT THE CLAY PITS IN JINDABYNE ON 3 SEPTEMBER 2016.

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Development Engineer |
| Key Direction: | 2. Expanding Connections Within the Shire and Beyond |
| Delivery Plan Strategy: | DP2.3 Continually monitor and improve traffic management throughout the Shire. |
| Operational Plan Action: | OP2.6 Investigation into the use of appropriate Traffic Management measures as an aid to increase road safety throughout the Shire. |
| Attachments: | 1. Snowtunes TMP |
| Cost Centre | 1510 |
| Project | Snowy River Local Traffic Committee |

EXECUTIVE SUMMARY

Council has received a Development Application and a Transport Management Plan to hold the Snow Tunes Music Festival. The Transport Management Plan, Traffic Control Plan and Risk Assessment will need to be considered by the Snowy River Local Traffic Committee (SRLTC).

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

LTC5/16

- A. That Council approves the Snow Tunes Traffic and Transport Management Plan subject to:
 1. Providing a Risk Assessment.
 2. Providing a copy of a minimum \$20M public liability insurance listing Council as an interested party.
 3. That the shuttle bus service (night bus or other) be advertised indicating times and drop off/pick up location.
- B. That Council approves the "No Stopping" zone along both sides of Barry Way from the roundabout to Reedys Cutting Road from 11pm on 3 September 2016 until 1am on 4 September 2016.
- C. That the event organiser obtains a ROL from RMS for the speed reduction in Kosciuszko Road.

S Morabito

Representative of the NSW Police

N Boscaro

Representative of the NSW RMS

Representative of the Local State MP

Representative of Council

Comments:

The Committee discussed the Snow Tunes traffic plans, noting the plain is similar to last years. The Committee raised concerns with the drop off area for coaches, the proposed parking for 300 vehicles and would like to see a better solution as the suggested spaces are not suitable. The Committee also discussed the need to have transport, such as the night bus, available after the event has finished.

The RMS representative reminded the Committee the Variable Message Signs (VMS's) will need to go to the RMS for approval if occupying RMS space and road reserve. The RMS was not impressed with last years' messages and required them to be changed.

8.2 PROPOSAL TO INSTALL 2 MOBILITY IMPAIRED PARKING BAYS IN BAY STREET, JINDABYNE, NEAR THE SHARED PATHWAY ALONG THE LAKE FORESHORE.

Record No:

| | |
|--------------------------|--|
| Responsible Officer: | Development Engineer |
| Key Direction: | 2. Expanding Connections Within the Shire and Beyond |
| Delivery Plan Strategy: | DP2.6 Provide sufficient, safe and equitable parking facilities across the Shire |
| Operational Plan Action: | OP2.11 Undertake Parking Enforcement with emphasis on parking spaces for people with a disability. |
| Attachments: | 1. Bay Street Parking Plan |
| Cost Centre | 1510 |
| Project | Snowy River Local Traffic Committee |

EXECUTIVE SUMMARY

With the recent completion of the Banjo Paterson Playground, it is now proposed to provide parking for the mobility impaired. It is proposed that two mobility impaired parking bays be installed at the end of the car park, close to the Lake Jindabyne foreshore shared pathway.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

LTC6/16

- A. That council approves two mobility impaired parking bays, at the North West end of Bay Street, Jindabyne, near the drink refill station, as per Australian Standards (where possible) including signage and pavement marking and in accordance with drawing number SK1 attached to the Business Paper.
- B. That a kerb crossing and 1.8m wide concrete footpath be constructed from the mobility impaired parking bays to the existing shared pathway.

S Morabito

Representative of the NSW Police

N Boscaro

Representative of the NSW RMS

Representative of the Local State MP

Representative of Council

The Committee discussed many options for the car park spaces and concerns with the grade of the suggested parking space. The grade is required to be 3%, which this space does not meet. The Committee discussed the importance for the parking spaces to be suitable for all mobility impaired, having suitable access to the playground and amenities.

8.3 PRESENTATION TO SRLTC BY THE SNOWY RIVER AVENUE UPGRADE PROJECT TEAM.

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Development Engineer |
| Key Direction: | 2. Expanding Connections Within the Shire and Beyond |
| Delivery Plan Strategy: | DP2.3 Continually monitor and improve traffic management throughout the Shire. |
| Operational Plan Action: | OP2.6 Investigation into the use of appropriate Traffic Management measures as an aid to increase road safety throughout the Shire. |
| Attachments: | Nil |
| Cost Centre | 1510 |
| Project | Local Traffic Committee |

EXECUTIVE SUMMARY

Council is currently considering the upgrading of Snowy River Avenue with its streetscape, pavement, parking and services. Councils Manager Community and Strategic planning, Strategic Planner and Operations Manager will be providing a presentation of the project with emphasis on the traffic implications such as a proposal to install a pedestrian (zebra) crossing.

The design concept plans are provided in the email attachments.

The following officer's recommendation is submitted for Council's consideration.

COMMITTEE RECOMMENDATION

LTC7/16

That Council receives and notes the RMS advice as follows:

- RMS don't generally support crossing facilities that direct pedestrians onto traffic calming treatments, it has been shown that it gives pedestrians a false sense of security. Flush street threshold treatments are mainly used as perimeter treatments only and inform road users they are

entering a low speed environment.

RMS do not object to Council using the proposed threshold treatment at the entry to the precincts which located on the corners of Park Road and Gippsland St, Snowy River Av and Kalkite St, and Snowy River Av and Thredbo Terrace. However with this in mind, they should take consideration what pedestrian facility is used at these thresholds as the different colour of the pavement may be misunderstood by pedestrians and they may believe they have right of way.

Examples of the entry threshold treatments can be found in the attachment. One of the examples shows a threshold treatment with pram ramps. Even though it is shown like this in our technical direction I would encourage Council to consider an alternative approach, which I am happy to help with.

The remaining three flush threshold treatments within the precinct are not supported and should be replaced with a suitable traffic calming device or pedestrian crossing facility depending on what Council was trying to achieve with the thresholds.

- Care must be taken to ensure the garden beds do not restrict sight distance for someone about to cross on any of pedestrian crossing (particularly children). An example of where this may happen is on Streetscape Detail Sheet 3.
- Car Parking Dimensions have not been provided so the size of the parking spaces cannot be checked.
- Turning paths should be applied to the driveways to ensure that they cater for the need of the shops (delivery vehicles).
- At some of the proposed disabled parking spots it would appear that a wheelchair would struggle to access the kerb ramp from the parking space. It would be difficult with the vehicle parked as shown in Streetscape Detail Sheet 4.

S Morabito

Representative of the NSW Police

N Boscaro

Representative of the NSW RMS

Representative of the Local State MP

Representative of Council

The Snowy River Avenue Upgrade Project team gave a brief presentation to the Committee, the team recognised the importance of working with other Council department's to incorporate planned works into the upgrade plan. The Project team informed the Committee these plans were not final and were open to suggestions.

The Committee discussed safety concerns with the loading bay behind the Clock Tower offices. What is available now is not a suitable site for vehicles servicing businesses as manoeuvring in and out of the loading zone is dangerous for pedestrians and traffic.

RMS commented on the crossing facilities; the crossings need a lot of work for them to become pedestrian friendly and safe. The RMS will be looking at how and where the crossing have been placed.

The RMS representative for this meeting, Nathan Brown, will be following up on the project plans, bring examples of works from another Council to the next meeting.

Attendance of RMS Representative

RMS Representative left the meeting at 11.10am for the duration of the meeting.

9. MATTERS OF URGENCY

9.1 EMAIL FROM DIRECTOR TECHNICAL SERVICES AND OPERATIONS

An Email was received from the Director of Technical Services and Operations regarding an issue that was brought up at a recent Workplace Health and Safety m (WHS) meeting. Concerns were raised over parking on both sides of Twynam Street, restricting access along the street. The WHS committee discussed the potential issue this may cause with emergency vehicles accessing the street, in the event of an emergency.

This issue was discussed and it was agreed that the Committee is not in a position to put restrictions on residential parking. The parking for this development (Highview Estate) was addressed in the development application and this was passed at LTC and accepted by Council (at that time).

It was discussed to monitor the traffic along Twynam Street and record the information in order to support future decisions.

COMMITTEE RECOMMENDATION

LTC8/16

The Committee does not support the implementation of parking restrictions in Twynam Street, Jindabyne.

S Morabito

Representative of the NSW Police

N Boscaro

Representative of the NSW RMS

Representative of the Local State MP

Representative of Council

10. NEXT MEETING

Thursday June 9 2016

There being no further business the Chair declared the meeting closed at 12.30pm.

CHAIRPERSON

The above minutes of the Snowy River Local Traffic Committee Meeting held on 14 April 2016 were confirmed by Committee members prior to adoption by Council in May 2016.

9.11 SOUTH EAST REGIONAL ACADEMY OF SPORT (SERAS) - FUNDING REQUEST

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Acting Executive Assistant |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.9 Provide and support appropriate services and facilities for children and young people within the Shire. |
| Operational Plan Action: | OP4.18 Deliver and facilitate youth programs and services throughout the Shire each year including Youth Council, Youth Week, and the participation of young people in decision-making processes. |
| Attachments: | 1. Letter Received From South East Regional Academy of Sport SERAS - Regarding Annual Funding Request - Donation Towards The Operation of The Academy - And - Annual Report and Financial Statements for The Year Ending 31 December 2015 |
| Cost Centre | 3020 |
| Project | Nil |

EXECUTIVE SUMMARY

The Southeast Regional Academy of Sports (SERAS) is seeking a donation towards the operation of the academy.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council advise SERAS that due to its financial position and budget constraints, it is unable to approve funding of this request in the 2016/2017 budget.

BACKGROUND

Council has for several years provided monetary funding to the Southeast Regional Academy of Sports (SERAS). In addition to monetary funding Council also supported the academy by hosting a Mayoral Reception each year which acknowledges the achievements of SERAS scholarship holders that live in our Local Government Area.

Since 2005 funding approved by Council has varied between amounts of \$1,823 up to \$3,000.00 which was the figure approved in the 2014/2015 financial year. It should be noted that funding was not initially allocated in the 2014/2015 budget however it was approved by Council in the November budget review.

The request for funding by SERAS for the 2015/2016 period was not approved, due to no provision for funding allocated in the financial year budget.

For the 2016/2017 budget SERAS is seeking funding in the sum of \$3,234.80. Unfortunately, a provision for funding has not been allocated in the 2016/2017 financial year budget and therefore the recommendation of this report is to decline the funding request.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The South East Regional Academy of Sport (SERAS) supports young athletes in our shire to access advanced training and to excel in their chosen sport. SERAS helps young athletes by providing financial support for training, transport, etc.

2. Environmental

There is not expected to be any Environmental impact as a result of this report.

3. Economic

SERAS is seeking a minimum donation in the sum of \$3,234.80 based on a formula of 40c per capita/per annum and is based on ABS population statistics of 8,087 at 30 June 2013. A budget for this funding request has not been allocated in the 2016/2017 budget.

4. Civic Leadership

Council has for many years supported SERAS financially including hosting a yearly Mayoral Reception which acknowledges the achievements of SERAS scholarship holders that live in our Local Government Area.



Mr Joseph Vescio
General Manager
Snowy River Council
PO Box 143
BERRIDALE NSW 2628

Dear Mr Vescio,

Re: South East Regional Academy of Sport (SERAS) – Annual Funding Request

I am writing to you with regard to Council's 2016-2017 Management Plan and to ask that you include a request for the annual donation towards the operation of the academy.

Since its inception in November 2001 there have been 79 scholarships awarded to athletes from the Snowy River Council region.

The academy's growth since inception and its reputation for success has been built on the back of ongoing funding assistance provided by our Council partners. SERAS therefore formally requests your Council's consideration of a recurrent funding allocation amount as a Management Plan submission for the 2016-2017 financial year and beyond.

SERAS is seeking a minimum donation from Council based on the formula of 40c per capita/per annum. According to the Australian Bureau of Statistics, Snowy River Council has a population of 8,087 as on 30 June 2013, which equates to a donation of \$3,234.80 in 2016-2017.

As a financial partner of the academy I will provide you with a copy of our annual report in the mail and financial statements for the year ending 31 December 2015. Please find a copy of the audited accounts enclosed with this letter.

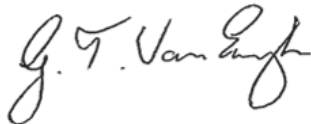
On another issue, in May SERAS will be holding an AGM and nominations for the SERAS board members will be an agenda item. I would like to offer a position on the board to any councillors or community representatives who would like to contribute to the emerging sporting talent in the south east region of New South Wales. The commitment requires attendance to meeting at various locations in the region four times per year for two years. Currently, Mick Mayhew has been on the SERAS board for 15 years and SERAS Board chair for 10 years and he would more than happy to outline the Boards' roles and responsibilities to anyone wishing to be nominated (0419 289 207) . The meeting will be held at 1pm 16 th May at Moruya Golf Club, Evans Street Moruya NSW 2537.

South East Regional Academy of Sport
184 -194 Bourke Street | PO Box 1506 Goulburn NSW 2580 | T 02 4823 4826 | 0416 589 307 |
Gerald.VanEwyk@goulburn.nsw.gov.au | www.seras.org.au | ACN 165 555 582

I have attached a nomination form for you to distribute to interested persons.

Please feel free to contact me on 0416 589 307 if you have any questions regarding the above.

Yours sincerely,



Gerald Van Ewyk
Executive Officer
(w) 02 4823 4826
Mobile: 0416 589 307



SOUTH EAST REGIONAL ACADEMY OF SPORT LTD

ACN 165 555 582

Financial Statements
For the year ended 31 December 2015

Jigsaw Accounting & Taxation Services Pty Ltd
Certified Practising Accountants
AMP Building, Level 1, 189-191 Auburn Street
GOULBURN NSW 2580

Phone: 4821 7069 Fax: 4822 1720



SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582

Contents

[Auditor's Independence Declaration](#)

[Director's Declaration](#)

[Detailed Statement of Financial Performance](#)

[Statement of Financial Position](#)

[Depreciation Schedule](#)

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582

Auditor's Independence Declaration

UNDER SECTION 307C OF THE CORPORATIONS ACT 2001
To THE DIRECTORS OF: SOUTH EAST REGIONAL ACADEMY OF SPORT LTD

I declare that, to the best of my knowledge and belief, during the year ended 31 December 2015 there have been :

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the Audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit

JIGSAW ACCOUNTING & TAXATION SERVICES
JOANNE McCauley, PRINCIPAL
LEVEL 1, 189-191 AUBURN STREET, GOULBURN

24/03/2015

GOULBURN

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD

ACN 165 555 582

Director's Declaration

The director of the company declares that:

1. the financial statements and notes are in accordance with the Corporations Act 2001 and:
 - (a) comply with Accounting Standards and the Corporations Regulations; and
 - (b) give a true and fair view of the company's financial position as at 31 December 2015 and of its performance for the year ended on that date;
2. in the director's opinion, there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the director.

Board of Management

Director

Dated:

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD

ACN 165 555 582

Detailed Statement of Financial Performance

For the year ended 31 December 2015

| | 2015 | 2014 |
|----------------------------------|-------------------|-------------------|
| | \$ | \$ |
| Income | | |
| Department of Sport & Recreation | 163,000.00 | 143,000.00 |
| Local Government | 67,706.80 | 66,691.60 |
| Uniform Contribution | 70.00 | 566.81 |
| Athlete Levy | 15,986.29 | 16,959.00 |
| Donations - Licensed Clubs | 11,000.00 | 25.00 |
| Program Funding | 13,000.00 | 20,706.17 |
| Sponsorships | 6,790.91 | 13,990.91 |
| Camps | 524.57 | |
| Special Funding | | 3,500.00 |
| Friends | 1,368.18 | |
| Golf Day | 2,605.47 | 4,127.28 |
| Golf Tour | 5,637.00 | 2,924.00 |
| Insurance recoveries | | 78.08 |
| Other income | 2,360.91 | 1,163.32 |
| Total income | 290,050.13 | 273,732.17 |
| Expenses | | |
| Annual Leave Provision | (13,248.23) | 2,381.54 |
| Audit fees | 1,650.00 | 1,770.00 |
| Bank Fees And Charges | 474.10 | 1,481.90 |
| Borrowing Expenses | 204.00 | 20.40 |
| Camps - Travel | 24,337.38 | 21,950.81 |
| Competition Support | 4,089.09 | 4,890.91 |
| Consultants fees | | 596.00 |
| Depreciation - other | 3,384.00 | 3,095.00 |
| Director Expenses | 1,379.93 | 1,419.41 |
| Equipment | | 1,352.18 |
| Fees & charges | 267.15 | 444.07 |
| Fire Levy | | 4.13 |
| Filing Fees | 358.00 | |
| Fitness Testing Equipment | 299.20 | |
| General expenses | 349.22 | |
| Golf Day Expenses | 2,763.05 | 3,244.23 |
| Golf Tour Expenses | 7,517.19 | 7,907.06 |
| Hire/rent of Plant & Equipment | 251.77 | 807.20 |
| Insurance | 1,032.00 | 2,582.28 |

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582

Detailed Statement of Financial Performance
For the year ended 31 December 2015

| | 2015 | 2014 |
|---|------------|-------------|
| | \$ | \$ |
| Insurance - Workers Compensation | 658.32 | 550.65 |
| Interest - Australia | 762.14 | 276.35 |
| Internships | 8,809.09 | 8,000.00 |
| Lectures/workshops | 2,696.00 | |
| Legal fees | 16.00 | |
| Loss on Disposal | 357.00 | 2,760.00 |
| Long service leave | (6,590.18) | 1,874.62 |
| Miscellaneous | 1,801.50 | 3,713.32 |
| M/V car - Depreciation | 3,566.00 | 4,692.00 |
| M/V car - Fuel & oil | 2,865.59 | 6,393.14 |
| M/V car - Rego/Insurance | 4,473.22 | 4,587.97 |
| M/V car - Repairs | 1,725.01 | 2,116.09 |
| Office Supplies | 1,884.73 | 849.66 |
| School Sports Science | 770.00 | 1,697.82 |
| Performance Training | | 1,948.60 |
| Postage | 1,127.88 | 1,733.16 |
| Printing & stationery | 1,890.00 | 1,437.50 |
| Promotion & Entertainment | 81.82 | 1,804.88 |
| Rent on land & buildings | | 12,761.51 |
| Sports Science | 5,315.91 | 2,970.91 |
| Squad Uniforms | 10,145.45 | 9,218.63 |
| Staff Expenses | 3,875.00 | 1,000.00 |
| Staff training | 2,014.09 | 1,000.00 |
| Subscriptions | 1,363.64 | 1,708.64 |
| Superannuation | 11,262.97 | 13,642.71 |
| Telephone | 787.25 | 1,438.04 |
| Internet Broadband | 771.71 | 1,239.68 |
| Travel, accom & conference | | 3,112.99 |
| Uniforms | 4,496.36 | 2,134.55 |
| Wages | 122,681.23 | 146,698.20 |
| Total expenses | 224,715.58 | 295,308.74 |
| Profit from Ordinary Activities before income tax | 65,334.55 | (21,576.57) |

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582

Statement of Financial Position as at 31 December 2015

| | Note | 2015 \$ | 2014 \$ |
|--------------------------------|------|-------------------|--------------------|
| Assets | | | |
| Current Assets | | | |
| Cash assets | | 171,400.53 | 117,896.14 |
| Total Current Assets | | <u>171,400.53</u> | <u>117,896.14</u> |
| Non-Current Assets | | | |
| Property, plant and equipment | | 24,140.90 | 31,811.54 |
| Other | | 183.60 | 387.60 |
| Total Non-Current Assets | | <u>24,324.50</u> | <u>32,199.14</u> |
| Total Assets | | <u>195,725.03</u> | <u>150,095.28</u> |
| Liabilities | | | |
| Current Liabilities | | | |
| Current tax liabilities | | 28,873.57 | 35,277.40 |
| Provisions | | 4,050.20 | 3,978.61 |
| Other | | 143,000.00 | 143,000.00 |
| Total Current Liabilities | | <u>175,923.77</u> | <u>182,256.01</u> |
| Non-Current Liabilities | | | |
| Financial liabilities | | 5,467.84 | 12,250.22 |
| Provisions | | | 6,590.18 |
| Total Non-Current Liabilities | | <u>5,467.84</u> | <u>18,840.40</u> |
| Total Liabilities | | <u>181,391.61</u> | <u>201,096.41</u> |
| Net Assets | | <u>14,333.42</u> | <u>(51,001.13)</u> |
| Equity | | | |
| Retained profits | | 14,333.42 | (51,001.13) |
| Total Equity | | <u>14,333.42</u> | <u>(51,001.13)</u> |

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582
Depreciation Schedule for the year ended 31 December, 2015

| | Total | Priv | CWDV | Date | Consid | ADDITION | Value | T | Rate | Deprec | Priv | CWDV | Upto | + Above | Total | LOSS | Priv |
|------------------------------|---------------|------|---------------|----------|----------|----------|------------------------|---|-------|--------------|----------|---------------|------|---------|-------|------|------|
| | | | | | | | | | | | | | | | | | |
| Plant & Equipment | | | | | | | | | | | | | | | | | |
| Council Support Banner | 1,854.93 | 0.00 | 914 | 24/10/11 | 0 | 0 | 914 | D | 20.00 | 183 | 0 | 731 | 0 | 0 | 0 | 0 | 0 |
| SmartSpeed Pro 4 Gate System | 12,500.00 | 0.00 | 12,058 | 07/10/14 | 0 | 0 | 12,058 | D | 15.00 | 1,809 | 0 | 10,249 | 0 | 0 | 0 | 0 | 0 |
| | 14,355 | | 12,972 | | 0 | | 12,972 | | | 1,992 | 0 | 10,980 | | | | | |
| | | | | | | | Deduct Private Portion | | | 0 | | | | | | | |
| | | | | | | | Net Depreciation | | | 1,992 | | | | | | | |

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582
Depreciation Schedule for the year ended 31 December, 2015

| | Total | Priv | OWDV | DISPOSAL | | ADDITION | | Value | DEPRECIATION | | Priv | CWDV | PROFIT | | LOSS | |
|-------------------------|---------------|------|--------------|----------|----------|----------|----------|--------------|------------------------|--------------|----------|--------------|--------|---|-------|------|
| | | | | Date | Consid | Date | Cost | | Rate | Deprec | | | Upto | + | Total | Priv |
| Office Equipment | | | | | | | | | | | | | | | | |
| Camera | 2,317 | 0.00 | 317 | | 0 | | 0 | 317 | D 25.00 | 79 | 0 | 238 | 0 | 0 | 0 | 0 |
| Camera Flash | 429 | 0.00 | 117 | | 0 | | 0 | 117 | D 20.00 | 23 | 0 | 94 | 0 | 0 | 0 | 0 |
| Computer | 1,135 | 0.00 | 23 | 31/12/15 | 0 | | 0 | 23 | D 50.00 | 12 | 0 | 0 | 0 | 0 | 11 | 0 |
| DVD Camcorder | 1,472 | 0.00 | 126 | | 0 | | 0 | 126 | D 40.00 | 50 | 0 | 76 | 0 | 0 | 0 | 0 |
| Mac Book | 1,308 | 0.00 | 31 | 31/12/15 | 0 | | 0 | 31 | D 66.00 | 20 | 0 | 0 | 0 | 0 | 11 | 0 |
| Colour Printer | 318 | 0.00 | 29 | 31/12/15 | 0 | | 0 | 29 | D 50.00 | 14 | 0 | 0 | 0 | 0 | 15 | 0 |
| Monitors x 2 | 500 | 0.00 | 47 | | 0 | | 0 | 47 | D 50.00 | 24 | 0 | 23 | 0 | 0 | 0 | 0 |
| Computer | 1,909 | 0.00 | 625 | | 0 | | 0 | 625 | D 50.00 | 312 | 0 | 313 | 0 | 0 | 0 | 0 |
| Computer | 1,424 | 0.00 | 500 | 31/12/15 | 0 | | 0 | 500 | D 50.00 | 250 | 0 | 0 | 0 | 0 | 250 | 0 |
| HP Laptop & PC | 1,832 | 0.00 | 912 | | 0 | | 0 | 912 | D 66.67 | 608 | 0 | 304 | 0 | 0 | 0 | 0 |
| | 12,644 | | 2,727 | | 0 | | 0 | 2,727 | | 1,392 | 0 | 1,048 | | | | |
| | | | | | | | | | Deduct Private Portion | | | | | | | |
| | | | | | | | | | | 0 | | | | | | |
| | | | | | | | | | Net Depreciation | 1,392 | | | | | | |

The accompanying notes form part of these financial statements.

SOUTH EAST REGIONAL ACADEMY OF SPORT LTD
ACN 165 555 582
Depreciation Schedule for the year ended 31 December, 2015

| | DISPOSAL | | | ADDITION | | DEPRECIATION | | | PROFIT | | LOSS | | | | | |
|----------------------|-----------|------|--------|----------|--------|--------------|------------------------|---|--------|--------|------|--------|------|---------|-------|------|
| | Total | Priv | CWDV | Date | Consid | Cost | Value | T | Rate | Deprec | Priv | CWDV | Upto | + Above | Total | Priv |
| Motor Vehicle | | | | | | | | | | | | | | | | |
| Trailer | 1,800.00 | 0.00 | 455 | 24/04/15 | 364 | 0 | 455 | D | 15.00 | 21 | 0 | 0 | 0 | 0 | 70 | 0 |
| Mitsubishi Sedan - | 34,187.00 | 0.00 | 5,913 | | 0 | 0 | 5,913 | D | 18.75 | 1,109 | 0 | 4,804 | 0 | 0 | 0 | 0 |
| AK49WQ | | | | | | | | | | | | | | | | |
| Mini Bus | 39,436.46 | 0.00 | 9,743 | | 0 | 0 | 9,743 | D | 25.00 | 2,436 | 0 | 7,307 | 0 | 0 | 0 | 0 |
| | 75,423 | | 16,111 | | 364 | 0 | 16,111 | | | 3,566 | 0 | 12,111 | | | | |
| | | | | | | | Deduct Private Portion | | | 0 | | | | | | |
| | | | | | | | Net Depreciation | | | 3,566 | | | | | | |

The accompanying notes form part of these financial statements.

9.12 SNOWY HYDRO SOUTHCARE REQUEST FOR FINANCIAL SUPPORT

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | General Manager |
| Author: | Acting Executive Assistant |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.6 Retain and improve health and social services across the Shire. |
| Operational Plan Action: | OP4.14 Participate in groups and networks that improve access to health and social services. |
| Attachments: | 1. Letter from Snowy Hydro SouthCare Requesting Financial Support |
| Cost Centre | 3020 Organisational Services - Donations/Contributions/Sponsorship |
| Project | Snowy Hydro South Care – Your Local aero-medical rescue helicopter |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

Council annually donates amounts of money to specific local and regional activities and then deals with other request on a merit basis, within the limit of budgeted funds. Council also provides in-kind support by way of rubbish removal and recycling to other events held around the Shire.

Council has received a request from Snowy Hydro South Care for financial support for the aero-medical helicopter for the service in the year to come.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Considers the request for a financial donation to Snowy Hydro South Care for the support of the aero-medical helicopter.

BACKGROUND

Snowy Hydro SouthCare service was built on a foundation of support from groups like Snowy River Shire Council. The fundraising and community connection provided by Councils in the early days helped get the local helicopter off the ground and the ongoing financial assistance has been fundamental to the growth of the service.

Regrettably the financial support from local government has diminished and with this Snowy Hydro South Care encourages Council to reflect on the role SouthCare plays in the community.

SouthCare helicopter offers a sense of security for the Shire's residents and provides a critical service in times of dire community need. Cires are currently experiencing unprecedented demand,

particularly in holiday periods when many people are traveling through the Snowy Region. Last year was a record for the service with more than 500 missions which takes the tally to some 6.500 missions since 1998.

Whilst being based in Canberra about 90% of missions remain outside the ACT and SouthCare rely heavily on the support of regional communities to continue this work.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council's policy in this area (GOV 011) seeks to recognise Council's role in supporting community and cultural development. The policy's stated objectives are to have:

- a) a strong sense of community throughout the Shire
- b) a community that has the capacity to meet its own needs
- c) a community environment that encourages cultural and artistic expression

2. Environmental

There are no environmental impacts.

3. Economic

A requirement of Council's policy (GOV 011) is that where an entity is already deemed 100% exempt from payment of rates they will not be eligible for further financial assistance from Council.

| Cost Centre | Budget | Amount Expended | Amount Available |
|--------------------|---------------|------------------------|-------------------------|
| 10-3020-63162 | \$ 714 | Nil | \$ 714 |
| 10-3020-63163 | \$2,554 | \$2,120 | \$ 434 |

4. Civic Leadership

Decisions to donate to community groups, individuals and towards events must be considered in a transparent process. The granting of financial assistance must be by specific formal resolution of Council.

Council makes decisions regarding donations to community groups, individuals and events based on Council's Policy GOV011. The relevant section of the policy applicable to this request is:

3.2. Donations/Sponsorship Towards Economic Development and Tourism

Annual donations will be called for in January for the following financial year however Council may consider applications for financial assistance as they are received. Those seeking financial

assistance should address the items included in Council's application and intended recipients of financial assistance shall be informed in writing of Council's decision.

All applications for financial assistance must state the purpose for which the funds will be used.

Donations by Council will be made from the General Fund and must be either:

- fixed dollar amounts
- rebates on Council provided services such as water, rates or facility hire

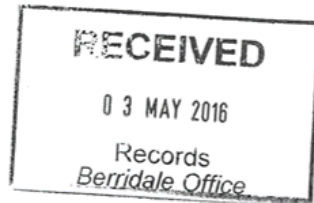
Council may make donations towards specific aspects of an event however Council must not commit to cover the full cost of any aspect of an event. For example Council will not commit to meet the total costs of:

- advertising
- public liability insurance
- equipment hire

Financial assistance may include:

- fixed dollar amount donations
- up to 50% rebate of water supply minimum availability charge
- up to 50% rebate of sewerage minimum availability charge
- up to 50% rebate of waste management charge (tip or domestic)
- other financial assistance as resolved by Council

Council provides support to activities that can demonstrate that they will have a positive impact on the economic and social development of the Shire. To encourage sustainability, Council will consider financial assistance on a sliding scale from inauguration of the community event. Once the event is established Council will withdraw financial assistance. This does not limit events and festivals from applying for annual in-kind assistance.



Clr John Cahill
Mayor
Snowy River Shire Council
PO Box 143
BERRIDALE NSW 2628

28th April, 2016

Dear John

Snowy Hydro SouthCare – your local aero-medical rescue helicopter

I write to acknowledge the valued contribution of local government to the Snowy Hydro SouthCare rescue helicopter and to seek financial support from Snowy River Shire Council for the service in the year to come.

Our crews are currently experiencing unprecedented demand, particularly in holiday periods when many people are travelling through your region. Last year was a record for the service with more than 500 missions which takes our tally to some 6,500 missions since 1998.

Put simply, we are saving more lives across southern NSW and the ACT which means operational costs continue to increase which in turn places pressure on community fundraising.

Our helicopter offers a sense of security for your Shire's residents and provides a critical service in times of dire community need. Whilst motor vehicle accidents and farm accidents feature in the media headlines, what you don't often see reported are the many transfers of critically ill patients from regional areas to major hospitals such as The Canberra Hospital. With an ageing population there will be increasing numbers of such missions and more of your Shire's residents under our care.

Whilst we are based in Canberra about 90% of our missions remain outside the ACT and we rely heavily on the support of our regional communities to continue this work. Whilst times get tougher and other causes get the limelight, we remain in the background, on call 24 hours a day, 365 days a year, ready to save lives in your Shire.

This service was built on a foundation of support from groups like Snowy River Shire Council. The fundraising and community connection provided by councils in the early days helped get the local helicopter off the ground and the ongoing financial assistance has been fundamental to the growth of the service.

In recent years, with increasing pressures on councils, regrettably our financial support from local government has diminished. We understand the pressures placed on budgets and with amalgamations we appreciate it is a time of uncertainty for many councils across our region.

I encourage you to reflect on the role Snowy Hydro SouthCare plays in your community and to consider supporting the service financially.

Thank you for your consideration and your commitment to support the community we both serve.

Yours sincerely

Chris Kimball CEO – Snowy Hydro SouthCare

9.13 IN 2 ADVENTURE - 2016 ITU WORLD CROSS TRIATHLON CHAMPIONSHIPS - REQUEST FOR SPONSORSHIP

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Acting Executive Assistant |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.2 Support activities, events and celebrations that promote cultural diversity and inclusiveness. |
| Operational Plan Action: | OP4.3 Support and facilitate cultural diversity by ensuring decision making frameworks and processes are accessible and culturally sensitive. |
| Attachments: | <ol style="list-style-type: none">1. Email From Wayne Kirkpatrick RE Attachments 1 March 20162. Attachment: Letter From Wayne Kirkpatrick 1 March 20163. Attachment: Letter of Request for Support For ITU Cross Triathlon From Robyn Lazenby In2 Adventure4. Attachment: Opening Ceremony Details With Request For Council Support Listed5. Draft DA |
| Cost Centre | 3110 Mayor & Council 3020 Organisational Services - Donations/Contributions/Sponsorship 7010 Economic Planning & Tourism |
| Project | 2016 ITU World Cross Triathlon Championships Opening Ceremony |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

Council annually donates amounts of money to specific local and regional activities and then deals with other requests on a merit basis, within the limit of budgeted funds. Council also provides in-kind support by way of rubbish removal and recycling to other events held around the Shire.

Council has received a request from In2 Adventure to host a civic function for the Opening Ceremony of the ITU World Championships to be held in Banjo Paterson Park on 17 November 2016 from approximately 6pm to 8:30pm.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Agree to host a Civic Reception with a budget up to \$1,500
- B. Approves promotion of the event via Councils marketing channels.
- C. Provides in-kind support by way of fee waiver for use of Claypits stage, waiver of fee for

Banner space hire, Public Amenities: Toilet facility cleaning for duration of event and provision of rubbish and recycling bins as well as removal.

BACKGROUND

In2 Adventure are hosting the 2016 ITU World Championships Cross Triathlon in Jindabyne and Lake Crackenback Resort on 17 – 20 November 2016.

Council has been contacted by Simon and Robyn Lazenby from In2 Adventure and Wayne Kirkpatrick Vice chairman, TSM and Chairman, LOC, ITU Cross Triathlon World Championships seeking approval for Councils support in conjunction with Snowy Mountains Tourism for the following activities:

1. To assist in communicating with residents and businesses within the local region to raise awareness about the event;
2. To assist in engaging the local community and businesses with the event and ensure they have the information required to benefit from it;
3. Wet weather contingencies such as shelters and alternate venue for catering such as the adjacent Bowls club if required.
4. Public first aid.
5. Additional toilet facilities as required.
6. A BBQ staged in the park with a meal provided for each world championships entrant (estimated at 500) and on sale for family and friends and spectators. Potentially this could be hosted by a local community group to act as a fundraiser.
7. To promote and market the event via council website and marketing channels; and
8. To host a civic ceremony in Jindabyne on Thursday 17 November 2016 encompassing:
 - a) The parade of nations along the foreshore of Lake Jindabyne;
 - b) The provision of a stage set up in Banjo Paterson Park.
 - c) Provision of a PA system for music, entertainment and microphones for official welcomes from the State Premier, ITU delegates, elite athletes etc.
 - d) To organise a welcome to country from the local Indigenous people.
 - e) A pasta party for participants;
 - f) Entertainment: local entertainers, bands and kids activities in the park.
 - g) Overall management of the 'Opening Ceremony' within guidelines set by the ITU and In2 Adventure.
 - h) A 'High Country' themed opening ceremony based on the Man from Snowy River at a stage area on Jindabyne foreshore; and
 - i) VIP reception.

Sponsorship Request

Council

| | |
|--|---|
| Stage set up – Banjo Paterson Park | Not a service provided |
| Provision of PA System | Not a service provided |
| Overall Management | Not a service provided |
| Welcome to Country | Not a service provided – Contact NPWS |
| Host Man from Snowy River Re-enactment | Council can act as host but do not provide event coordination services. |
| Entertainment | Not a service provided. Contact schools/local entertainers. |
| Kids Activities | Not a service provided |
| BBQ | Not a service provided. Lions Club of Jindabyne |
| Wet Weather Contingencies | Bowling Club is not a Council owned Asset |
| Public First Aid | Not a service provided. Contact Ambulance NSW |
| Toilet Facilities | Not a service provided, public toilets available. |
| Assist with Communication | Council Facebook page, Banner space. |

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The ITU Cross Triathlon World Championships will have a large number of competitors and spectators attending the Opening Ceremony on Thursday 17 November 2016 at Banjo Paterson Park and visiting the area during the event.

Council's policy in this area (GOV 011) seeks to recognise Council's role in supporting community and cultural development. The policy's stated objectives are to have:

- a) a strong sense of community throughout the Shire
- b) a community that has the capacity to meet its own needs
- c) a community environment that encourages cultural and artistic expression

2. Environmental

As the event will be covered by a development consent mitigation of any environmental impacts will be dealt with through that process.

3. Economic

A requirement of Council's policy (GOV 011) is that where an entity is already deemed 100% exempt from payment of rates they will not be eligible for further financial assistance from Council.

| Cost Centre | Budget | Amount Expended | Amount Available |
|---------------|---------|-----------------|------------------|
| 10-7010-63182 | \$9,800 | \$7,600 | \$2,200 |
| 10-3020-63162 | \$ 714 | Nil | \$ 714 |
| 10-3110-63465 | Nil | N/A | Nil |

The total cost for providing in-kind support for this event would be \$2,617.00 which is broken down by the following:

| | |
|--|---|
| Council could host a Civic Reception. *It is noted there is no budget allocation for 2015/2016 financial year for civic functions. | \$1,500.00 |
| Fee waiver of additional toilet cleaning costs at Banjo Paterson Park; Council's contract cleaner would charge Council for extra cleans every hour at Banjo Paterson Park for an event at a cost of: | \$ 160.00 |
| Fee waiver for extra Porta Loo cleaning @ \$5.00 per toilet with say 10 porta loos. | \$ 50.00 |
| Fee waiver for waste removal, total cost: Any additional empties charged at \$12 for waste and \$9 for recycling – contaminated recycling \$18 | \$ 580.00 \$ not known until event |
| Fee waiver of Banner space @\$3 per day for maximum of two weeks | \$ 42.00 |
| Waiver of DA Fee | \$ 285.00 |
| TOTAL | \$2617.00 |

4. Civic Leadership

Decisions to donate to community groups, individuals and towards events must be considered in a transparent process. The granting of financial assistance must be by specific formal resolution of Council.

Council makes decisions regarding donations to community groups, individuals and events based on Council's Policy GOV011. The relevant section of the policy applicable to this request is:

3.2. Donations/Sponsorship Towards Economic Development and Tourism

Annual donations will be called for in January for the following financial year however Council may consider applications for financial assistance as they are received. Those seeking financial assistance should address the items included in Council's application and intended recipients of financial assistance shall be informed in writing of Council's decision.

All applications for financial assistance must state the purpose for which the funds will be used.

Donations by Council will be made from the General Fund and must be either:

- fixed dollar amounts
- rebates on Council provided services such as water, rates or facility hire

Council may make donations towards specific aspects of an event however Council must not commit to cover the full cost of any aspect of an event. For example Council will not commit to meet the total costs of:

- advertising
- public liability insurance
- equipment hire

Financial assistance may include:

- fixed dollar amount donations
- up to 50% rebate of water supply minimum availability charge
- up to 50% rebate of sewerage minimum availability charge
- up to 50% rebate of waste management charge (tip or domestic)
- other financial assistance as resolved by Council

Council provides support to activities that can demonstrate that they will have a positive impact on the economic and social development of the Shire. To encourage sustainability, Council will consider financial assistance on a sliding scale from inauguration of the community event. Once the event is established Council will withdraw financial assistance. This does not limit events and festivals from applying for annual in-kind assistance.

From: Wayne Kirkpatrick [<mailto:waynekirk@bigpond.com>]

Sent: Tuesday, 1 March 2016 9:45 AM

To: Joseph Vescio

Subject: ITU Cross Triathlon World Championships

Good morning Joe,

Please find three (3) documents attached concerning the ITU Cross Triathlon World Championships to be staged here in November, 2016.

We have the support of the NSW Dept. of Premier and Cabinet, Destination NSW and of course our local member of State Parliament, Mr. John Barilaro, who attended the Australian Cross Triathlon Championships held at Lake Crackenback over this past weekend.

The missing link is support by Snowy River Shire Council and approval to stage the opening ceremony in Jindabyne on Thursday 17 November, 2016. We've been keen to reach agreement with you on this matter since June, 2015.

I'd very much appreciate the opportunity of meeting with you very soon to discuss this important event for our region.

I look forward to hearing from you.

Thanking you,

Wayne

Wayne Kirkpatrick
Vice Chairman, TSM
Chairman, Local Organising Committee, ITU Cross Triathlon World Championships

Email waynekirk@bigpond.com

Mobile +61 418 766 484



1 March, 2016

Mr. Joe Vescio
General Manager
Snowy River Shire Council
PO Box 143
Berridale, NSW, 2628

Sent by email Joseph.Vescio@snowyriver.nsw.gov.au

Dear Joe,

ITU Cross Triathlon World Championships, Jindabyne and Lake Crackenback
Resort, 17 – 20 November, 2016

I appreciate that you and your Councilors have many matters to deal with, not least of which is the on-going amalgamation issue with adjoining Councils.

However, as you know, a major event supported by Destination NSW and the NSW Department of Premier and Cabinet will be staged here in November, 2016.

In fact, you met with In2Adventure on 4 June last year, they wrote to you on 5 June 2015 confirming details of the cooperation being sought from Council and since then there have been a number of approaches to you by Robyn and Simon Lazenby of In2 Adventure, and more recently to Colin Stewart-Beardsley and Jenny Beaumont, seeking a response, during your absence on annual leave.

Still, we do not have a response, time is marching on and yesterday the Local Organising Committee (LOC) of the World Championships, of which I'm the Chairman, met to review many aspects of preparation for this major event following the successful staging over this past weekend of the Australian Cross Triathlon Championships at Lake Crackenback Resort. This was a qualifying event for athletes wishing to compete in the World Championships, when we expect approx. 1,500 competitors will participate.

Our meeting was attended by officials from the International Triathlon Union, Triathlon Australia, Triathlon NSW and Destination NSW and we're progressing well with all plans except the Opening Ceremony.

I've attached In2 Adventure's letter of 5 June, 2015 together with a summary of the proposed opening ceremony activities, scheduled for Thursday 17 November, 2016 which was previously provided to you.

May we please meet with you as a matter of urgency to discuss this event and Council's support? I look forward to hearing from you.

Thank you

Wayne Kirkpatrick

Vice Chairman, TSM and Chairman, LOC, ITU Cross Triathlon World Championships

Tourism Snowy Mountains, PO Box 663, Jindabyne, NSW, 2627
Mobile 0418 766 484 Email waynekirk@bigpond.com

Snowy Mountains ITU cross triathlon World Championships 2016

Robyn Lazenby
In 2 Adventure
PO Box 2003
Brookside Centre
Qld, 4055

June 5, 2015

Mr Joseph Vescio
General Manager
PO Box 143
Berridale
NSW 2628

Dear Mr Joseph Vescio:

Thank you for the opportunity to meet with you on Thursday 4th June, 2015 to discuss the 2016 ITU World Cross Triathlon Championships which will be hosted in the Snowy Mountains Region in November 2016.

We are keen to ensure that the region recognises the full benefits of the opportunities presented in the hosting of this world class event expected to attract 2000 visitors from across the globe.

As discussed we would like to request councils support in conjunction with Snowy Mountains Tourism for the following activities:

1. To assist in communicating with residents and businesses within the local region to raise awareness about the event;
2. To assist in engaging the local community and businesses with the event and ensure they have the information required to benefit from it;
3. To promote and market the event via council website and marketing channels; and
4. To host a civic ceremony in Jindabyne on Thursday 17th November 2016 encompassing:
 - a. The parade of nations along the foreshore of Lake Jindabyne;
 - b. A pasta party for participants;
 - c. A 'High Country' themed opening ceremony based on the Man from Snowy River at a stage area on Jindabyne foreshore; and
 - d. VIP reception.

We thank you for the opportunity to present this request and look forward to discussing this further and working with you to make the event a complete success.

Sincerely,

Robyn Lazenby

T: 0414 282 084
E: robyn@in2adventure.com.au
W: www.trextriathlon.com.au



In2Adventure
PO Box 2003, Brookside Centre, Qld, 4053
E info@in2adventure.com.au Fax +61 (0)7 3851 0574



TREX Snowy Mountains ITU cross triathlon World Championships 2016

2016 ITU WORLD CHAMPS OPENING CEREMONY

The Opening Ceremony 2016 ITU World Championships will be a key opportunity to showcase the Snowy Mountains Region to the world. It will also create an opportunity for the local community to be a part of the cultural, social and educational benefits of the event.

The Opening Ceremony is a community focused civic ceremony with schools, clubs and community groups involved in the event either as active participants or as spectators. It is an opportunity for the entire community to celebrate the festivities and have the opportunity to meet athletes from across the globe, including Olympians.

Council funding is requested as a civic function for the local community.

EVENT DETAILS

Date: Thursday 17th November, 2016

Time: From approx. 6pm to 8:30pm

Visitors: 500 national/international athletes plus families and the local community

Location: Jindabyne

Overview:

It is proposed that the parade would be hosted along the foreshore parkland of Lake Jindabyne with the opening ceremony in Banjo Patterson Park. With this plan no road closures are required for the hosting of the event.

Muster Area:

It is proposed that athletes would potentially muster behind the Lake Jindabyne Hotel in the Foreshore Park prior to the parade.

BBQ/Catering:

It is proposed that a BBQ is hosted in Banjo Paterson Park or as a wet weather alternative in the adjoining bowls club.

REQUESTED SUPPORT FROM SNOWY RIVERS SHIRE COUNCIL

The event is seeking the following support from Snowy Rivers Shire Council.

- The provision of a stage set up in Banjo Paterson Park.
- Provision of a PA system for music, entertainment and microphones for official welcomes from the State Premier, ITU delegates, elite athletes etc.
- Overall management of the 'Opening Ceremony' within guidelines set by the ITU and In2Adventure.
- To organise a welcome to country from the local indigenous people.
- To host A 'Man from Snowy River' style re-enactment coordinated by Thredbo Valley Horse Riding.
- Entertainment: local entertainers, bands, school band etc.
- Kids activities set up in the park.

9.13 IN 2 ADVENTURE - 2016 ITU WORLD CROSS TRIATHLON CHAMPIONSHIPS - REQUEST FOR SPONSORSHIP

ATTACHMENT 4 ATTACHMENT: OPENING CEREMONY DETAILS WITH REQUEST FOR COUNCIL SUPPORT LISTED

Page 221

- A BBQ staged in the park with a meal provided for each world championships entrant (estimated at approx. 500) and on sale for family and friends and spectators. Potentially this could be hosted by a local community group to act as a fundraiser.
- Wet weather contingencies such as shelters and alternate venue for catering such as the adjacent Bowls Club if required.
- Public first aid.
- Additional toilet facilities as required.

PROPOSED SCHEDULE

| TIME | ACTIVITY | NOTES |
|--------|--|--|
| 4:00pm | Stage, BBQ and entertainment set up in Banjo Paterson Park complete. | ▪ |
| 4:30pm | Entertainment and activities commence in Banjo Paterson Park | ▪ |
| 5:00pm | Parade participants and athletes start arriving at muster point. | ▪ Proposed at the Foreshore Park near Lake Jindabyne Hotel |
| 5:30pm | Coordinate parade participants in presentation order ready for parade to start | ▪ School or Local Band to lead parade. ▪ Local School children to carry nations name plate. |
| 6:00pm | Parade Commences from Foreshore Park | ▪ Foreshore Park to Banjo Paterson Park |
| 6:15pm | Parade arrives at Banjo Paterson Park. Introduction of Nations. | ▪ Unique music played for each nation ▪ Athletes take up positions in front of Stage Area |
| 6:30pm | Official Welcome | ▪ VIPs, Dignitaries, Athletes, Visitors |
| 6:35pm | Welcome to Nation | ▪ Local indigenous people |
| 6:45pm | Welcome to International Visitors | ▪ TBC |
| 6:55pm | Oath Ceremony | ▪ Athletes Oath ▪ Coaches Oath ▪ Technical Official's Oath |
| 7:05pm | Entertainment | ▪ Local Schools |
| 7:10pm | ITU Welcome | ▪ ITU Representative |
| 7:15pm | Official Event Opening | ▪ NSW Premier |
| 7:25pm | Man from Snowy River Reenactment finishing with fireworks | ▪ Poetry ▪ Horsemen |
| 7:35pm | Ceremony Close and invite participants to attend BBQ | ▪ BBQ served ▪ Music playing |
| 8:30pm | Event Close | |



Development Assessment

Shop 3 Razorback Plaza,
Gippsland Street Jindabyne
PO Box 143 Berridale NSW 2628
www.snowyriver.nsw.gov.au

For Appointments or Information Please Call 02 6451 1550

Business Hours – Monday to Friday 8.30am to 4.30pm

Office Use Only

| | | | |
|---------------|-----------|-------------|-----|
| _____ / _____ | Date Rec: | Receipt No: | PN: |
|---------------|-----------|-------------|-----|

LAKE & FORESHORE EVENTS DEVELOPMENT APPLICATION

Made under section 78A of the Environmental Planning and Assessment Act 1979

WHAT AREAS DOES THIS APPLICATION COVER?

This application is for events using Lake Jindabyne or Lake Eucumbene and their foreshore areas.

Please be advised that this consent does not cover land within Kosciuszko National Park.

A separate consent/permit from the NSW National Parks and Wildlife Service will be required prior to commencement of the use. Please contact NPWS on (02) 6450 5555 for further information.

Please refer to the "Guide for Events on Lake Jindabyne and Lake Eucumbene Foreshores and Surrounds" to determine if any additional licences are required for your event.

Prior to establishing the date for your event please contact Councils to determine if there are other events approved for the dates you are interested in.

WHAT DO I NEED AN APPROVAL FOR?

All events on the foreshore, lakes and parks except for land based non non-Commercial Events and/or Commemorations such as ANZAC Day, Kokoda Day, Remembrance Day event, Australia Day which are listed in Councils Development Control Plan 1998 Circular E3. Such commemorations need to comply with the requirements of the circular which can be found on Councils website or from Council offices.

If you are unsure of whether your event will need approval please contact Snowy River Shire Council's Jindabyne Office and speak to a Town Planner.

WHEN SHOULD I SUBMIT MY APPLICATION?

Applications for lake and foreshore events should be provided to Council 4 months prior to the date of the event.

HOW MUCH WILL THE APPLICATION COST?

\$285.00 - DA Fee.

\$150.00 - notification fee may be applicable if Council considers that the event may have adverse impacts on the general amenity of the area.

Usage Fees for Council infrastructure may apply. Please refer questions relation to fees and bonds to Councils Assets Manager 02 6451 1195.

BANNER BOOKING

If you wish to advertise your event on Council's Roadside Banner Space in Jindabyne, in order to secure your booking you must apply in writing outlining the name of the event and the dates required. Phone 02 6451 1550 for more information.

COUNCIL IN KIND SUPPORT

Under Policy GOV 011 "Donations to Community Groups Individuals and Towards Events" Council may provide in kind support for community organisations organising events. In order for Council to make a decision on whether or not such support is appropriate for your event you must complete the "Application for Financial Assistance under Donations Policy GOV 011" and submit to the General Manager. The application must be received at least 60 days prior to the date of the event so that it can be considered by Council. To encourage sustainability, Council will consider financial assistance on a sliding scale from inauguration of the community event. Once the event is established Council will withdraw financial assistance. This does not limit events and festivals from applying in January for annual in-kind assistance. Please note - approval for in kind support does not automatically grant development approval and does not negate the requirement for an approval or compliance with development consent conditions.

Full payment of development application fees are required at the time of lodgement of the DA, irrespective of Council consideration of in kind support.

APPLICANT DETAILS (EVENT ORGANISER)

All correspondence relating to this application will be sent to the address below and any contact with Council Officers is limited to those listed as the organiser (you may wish to nominate more than one person to contact).

| | | | | | |
|----------------------|--------------------------|----------------|--------------|------------------|--------------|
| Name: | Simon Lazenby | | | | |
| Organisation: | In2Adventure | | | | |
| Address: | PO Box 2003 | | | | |
| Suburb: | Brookside Centre | State: | QLD | Postcode: | 4053 |
| Phone: | | Mobile: | 0414 320 585 | Fax: | 07 3851 0574 |
| Email: | info@in2adventure.com.au | | | | |

WHERE ARE YOU HOLDING YOUR EVENT? you may tick multiple areas

Please contact Council to determine the location of your event if unsure

| | | | | | |
|---------------------------------|-------------------------------------|-----------------------------|---------------------------------|--------------------------|--|
| Banjo Paterson park | <input type="checkbox"/> | Lot 6 DP239537 PN 104206 | Lake Jindabyne | <input type="checkbox"/> | |
| Jindabyne Skate Park | <input type="checkbox"/> | Lot 4 DP239537 PN 104206 | Lake Jindabyne Foreshore | <input type="checkbox"/> | |
| Claypits Park | <input checked="" type="checkbox"/> | | Lake Eucumbene | <input type="checkbox"/> | |
| Lake Eucumbene Foreshore | <input type="checkbox"/> | | Other | <input type="checkbox"/> | |

DESCRIPTION OF YOUR EVENT:

Name of Event:

2016 ITU World Cross Triathlon Championships - Opening Ceremony

Date/s of the Event:

(if monthly please state)

Thursday 17th November 2016

5:30pm to 7:30pm

Duration of event and timing of activities (including setting up and packing up the event)

Thursday 17th November
9am - Setup of event site
5:00pm - Athletes Assemble
5:30pm - Visitors start to arrive
6pm - Athletes Parade of Nations
6:30pm - Opening Ceremony
7:30pm - After Party at Rydges Resort
9pm - Event site packed up.

Approximate number of people, expected to attend (this includes both visitors, stall holders and organisers/volunteers):

500-800

Brief description of the event:

2016 ITU World Cross Triathlon Championships
- Parade of Nations, and
- Opening Ceremony

SITE PLAN

A site plan is to be submitted with a development application and should indicate (where relevant) in relation to the site:

1. Parking
2. Marquees/Tents
3. Buildings - location and uses of existing buildings.
4. Food Areas.
5. Toilet Facilities (both permanent and temporary).
6. First Aid.
7. Entertainment
8. Bar Area.
9. Amusements.
10. Access Points for emergency vehicles.

A Standard Site Map is attached for Banjo Paterson Park. For other areas please contact Councils Jindabyne Office on 64511550.

STATEMENT OF ENVIRONMENTAL EFFECTS

A statement of environmental effects is a written statement that describes the proposed event and states whether the proposal complies with relevant planning controls. It is broken up into three sections and these can be answered below.

What are the potential impacts?

| | | | |
|--------------------------|-------------------------------------|--------------------------------|-------------------------------------|
| Noise | <input checked="" type="checkbox"/> | Car Parking & Traffic | <input checked="" type="checkbox"/> |
| Rubbish | <input checked="" type="checkbox"/> | Anti Social Behaviour | <input type="checkbox"/> |
| Damage to Infrastructure | <input type="checkbox"/> | Food borne diseases | <input type="checkbox"/> |
| Provision of Toilets | <input checked="" type="checkbox"/> | Accidents | <input type="checkbox"/> |
| Lighting | <input type="checkbox"/> | Conflict with other park users | <input checked="" type="checkbox"/> |

Other

How have impacts been identified ?

| | |
|---------------------------|-------------------------------------|
| Previous Event Experience | <input checked="" type="checkbox"/> |
| Speaking to Council | <input type="checkbox"/> |
| Speaking to Neighbours | <input type="checkbox"/> |
| Site Inspections | <input checked="" type="checkbox"/> |

Other

Steps taken to minimise impacts

Compliance with the sections listed below in "Details of Proposed Event" will be considered steps taken to minimise impacts.

DETAILS OF PROPOSED EVENT

Insurance

Your company or organization must have a current public liability policy covering the event dates and times and held with an acceptable insurance company with a minimum cover of \$20 million public liability and indemnity, the insurance must specifically indemnify Snowy River Shire Council and Snowy Hydro Ltd.

A copy must be supplied with this application.

Certificate of Currency will be reissued in July 2016 on renewal of insurance.

Roads and Traffic

Is a road closure required: ☐ Yes ☒ No

If yes please provide locations and times:

If a road closure is required you will have to submit a Traffic Management Plan with Council's Traffic Committee at least 60 days prior to the event. Contact Councils development engineer for more information on RTA temporary event approvals 02 6451 1195.

Will extra parking be required?: ☐ Yes ☒ No

If yes, please indicate the exact location of the parking area on the site plan.

Will additional transport be supplied for the event? ☐ Yes ☒ No

If yes please outline the arrangements:

A copy of your Traffic Management Plan must be supplied with this application.

Emergency Vehicle Access

Please show the available parking and access point/s for emergency vehicles on your site plan.

Temporary Event signage

Do you plan to have any temporary advertising signage? ☒ Yes ☐ No

If yes please include a copy of the signage proposed with this application, and remember to note the location of any signage on your site plan.

Temporary Structures

Do you propose to erect tents, marquees or stalls of a large scale with seating or staging?

☒ Yes ☐ No

If yes, please indicate the location of the above on your site plan. Please note certification of the structures may be required to be provided during the assessment of the application.

Amusement Devices

Are you planning to have amusement devices at your event (e.g: Jumping Castles, Merry-go-round, sideshows)

☐ Yes ☒ No

If yes, please describe the device/s

If yes please indicate the location of the rides/structures on your site plan.

Power

Do you require use of Council's Power Supply (where available on Council Land)? ☒ Yes ☐ No

If yes, you will need to ensure that all power connections conform to the Australian Standards for electrical wiring (AS3000).

Please contact Councils Jindabyne office on 02 6451 1550 to arrange keys for the power boxes in Banjo Paterson Park

Are you planning on using generators? ☒ Yes ☐ No Only if power is not available at the stage area.

If yes, please indicate the location of the generators on the site plan.

All extension leads must be tested and tagged by a licensed electrician or competent person as per Australian Standard AS 3760 and covered to minimise trip hazards.

Noise

Are you planning to use amplification equipment? ☒ Yes ☐ No

If yes, please indicate the location of the amplification equipment and the direction of the speakers on the site plan.

Please specify operational times:

5:30pm to 7:30pm

Waste and Recycling

For a fee Council can provide the waste and recycling services for your event. please contact the Senior Waste Officer on 02 6451 1195 for information.

Do you want Council to manage waste for your event?

☒ Yes ☐ No

If no please answer questions below:

How many general waste bins will be provided?

How many recycling bins will be provided?

How often will the bins be emptied throughout the event?

Where will the waste be taken to after the event?

If you want to promote your event as a "Wastewise" event go to www.environment.nsw.gov.au/warr/WWE_Home.htm for information on how.

Fireworks

Are you intending to have fireworks at your event? ☐ Yes ☒ No

If yes please state the duration and times for the fireworks and indicate the location of the fireworks on the site plan.

The [WorkCover NSW](http://WorkCoverNSW) website contains guidelines, forms and information about the operational conditions for fireworks displays. An application for a fireworks licence (as required by the NSW Explosives Act 2003 and issued by way of the Explosives Regulation 2005) is to be obtained from [WorkCover NSW](http://WorkCoverNSW) and a copy submitted to Council as least seven (7) days prior to the event.

Emergency Services Notification

Your organization is required to notify the emergency services (Ambulance, Police, Fire Brigade) of your proposed event. **A copy of the notification letter must be provided with this application.**

First Aid

It is compulsory to provide first aid at your event.

Please provide details of how this is to be undertaken, contact details, numbers of first aiders?

St John Ambulance - full details to be confirmed.

Risk Assessment

A risk assessment must be undertaken prior to the event, if it is held on Council land, if part of your event is to be held on private land then these areas do not need to be included in the risk assessment.

For guidance and/or a template please contact Council's OH&S Coordinator/Risk Management Officer on 02 6451 1195.

A copy of your risk assessment must be provided with this application.

Emergency Response Plan (ERP)

An Emergency Response Plan may be required for your event and submitted as part of this application. For guidance please contact Council's OH&S Coordinator/Risk Management Officer on 02 6451 1195.

A copy of your ERP (if required) must be provided with this application.

Food

Will food be sold at the event? ☐ Yes ☒ No

Will food be given away? ☐ Yes ☒ No

If yes, you are required to notify the NSW Food Authority of your event. You can do this online at www.foodnotify.nsw.gov.au/nfas_prod/, Please note that you will need to obtain the notification numbers of your stallholders prior to undertaking this.

All food stallholders are required to notify the Food Authority at the same site. Once they have their notification numbers they should be passed on to the organiser/s, with a site plan of their stall. All food stallholders should make the notification number available on site should an inspection be carried out.

For information on temporary food stall requirements, please follow the link – pages 21 to 23 have a suitable checklist, they also have a standard letter template that can be sent to all temporary food stallholders.

http://www.foodauthority.nsw.gov.au/Documents/local-government_pdf/food+handling+guide+-+temp+event.pdf

A floor plan of all food stalls will also need to be submitted with the application, indicating the layout and also a letter indicating what food will be sold and how you intend to store it on the day.

Alcohol

Will Alcohol be consumed? ☐ Yes ☒ No

Will Alcohol be sold? ☐ Yes ☒ No

Is a copy of the Liquor licence attached to this application? ☐ Yes ☐ No

Please note: If it is proposed to sell Alcohol, an On-Licence (Functions) Liquor Licence, or other appropriate liquor licence must be obtained from the Licencing Court of NSW, level 13, 323 Castlereagh Street, Sydney and submitted to the licencing police at least fourteen (14) days prior to the date of the function. A copy of this liquor licence is to be provided to Council a minimum of seven (7) days prior to the event. **ALCOHOL IS NOT TO BE SOLD IN GLASS CONTAINERS**

Security

Depending on the event, Council may require as per a condition of consent that the event organiser provide private security. It may also be a requirement of the NSW Police and your liquor licence.

Toilets/Amenities

Portable toilet facilities may be required if you are having a large event in either Banjo Paterson Park or Claypits Park or your event is in an area that does not have existing facilities. Both Banjo Paterson Park and Claypits Park have the following facilities available

| Women | Men | Disabled |
|-----------|----------------------|----------|
| 4 toilets | 2 toilets + 1 urinal | 1 toilet |
| 4 toilets | 2 toilets + 1 urinal | 1 toilet |

Due to existing facilities events up to 500 persons can be accommodated in both Banjo Paterson Park and Claypits park without additional toilets.

The number of toilets that is recommended to be provided under Part F2.3 of the Building Code of Australia is as follows:-

| Number of people | Female Toilets | Male Toilets | Urinals |
|------------------|----------------|--------------|---------|
| 100 | 2 | 1 | 1 |
| 200 | 3 | 1 | 1 |
| 300 | 3 | 1 | 1 |
| 400 | 4 | 1 | 2 |
| 500 | 4 | 2 | 2 |
| 600 | 5 | 2 | 3 |
| 700 | 6 | 2 | 3 |
| 800 | 7 | 2 | 4 |
| 900 | 7 | 2 | 4 |
| 1000 | 7 | 2 | 5 |
| 2000 | 13 | 3 | 10 |
| 3000 | 23 | 4 | 15 |

Will you be providing additional toilets at the site? ☒ Yes ☐ No

if yes how many? Male Female

Will Change facilities be required ☐ Yes ☒ No

if yes how many?

Separate toilet and hand washing facilities should be made available for food handlers.

If yes, please indicate the location of the existing and portable toilets and change facilities (if required) on the site plan.

REMINDER OF ADDITIONAL INFORMATION TO BE SUPPLIED

- ☐ Copy of Insurances,
- ☐ Indemnity/licence from Snowy Hydro (if applicable)
- ☐ Traffic Management Plan (prepared by a person competent in preparing such plans)
- ☐ Copy of proposed signage
- ☐ Manufacturers Details/specifications for any amusement devices, stage or temporary structures.
- ☐ Copies of evidence that electrical equipment has been inspected and tagged.
- ☐ Copy of the Food Authority Notification numbers plus a site plan for each food stall. This should be requested when you distribute application forms for stall holders.
- ☐ Copy of Liquor Licence
- ☐ Copy of the Emergency services notification letter
- ☐ Risk Assessment
- ☐ Emergency Response Plan
- ☐ Security Details

CRITICAL HABITAT AND THREATENED SPECIES

Is the site Critical Habitat Land of endangered species, population, or ecological community under the Threatened Species Conservation Act 1995

- ☐ No - Declared Sites are outside Snowy River Shire (excluding the Kosciuszko National Park)

Is the proposal likely to have a significant effect on threatened species, populations, ecological communities or their habitats?

- ☐ Yes - Please attach a Species Impact Statement (SIS)
- ☒ No

PRIVACY POLICY

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the Environmental Planning and Assessment Act 1979 and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

OWNERS CONSENT

Who is the owner of the land?

☒ **Council** - The application must be signed by the General Manager, Snowy River Shire Council. The application must be completed and forwarded to the General Manager prior to the lodgement. Council is considered the owner of the land for the purposes of this development application if the land is shown as pink in the attached Guide.

☐ **Snowy Hydro Ltd** - The application must be signed by Snowy Hydro Ltd. Snowy Hydro Ltd is the owner of the land for the purposes of this development application if the land is shown in yellow on the attached guide or if the event is water based. Any application for events utilising land owned by Snowy Hydro Limited must be completed and forwarded to Snowy Hydro Ltd prior to lodgement with Council. Please contact the lands.team@snowyhydro.com.au for more information.

☐ **Private Owner** - if the land is not in the two categories above then the signature of the owner of the land must be obtained prior to lodgement of the application with Council

If you are unsure of the who is the owner of the land on which you wish to hold your event, please contact Councils Jindabyne Office on 02 6451 1550 for clarification.

| | | | |
|------------|----------------------|-------|----------------------|
| Name: | <input type="text"/> | Date: | <input type="text"/> |
| Signature: | <input type="text"/> | | |
| Name: | <input type="text"/> | Date: | <input type="text"/> |
| Signature: | <input type="text"/> | | |

APPLICANTS/ORGANISER DECLARATION

The applicant/organiser, must sign the application. Only and original signature will be accepted (photocopies or faxed copies will not be accepted).

I/We the undersigned hereby apply for approval of a temporary event as described in the plans, specifications and documents accompanying the application.

Disclosure of Political Donations or Gifts

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a development application to a Council is required to disclose the following *reportable political donations and gifts* :

- (a) all reportable political donations made to any local Councillor of that Council. Reportable political donations include those of or above \$1,000.
- (b) all gifts made to any local Councillor or employee of that council.

Are you aware of any person with a financial interest in this application who made any of the above political donations or gifts in the last 2 years?

- ☐ Yes - Please complete the **Snowy River Shire Political Donations Disclosure Statement** and submit with your application.
- ☒ No - In signing this application I undertake to advise Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination.

Please note – failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.

I Simon Lazenby as the event organiser, apply for approval to host an event in the Snowy River Shire Council, acknowledge that the information and completed actions in my application are true and correct.

I will indemnify Snowy River Shire Council and Snowy Hydro (if applicable) against any action, suit or proceeding caused by my failure to observe all statutory and other requirements or as a result of my negligence or wilful actions. I will ensure that appropriate liability and other insurances are in place for the activities to be conducted.

Signature:

Date:

10th April 2016

HELPFUL CONTACTS

Snowy River Shire Council

For Appointments or Information Please Call 02 6451 1550

Business Hours: 8.30am to 4.30pm

Technical Staff available: 8.30am to 10.30am after by appointment

Application Lodgement: 8.30am to 4.00pm

Address: Shop 3 Razorback Plaza, 1 Gippsland Street Jindabyne

Postal Address: PO Box 143 Berridale NSW 2627

Website: www.snowyriver.nsw.gov.au

Snowy Hydro

lands.team@snowyhydro.com.au

NSW Maritime

13 12 56

www.maritime.nsw.gov.au

**Department of Environment, Climate
Change and Water (NSW)
Parks & Wildlife**

Snowy Mountains Regional Office
Jindabyne
(02) 6450 5555

NSW Police

Thredbo Tce
Jindabyne NSW 2627

(02) 6456 2244

NSW Ambulance

8 Thredbo Tce
Jindabyne NSW 2627

NSW Fire Brigade

10 Thredbo Tce
Jindabyne NSW 2627

(02) 6456 2476

NSW Food Authority

1300 552 406

www.foodauthority.nsw.gov.au

Events NSW

www.eventsnsw.com.au

9.14 BERRIDALE AND JINDABYNE SKATE PARK MAINTENANCE AND CONCEPT DESIGN

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Director Community & Environmental Services |
| Author: | Environment and Recreation Coordinator |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.4 Continued participation in, and access to the arts. |
| Operational Plan Action: | OP4.7 Promote awareness and support delivery of arts and cultural initiatives, including public arts assets, within the Shire. |
| Attachments: | 1. Attachment A Draft Concept Design 2. Attachment B Draft Concept Design |
| Cost Centre | 0820 |
| Project | Berridale and Jindabyne Skate Park Maintenance and Concept Design |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

The Skate Parks at both Berridale and Jindabyne require maintenance works. These assets are highly utilised by our community and skate park users are keen to assist Council with the ongoing maintenance to ensure they are safe and fit for purpose.

Due to age and exposure the concrete has started pitting and rotting. This decreases the quality of the riding surface and poses a safety risk. Research on skate park maintenance shows that a simple coat of paint can resolve the issue providing the site is prepared properly and correct paint type is applied. This method is used by many other Council's around the State as a simple approach to increase the life of the asset and improve safety.

Recently a small group of volunteers, including professional painters, approached Council to undertake some maintenance works for both the Jindabyne Skate Bowl and Berridale Skate Park. The areas of greatest concern, which were posing a hazard, have been painted and a draft concept design has been completed by Mike Shankster (Attached). The aim of the art work is to discourage graffiti and make the site more appealing for those wanting to assist in the care of the site.

Design works are in final draft with some minor changes received after feedback from the Public Art Advisory Committee. Mike Shankster's work has received positive feedback from the community in the past and we hope to deliver something that will be suitable and well received by the community for this project as well.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

A. Receive and note the recent maintenance works undertaken for skate parks; and

B. Approve finalisation and implementation of design works on both the Berridale and Jindabyne Skate Parks.

BACKGROUND

Community members have approached Council with regard to safety concerns of both the Jindabyne Skate Bowl and the Berridale Skate Park. These safety concerns included;

- Due to age and exposure to the elements the concrete has started pitting and rotting
- This has decreased the quality of the riding surface and has become a safety risk, particularly during a fall.
- The rough surface has created a situation that does not allow for a degree of forgiveness which increases the risk of slamming and not allow protective equipment to save the rider when falling
- The Berridale skate park also has areas where graffiti has been painted over with regular anti-graffiti paint. The techniques used to apply the paint have been incorrect for a skate park and have now created a slippery surface in patches.

A small group of volunteers put together a proposal to paint the skate bowl and effected areas of the Berridale skate park. Volunteers include skate park users and professional painters. The group had researched techniques and solutions used by other skate parks around the state. Painting the areas affected will increase the life of the skate park and make the site safer and more enjoyable to use.

Consultation has taken place with our Assets Manager, Operations Manager and Youth Officer to ensure works will be undertaken professionally and to correct standards. Promoting the maintenance of the facility through engaging local skaters will play a role in its upkeep into the future.

To reduce the impact of potential graffiti on the clean canvas of paint, a draft concept design has been prepared by Mike Shankster (attachment A & B). The draft design aims to appeal for all seasons and also to a wide demographic. There will be a tight timeframe of completing a design prior to winter when condition become unfavourable for painting. Due to timeframe Mike Shankster has suggested the proposed design for Berridale along with a simple feature for the Jindabyne skate bowl. Some areas effected by graffiti at Jindabyne Skate Park will also be considered in the design concept if this can be completed on time and within budget. A large area of art work inside the Skate bowl was not recommended due to the need for on-going maintenance for this feature.

Council's Strategic Planning unit will be working with Mike, the Public Art Advisory Committee and Snowy Youth Council to finalise the design suitable for both sites. The final product will not only make the site more enjoyable to use but will be more attractive.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The maintenance works and design has involved the input from key user groups. This will help to create a sense of ownership in our community that will assist in keeping the site tidy and well maintained. Both skate parks are a valuable asset for the community and appeals to a wide social group. The Berridale skate park was also a memorial for Robbie Whiley. Contact has been made with the family who support the proposed maintenance works and draft concept design.

2. Environmental

Exposure to the environmental elements has caused the concrete to age. The rotting and pitting has caused safety concerns which can be rectified using the correct preparation and painting techniques.

3. Economic

Initial preparation and paint has been completed as a volunteer project. Funding is available within the Community and Strategic Planning Youth Program budget. The total cost of the design and implementation of works will be \$8000.

4. Civic Leadership

Council, by leading and participating in the maintenance of skate parks are pursuing key priorities identified by the community in the Community Strategic Plan.

BERRIDALE SKATE PARK

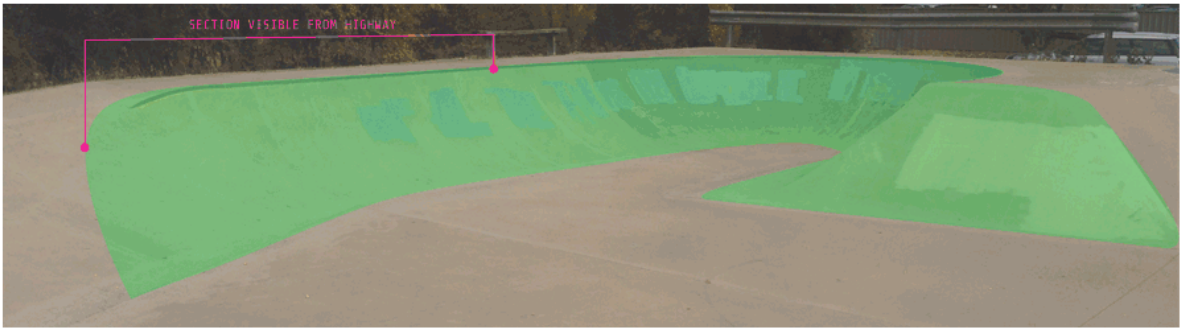
ANTI-GRAFFITI INITIATIVE

• Mural Artist - Mike Shankster

VISIBLE SECTION FROM HIGHWAY 30m



KEY
MURAL COVERAGE // OVERALL SIZE 30m x 3m



| | | | | | |
|------|----------|-------------|----------|--------------|--------------------|
| JOB# | 160500-1 | CLIENT | SRSC | DESCRIPTION | Skate Park Artwork |
| DUE | 10TH May | PROOF DATE | 08.05.16 | CONTACT | Alannah Dickeson |
| | | PHONE/EMAIL | | MANUFACTURER | N/A |

COPYRIGHT © Artwork remains the property of ANVIL DESIGN CO. Any reproduction, Alteration by any process, or any other use without the permission or written consent is prohibited.

OVERVIEW

I have tried to create a mural that is timeless, appropriate for all seasons and appeals to the wider demographic; from all age park users to families. Given the tight time frame I am only able to provide concept drafts at this stage, once approved I will create a full coloured digital render before application. Below are references for the finished level of detail and styling.

STYLING AND FINISHED LEVEL OF DETAIL



COLOUR THEME

This particular colour theme has been selected to reflect the surrounding Snowy Mountains region while still maintaining visual appeal. It will also help minimise impact on the near by heritage listed building.



JINDABYNE SKATE PARK

ANTI-GRAFFITI INITIATIVE

• Bowl Styling / Artist - Mike Shankster

KEY
 TILE AREA

Tile artwork



OVERVIEW

Create and stencil/paint tiling along ridge of Jindabyne bowl.
This will help style and theme the bowl and also allow for any future vandalism to be easily repaired with minimal effort.

COLOUR THEME



| | | | | | |
|------|----------|-------------|----------|--------------|--------------------|
| JOB# | 160508-1 | CLIENT | SRSC | DESCRIPTION | Skate Park Artwork |
| DUE | 10TH May | PROOF DATE | 08.05.16 | CONTACT | Alannah Dickeson |
| | | PHONE/EMAIL | | MANUFACTURER | N/A |

COPYRIGHT © Artwork remains the property of ANVIL DESIGN CO. Any reproduction, alteration by any process, or any other use without the permission or written consent is prohibited.

T 02 6457 2897
M 0432 159 705
A Lot 88, Riverview Crt, Lakewood Estate
Jindabyne NSW, 2627
E mike@anvildesignco.com

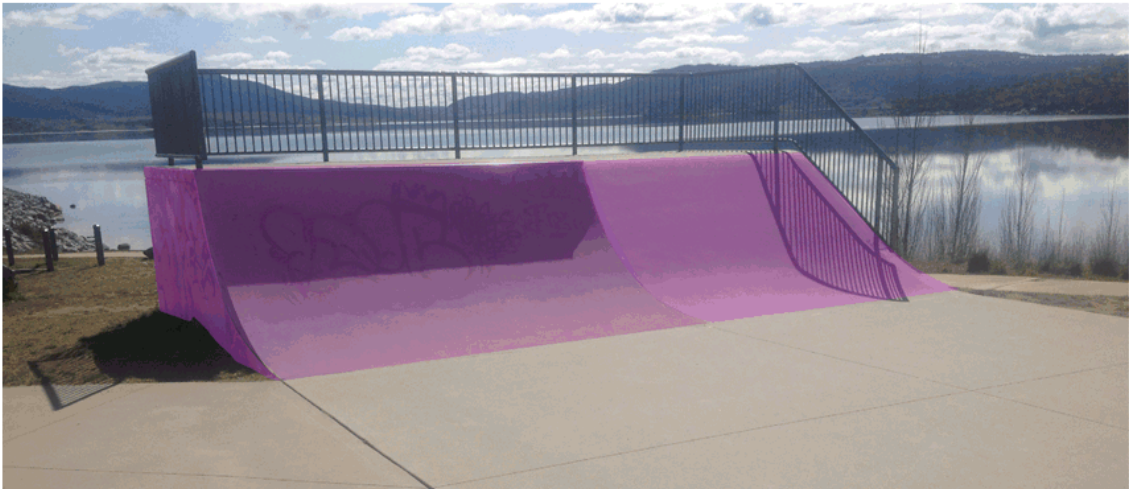


JINDABYNE SKATE PARK

GRAFFITI REMOVAL

KEY

GRAFFITI AFFECTED AREAS



OVERVIEW

Repaint purple areas with (Dulux weather shield, same paint used on Jindabyne bowl).

Matched to concrete colour and applied to the entire slab for a cleaner and more polished finish.

COLOUR



| | | | | | |
|------|----------|-------------|----------|--------------|--------------------|
| JOB# | 160500-1 | CLIENT | SRSC | DESCRIPTION | Skate Park Artwork |
| DUE | 10TH May | PROOF DATE | 08.05.16 | CONTACT | Alannah Dickeson |
| | | PHONE/EMAIL | | MANUFACTURER | N/A |

COPYRIGHT © Artwork remains the property of ANVIL DESIGN CO. Any reproduction, alteration by any process, or any other use without the permission or written consent is prohibited.

T 02 6457 2897
M 0432 159 705
A Lot 08, Riverview , Lakewood Estate
Jindabyne NSW, 2627
E mike@anvildesignco.com



ANVIL DESIGN CO.

BERRIDALE SKATE PARK

GRAFFITI REMOVAL

KEY

GRAFFITI AFFECTED AREAS



OVERVIEW

Repaint purple areas with (Dulux weather sheild, same paint used on Jindabyne bowl).

Matched to concrete colour and applied to the entire slab for a cleaner and more polished finish.

COLOUR



| | | | | | |
|------|----------|-------------|----------|--------------|--------------------|
| JOB# | 160508-1 | CLIENT | SRSC | DESCRIPTION | Skate Park Artwork |
| DUE | 10TH May | PROOF DATE | 08.05.16 | CONTACT | Alannah Robinson |
| | | PHONE/EMAIL | | MANUFACTURER | N/A |

COPYRIGHT © Artwork remains the property of ANVIL DESIGN CO. Any reproduction, alteration by any process, or any other use without the permission or written consent is prohibited.

T 02 6457 2897
M 0432 159 705
A Lot 08, Riverview Crt, Lakewood Estate
Jindabyne NSW, 2627
E mike@anvildesignco.com



ANVIL DESIGN CO.

9.15 MEETING MINUTES OF AITCHISON HOUSE COTTAGE SECTION 355 COMMITTEE FOR 28 APRIL 2016

Record No:

| | |
|--------------------------|--|
| Responsible Officer: | Director Technical Services & Operations |
| Author: | Asset Manager |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.5 Support the availability of volunteering opportunities and build capacity. |
| Operational Plan Action: | OP4.9 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance. |
| Attachments: | 1. Meeting Minutes Aitchison House Cottage Section 355 Committee 28 April 2016 2. Income Statement April 2016 for Aitchison House Cottage |
| Cost Centre | |
| Project | PJ 100001 300029 300030 Aitchison House Cottage Projects |

Further Operational Plan Actions: [Type text here](#)

EXECUTIVE SUMMARY

A copy of the Meeting Minutes and Income Statement for April 2016 of the Section 355 Committee for Aitchison House Cottage held on 28 April 2016 is attached for Council's consideration.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council [type Recommendation here](#)

- A. Receive and note the Minutes of Section 355 Committee for Aitchison House Cottage held on 28 April 2016 and Income Statement for April 2016

BACKGROUND

A copy of the Meeting Minutes and Income Statement for April 2016 of the Section 355 Committee for Aitchison House Cottage held on 28 April 2016 is attached for Council's consideration.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council meets its social obligations by attaining the objectives of Key Direction Four of the Community Strategic Plan Delivery Program by supporting volunteer groups such as Section 355 Committee and Community groups.

2. Environmental

The Aitchison House Cottage Restoration Project will enhance the visual impact of the Berridale Town Centre for the community and visitors to the township and to help save the Heritage of Berridale.

3. Economic

Fundraising and Grant applications conducted by the Section 355 Committee will allow the committee and volunteer helpers to continue the restoration projects for Aitchison House.

4. Civic Leadership

This Section 355 Committee is an Advisory Committee:

Advisory Committees provide recommendations to Council. The facilities are managed by Council including bookings, repairs, purchasing and financial accounts.

Management Committees manage the facility themselves for example bookings, repairs, purchasing and financial accounts.

Council is demonstrating leadership by assisting in the improvement and enhancement of our Shire's Community Facilities with the assistance of Section 355 Committees and Community Volunteers.

MINUTES OF THE SECTION 355 COMMITTEE
AITCHISON COTTAGE HOUSE COMMITTEE

HELD: Thursday 28th April 2016

Meeting commenced at 5.30 pm at the Berridale Hotel

ATTENDANCE:

Barry Aitchison (Chair)
Colin Mould
Cheryl Mould (Secretary),
David Jardine
Dan Ambrusch
Annie O'Keefe
Rob Staples

1. Apologies

Lorraine Thomas
Cathy Staples
Councillor Bill Smits

2. Confirmation of Minutes of Previous meeting

Minutes of the meeting dated 10th February 2016 where accepted as true and accurate.
Moved: Barry Aitchison Seconded: Colin Mould

3. Matters Arising from previous minutes

Approval to pay final payment to Geach Brothers Pty Ltd for \$2000.00 – secretary to email Lorraine to arrange
Acquittal of Grant has been completed and thanks to Lorraine and Teena for their assistance.

Berridale Lions fair was a very successful day with many people touring through the cottage and supporting the project.

A total of \$468 was raised from Billy tea and damper, \$420 was raised for the new timber flooring. Receipts had been emailed out with thank you letter for support.

Send letter of thanks to Berridale Lions – fantastic day

Send a letters of thanks to Tim Jackson & Peter Bottom for decomposed granite and delivery at no charge.

Working bees undertaken – many thanks for all who could attend – great job

4. General Business

4.1. SRSC letter with regard to 355 steering committees.

Letter as received was tabled – finances to date also tabled. Committee to apply on 1st July 2016 to continue as not willing to lose momentum or close down project. New administrator has the ability to re-assign committee so will apply on 1st July 2016.

Existing funds as held by shire need to be preserved as per attached financial statement.

Committee to apply for time slot at public forum and undertake a presentation to council at next council meeting – date and location to be confirmed.

Secretary to contact Lorraine for confirmation and booking.

Need clarification on grants that are outstanding as if successful will council allow under the current 355 committees.

4.2. Contact Bombala Council for costing on their heritage building as a comparison.

4.3 Contact Monaro Post to undertake an article on completion of roof and acquittal of grant monies.

4.4 Committee to undertake plan of works and full costing for balance of works.

4.5 Fund Raising ideas where discussed – all option need to be after 1st July

4. Action List:

Book public forum for next council meeting

Contact Bombala Shire

Contact Monaro Post

Plan of works and full costing on balance of works

Meeting closed 7.00 pm

| | | | |
|--------------------------------|--------------------|-----------------|------------|
| Aitchison Cottage | | | |
| Income & Expenditure Statement | | | |
| 28th April 2016 | | | |
| Income | | | |
| Opening Balance | \$28,085.40 | Funds committed | |
| Berridale fair 2015 | <u>\$426.95</u> | Roof project | \$4,000.00 |
| Grant southern Phones | <u>\$3,000.00</u> | garden project | 3277.66 |
| Community Partnership Grant | <u>\$15,000.00</u> | | \$7,277.66 |
| Community garden grant | <u>\$3,277.66</u> | | |
| Lions Easter Fair 2016 | <u>\$468.90</u> | | |
| New floor donations | <u>\$420.00</u> | | |
| Total Income | \$50,678.91 | | |
| Expenses | | | |
| Previous years expenses | \$7,944.04 | | |
| Reece Plumbing - water tank | \$2,118.75 | | |
| Bruce Geach Constructions | \$28,000.00 | funds available | \$5,338.46 |
| Total expenses | \$38,062.79 | | |
| Net income | \$12,616.12 | | |
| Grants fully expensed | | | |
| Southern Phone grant | | | |
| Community Partnership Grant | | | |

9.16 DA2016/0119 - CHANGE OF USE SERVICED APARTMENTS

Record No:

| | |
|--------------------------|--|
| Responsible Officer: | Director Community & Environmental Services |
| Author: | Manager Development Assessment |
| Key Direction: | 6. Managing Development and Service Delivery to Retain the Things We Value |
| Delivery Plan Strategy: | DP6.10 Ensure that Council's policy, land use planning, development assessment enhance liveability. |
| Operational Plan Action: | OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation. |
| Attachments: | <ol style="list-style-type: none">1. DA2016/0119 Assessment Report2. DA2016/0119 Draft Conditions of Consent3. DA2016/0119 Statement of Environmental Effects4. DA2016/0119 DA Form5. DA2016/0119 Plans submitted with application6. DA2016/0119 Carparking Layout7. DA2016/0119 Objection with personal details removed |

Further Operational Plan Actions:

| | |
|-----------------------|--|
| Applicant Number: | DA2016/0119 |
| Applicant: | Sean and Rochelle Crowe |
| Owner: | Sean and Rochelle Crowe |
| DA Registered: | 16/2/2016 |
| Property Description: | Lot 83 DP811787 |
| Property Number: | 104752 |
| Zone: | R2 Low Density Residential |
| Current Use: | Dual occupancy dwelling |
| Proposed Use: | Change of Use to Serviced Apartments |
| Permitted in Zone: | Yes |
| Recommendation: | That the development be approved with conditions |

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the change of use of a dual occupancy dwelling to serviced apartments. The application has been submitted by a member of staff and as such it has been assessed by an external planning consultant and brought before Council for determination.

The independent town planner has provided a full assessment of the development against the provisions of the Environmental Planning and Assessment Act 1979 and this is included as the first

attachment to this report. Draft conditions of approval were prepared by the independent town planning consultant and these are included as the second attachment to this report.

One objection was received for the development from an adjoining owner, the attached report considers the issues raised and conditions of consent have been drafted in response to these concerns and included in the draft conditions presented to Council for determination.

The application has been recommended for approval with conditions.

RECOMMENDATION

That

- A. pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that consent for the change of use from dual occupancy to serviced apartments on Lot 83 DP 811787 - Development Application No 0119/2016 is granted subject to conditions recommended in attachment 2.
- B. those persons who made submissions be advised of Councils Determination.

BACKGROUND

For background and full assessment of the development application please refer to Attachment 1 of this report.

An accredited certifier from Council carried out on an onsite Building Code Assessment of the building on request of the independent consultant. The issues identified by the Certifier were of a nature that could be handled via conditions of consent, as such the draft conditions of consent were amended to include these requirements.

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies. The key issues arising out of the assessment of this application comprise:

1. Impact of the development on neighbouring properties
2. Adequacy of onsite car parking facilities

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed below.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The development is not considered to have substantial adverse social impacts. An objection to the development relating to the impacts it may have on residential amenity has been received and

appropriate conditions of consent have been recommended by the independent town planner to ameliorate these impacts.

2. Environmental

The development will have no additional environmental impacts than that of permanent dwellings.

3. Economic

The development is not considered to have any economic impacts on Council, other than those which would be associated with that of permanent residential accommodation.

4. Civic Leadership

The development application was lodged by a member of staff and as such it has been referred to an independent town planner for assessment and preparation of draft conditions of consent. The final determination of the application will rest with Council which is in accordance with Councils Code of Conduct.

Snowy River Shire – Proposed Change of Use – Dual Occupancy to Serviced Apartments

APPLICATION NO: DA 0119/2016
REPORTING OFFICER: Daris Olsauskas (Building Environment Services Today) Consultant Town Planner
RESPONSIBLE MANAGER: Sophie Ballinger

Purpose

The purpose of this report is to assess a Development Application that has been lodged by a member of Council staff for the conversion of an existing dual occupancy development to serviced apartments at 32 Candlebark Circuit Jindabyne.

Management Plan Program/Strategy/Activity (Authority for this report)

The Authority for this report is contained in Program 11: Development Assessment which states: *All applications are assessed and determined in accordance with statutory & policy requirements.*

Summary

Consultant Town Planners Recommendation

- A. That pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that consent for the change of use from dual occupancy to serviced apartments on Lot 83 DP 811787 - Development Application No 0119/2016 is granted subject to conditions recommended in this report
- B. That those persons that made submissions be advised of Councils Determination.

Report

The following report is an assessment of development application having regard to those matters to be considered under section 79C of the EP&A Act 1979.

Application Details:

| | |
|------------------------------|---|
| Property Number: | 104752 |
| Application No: | DA 0119/2016 |
| Date Lodged: | 16 February 2016 |
| Development Proposal: | Change of use – Dual Occupancy to Serviced apartments |
| Property Address: | 32 Candlebark Circuit Jindabyne |
| Legal Description: | Lot 83 DP 811787 |
| Easements/ROWS | Easement to drain sewerage 3m wide |
| Applicant's Name: | Sean and Rochelle Crowe |
| Owner's Name: | As above |
| Zone: | R2 Low Density Residential |
| Land Classification | N/A |

Proposal in Detail:

The proposal includes the change of use of an existing approved dual occupancy development to serviced apartments under the Snowy River LEP 2013.

The proposed change of use includes:

- conversion of two existing dwellings in an approved dual occupancy development to separate serviced apartments, and
- provision of six (6) car parking spaces within the site

The application seeks Council approval to accommodate on-site a total of sixteen (16) persons – ten (10) persons in the main first floor four (4) bedroom dwelling and six (6) persons in the ground floor two (2) bedroom dwelling.

A copy of the proposed plans, Statement of Environmental Effects and information provided by the applicant on the 18 February 2016 and 11 May 2016 are included as attachments to this report.

Assessment Details:

The proposed development has been assessed against the provisions and requirements of the following relevant planning controls affecting the proposal.

| | |
|--|--|
| State Environmental Planning Policies (SEPPs) | The proposed development is assessed against the following relevant State Environmental Planning Policies |
| | <p>SEPP 55 REMEDIATION OF LAND</p> <p>Clause 7 of SEPP 55 applies to the proposed development.</p> <p>A consent authority must not consent to the carrying out of any development on land unless:</p> <ul style="list-style-type: none"> • it has considered whether the land is contaminated, and • if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and • if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. <p>Table 1 of the Contaminated Land Guidelines supporting SEPP 55 identifies a number of industrial uses as having potential to contaminate. Lot 11 has not been identified as being contaminated land.</p> <p>Council's internal review systems have not suggested that the land has any issues associated with historical contamination of the land.</p> <p>DEEMED STATE ENVIRONMENTAL PLANNING POLICIES</p> <p>The Kosciuszko Regional Environmental Plan 1998 – Snowy River was from the 1 July 2009 deemed to be a State Environmental Planning Policy however was repealed by Clause 1.8B of the Snowy River Local Environmental Plan 2013 on the 13 December 2013.</p> <p>Kosciuszko (Snowy River) Region Planning and Development Guidelines</p> <p>The development has been assessed against the Region Planning and Development Guidelines. This includes addressing each relevant section for Guidelines for Development Control including</p> <p>Clause 1 – Water Catchment Management</p> |

| | |
|--|---|
| | <p>The proposed development will not have an adverse impact on water quality, catchment hydrology or aquatic/riparian ecosystems.</p> <p>Clause 3 – Scenic Quality</p> <p>The proposed development will not impact on the natural, scenic and landscaped environment of the region.</p> <p>Clause 5 – Cultural and Environmental Heritage</p> <p>The proposed development will not impact on the cultural and environmental heritage attributes of the region.</p> <p>Clause 17 – Lake Jindabyne</p> <p>The proposed development will not impact on the value of Lake Jindabyne as a recreational, scenic and water resource.</p> <p>Snowy River Region Design Guidelines</p> <p>The development application has been assessed against the relevant requirements of the Guidelines including:</p> <ul style="list-style-type: none"> • Siting of the development; • Building design and characteristics; • Access; • Signage; • Guidelines for commercial buildings; • Planting and landscaping; • Building materials; and • Services. <p>The design statement and details of the proposal from the application are considered against the requirements of the Design Guidelines below.</p> <p>Siting of the development</p> <p>The guidelines emphasise the location of a building on a site is influenced by orientation, views slope, vegetation and topography.</p> <p><i>Response of the proposal</i></p> <p>The existing building is located within the developed urban area of Jindabyne.</p> <p>Building design and characteristics</p> <p>The guidelines emphasise that new buildings should aim to be designed to be consistent with the natural environment of the Snowy Mountains.</p> <p><i>Response of the proposal</i></p> |
|--|---|

| | |
|--|--|
| | <p>The existing building is typical of residential development in the immediate locality</p> <p>Access</p> <p>The guidelines provide a number of principles for access and car parking.</p> <p><i>Response of the proposal</i></p> <p>The approved development includes approved access and parking arrangements</p> <p>Signage</p> <p>The proposed development will not require specific advertising signage</p> <p>Guidelines for commercial buildings</p> <p>The guidelines provide a number of principles for commercial buildings.</p> <p><i>Response of the proposal</i></p> <p>The proposal is not impacted by these guidelines</p> <p>Planting and landscaping</p> <p>The key principle of the guidelines is to retain all existing vegetation where possible due to the problems of establishing vegetation quickly in the local climate.</p> <p><i>Response of the proposal</i></p> <p>The site contains landscaping associated with the previous approvals for the use of the land to screen the development from Candlebark Circuit.</p> <p>Materials</p> <p>The guidelines suggest the use of materials representative of the building style of the Region. This includes materials such as stone, corrugated sheet metal, concrete blocks and clay bricks. The guidelines also emphasise the use of colours that are muted and recessive and reflect the natural environment of the region. These include greys, olives and light browns.</p> <p><i>Response of the proposal</i></p> <p>The existing building is finished in materials and colours consistent with the Guidelines</p> |
|--|--|

| | |
|---|--|
| <p>Local Environmental Plan (LEP) (including draft LEPs)</p> | <p>Services</p> <p>The guidelines seek to ensure that services to new developments are appropriately located and screened. The proposed development meets these requirements.</p> <p><i>Response of the proposal</i></p> <p>The proposed development will be adequately serviced and is consistent with the principles of the Guidelines.</p> <p>The proposed development is assessed against the following relevant provisions of the Snowy River Local Environmental Plan 2013 (SRLEP 2103)</p> <p>1.2 AIMS OF THE PLAN</p> <p>The proposed development is impacted by the following aim of the SRLEP 2013:</p> <ul style="list-style-type: none"> <i>to strengthen and support a year-round economy by encouraging a range of development and land uses, including tourism and agriculture, that respond to lifestyle choices, emerging markets and changes in technology in a socially and environmentally responsible manner</i> <p>1.4 DEFINITIONS</p> <p>The proposed development is defined under the SRLEP 2013 as a <i>serviced apartment</i> <u>meaning a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.</u></p> <p>Serviced apartments are a form of tourist and visitor accommodation and permitted only with consent of Council within Zone R2 Low Density Residential.</p> <p>2.3 ZONE OBJECTIVES</p> <p>The land is located within Zone R2 Low Density Residential.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i> <i>To ensure development maintains residential amenity and contributes to the small-scale residential character of the zone.</i> <i>To enable short-term, low impact tourist and visitor accommodation compatible with the surrounding</i> |
|---|--|

| | |
|--|--|
| | <p><i>residential character of the zone.</i></p> <p>The objectives of the zone and the compatibility of the proposed development are discussed within this report.</p> <p>RELEVANT SRLEP 2013 PROVISIONS</p> <p>4.3 HEIGHT OF BUILDINGS</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> • <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</i> • <i>to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and the public domain, including parks, streets and lanes,</i> • <i>to minimise the adverse impact of development on heritage items.</i> <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height of buildings on the Map applying to Candlebark Circuit is 9m.</p> <p>The existing building is 8m in height above natural ground level and the proposed development does not alter the height of the existing building. The current proposal complies with the height requirements for this site.</p> <p>4.3 FLOOR SPACE RATIO</p> <p>The floor space ratio as mapped under the SRLEP 2013 for this site is 0.5:1</p> <p>Under Clause 4.3(8) the gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>In responding to Clause 4.3(8) the current floor space ratio of the existing development was provided with DA 52/93 approved on the 3 June 1993. This identified the following calculations regarding site area and floor space:</p> <ul style="list-style-type: none"> • Site Area – 846.6m² • Floor space of building – 244.43m² • Floor space ratio = 0.28:1 <p>The current proposal complies with the required floor space ratio.</p> |
|--|--|

| | |
|---|---|
| | <p>7.8 SERVICED APARTMENTS</p> <p>The objective of this clause is to ensure that development for the purposes of serviced apartments, including for holiday letting, addresses health, safety and amenity issues.</p> <p>Council must be satisfied that a serviced apartment development:</p> <ul style="list-style-type: none"> • will be designed and managed so that car parking, noise and traffic will not have a detrimental impact on the amenity of the surrounding area • will be designed and managed to minimise the risk of hazards, such as emergency egress, building fire safety, bush fire or flooding, to occupants • provides a high standard of amenity for occupants and adjoining neighbours, and • will be managed so that each letting of each apartment will not be for a period of more than 3 months. <p>The response of the proposed development to these issues is further discussed in this report.</p> <p>7.9 ESSENTIAL SERVICES</p> <p>Clause 7.9 requires that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required including water supply, electricity, sewerage, stormwater and vehicular access.</p> <p>All these essential services are provided in conjunction with the development of the existing dual occupancy.</p> |
| <p>Development Control Plans</p> | <p>The following Chapters from Snowy River Development Control Plan 2013 are applicable to the proposed development.</p> <p>A1 INTRODUCTION</p> <p>The proposal is generally consistent with the requirements of this Chapter which establishes the information required to support a development application.</p> <p>The proposed development of serviced apartments is categorised as a form of tourist and visitor accommodation and is specifically identified as being an application that requires neighbour notification.</p> <p>The current proposal was notified to adjoining owners from the 11 April 2016 to the 25 April 2016.</p> <p>At the completion of notification one (1) objection was received to the proposal.</p> |

| | |
|--|--|
| | <p>This objection is further discussed within this report.</p> <p>C GENERAL PLANNING CONSIDERATIONS</p> <p>The following parts of this Chapter are relevant to the current proposal.</p> <p>C2 DESIGN</p> <p>The development is generally consistent with the objectives of this chapter in relationship to visual impacts, building design and landscaping. There are no view-sharing impacts associated with the development.</p> <p>C3 CAR PARKING</p> <p>Vehicular access and car parking have been approved to service the existing approved dual occupancy building.</p> <p>The current proposal includes modification to the upstairs dwelling to increase the bedrooms from three (3) to four (4) bedrooms and inclusion of a sofa bed in conjunction with two (2) bedrooms in the second dwelling.</p> <p>Based on the car parking requirements contained in C3.4-2 Table of Parking Requirements the conversion of the dual occupancy to serviced apartments requires:</p> <ul style="list-style-type: none">• two (2) spaces per each of the serviced apartments with two (2) or more bedrooms – in this case this would require a total of four (4) spaces <p>However Section 5.1.6 of E1 Tourist Developments specifically identifies that where serviced apartments include more than three (3) bedrooms and a sofa bed then one (1) space per bedroom of that unit, in excess of three (3) bedrooms, and one (1) space per sofa bed is required. The main serviced apartment will attract one (1) additional space and the downstairs apartment will attract one (1) additional space. There are no employees residing on-site.</p> <p>The total car parking required to service the development is six (6) spaces.</p> <p>The proposal provides a total of four (4) on-site car parking spaces and two (2) stacked car parking spaces. The applicant indicates that there is sufficient on-street car parking to satisfy any additional parking demands.</p> <p>The provision of car parking is further discussed in this report.</p> <p>C9 ENERGY EFFICIENCY, WATER SUPPLY AND EFFLUENT DISPOSAL</p> <p>The proposal is generally consistent with the objectives of the</p> |
|--|--|

| | |
|---------------------------------|--|
| | <p>Chapter. Reticulated services are available to service the existing development.</p> <p>C10 WASTE MANAGEMENT & RECYCLING</p> <p>Disposal of wastes from the proposed service apartments will need to comply with the waste disposal requirements contained in APPENDIX C10 – 3 and will need to consult with Council regarding the waste disposal requirements.</p> <p>E1 TOURISM DEVELOPMENT</p> <p>The standards for serviced apartments are outlined in Section 5 of this part of the DCP. These address:</p> <ul style="list-style-type: none"> • amenity • signage • noise • accommodation levels • sofa beds • parking • fire safety • management • waste <p>The applicant has provided some information in support of the proposed change of use however has not provided a detailed response to the DCP standards. Assessment of the proposal against these standards and the applicant's response is further discussed in this report.</p> |
| Other statutory controls | <p>ROADS ACT 1993</p> <p>Division 3 of Part 9 of the Roads Act 1993 does not apply to the development.</p> |
| | <p>DISABILITY DISCRIMINATION ACT 1992 (DDA ACT)</p> <p>The DD Act applies to the provision of goods, services and facilities, i.e. when a person wants goods or services from shops, pubs and places of entertainment, cafes, video shops, banks, lawyers, government departments, doctors, hospitals and so on.</p> <p>The DD Act makes it against the law for providers of goods, services and facilities to discriminate against a person because of his or her disability.</p> <p>This means that providers of goods, services and facilities cannot:</p> <ul style="list-style-type: none"> • refuse to provide a person with a disability with goods, services and facilities; • provide goods, services and facilities on less favourable terms and conditions; • provide the goods, services and facilities in an unfair manner; and |

| | |
|---|---|
| | <ul style="list-style-type: none"> that a person with a disability has a right to enter the premises of providers of goods, services and facilities if people without a disability can do so. <p>The <i>Disability (Access to Premises-Buildings) Standards 2010</i> produced by the Attorney General are applicable to the proposed development</p> |
| Planning Agreements | There are no planning agreements affecting the proposed development |
| Draft Environmental Planning Instruments | There are no draft environmental planning instruments affecting the proposed development |
| Any prescribed matters in the EPA Regulations 2000 | Nil |

Section 79C of EP&A Act

In addition to the assessment of statutory compliance above in this report Section 79C of the EPA Act also sets out those matters critical to the assessing the impact of the proposed development. The following is a detailed assessment of those matters.

Compliance with development control standards for serviced apartments

Council has established a number of planning controls to address how serviced apartments are to be developed and matters that warrant consideration in the design and development of this type of accommodation.

The introduction of serviced apartments within the current LEP allows a range of new and existing developments to function as short term accommodation including the current proposal involving the change of use of an existing dual occupancy.

The change of use of an existing building, being a dual occupancy, to accommodation based around short term commercial letting requires re-assessment of the suitability of such a change.

Section 5 of Chapter E1 Tourist Accommodation of the DCP establishes a number of matters that must be addressed and considered in assessing serviced apartment proposals.

Section 5.1 Amenity, Neighbourhood Impacts and Living Conditions

This section of the DCP requires applications to address the issues of protecting amenity and neighbourhood impacts associated with introducing serviced apartments into residential areas such as the Low Density Residential Zone in Candlebark Circuit.

Short term commercial accommodation is substantially different to permanent living arrangements where properties may be leased under normal residential rentals for a minimum of six (6) to twelve (12) months, for example.

The requirements of Section 5.1.1 addressing amenity require developments for serviced apartments to:

- *Demonstrate to Council's satisfaction that the development is consistent and compatible with the predominant character, land use and activity levels of the surrounding area.*
- *Demonstrate that any new dwelling to be built for use as a serviced apartment is;*
 - *compatible with surrounding buildings in bulk and scale.*
 - *suitable for and capable of accommodating permanent residents should future need or repurposing arise.*
 - *capable of contributing to the housing stock of the Shire should the use of that dwelling change in future.*
- *Demonstrate the proposed serviced apartment has adequate kitchen, bathroom and recreational area within the dwelling for the maximum number of occupants.*

The current application relies on the previous approval of a dual occupancy development on this site to address and demonstrate to Council these amenity requirements based on the existing occupancy arrangements. The applicant has only provided a response to these amenity issues in light of the objection received to the current proposal.

In considering the heads of consideration for amenity the following comments are made:

- Candlebark Circuit is predominantly a residential area. Council has not approved any serviced apartments within the immediate area although a number of holiday dwellings have been approved under previous planning controls.
- The existing dual occupancy building is compatible with surrounding residential developments
- The building could be re-purposed back to residential use if required
- The building has been designed to provide facilities to accommodate residents or visitors

Section 5.1.6 identifies the specific requirements for car parking for serviced apartments. These standards are to ensure that the demands for car parking can be met within a site.

Council has not formally undertaken to examine the impacts of overflow car parking within the residential areas of Jindabyne. There is a long history associated with traffic and car parking within some areas of Jindabyne including Gippsland Street.

To date Council has not approved serviced apartments under the current LEP in the immediate area including Candlebark Circuit, Mitchell Circuit, Power Place and Caldwell Close

The current car parking arrangements within the site have been designed to accommodate four (4) car parking spaces. This includes sufficient manoeuvring areas designed around the 90 degree car parking configuration which includes existing garages.

The applicants were requested to provide plan detail and evidence that the proposed car parking layout for an additional two (2) car parking spaces would operate successfully within the site and not create additional demands for parking within Candlebark Circuit.

This information was provided to Council on the 11 May 2016.

The revised layout provided demonstrates that the car parking arrangement proposed for six (6) spaces can comply with Council's DCP.

The suitability of the site for the development

The site is not physically constrained to accommodate the conversion of the approved dual occupancy to service apartments.

The appropriateness or fit of the development for the site involves making an informed decision of the likely impacts of the proposal having regard to the objectives of Council's LEP and DCP.

This includes whether short term accommodation fits within an area already identified as a low density residential area.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:

Social Impacts

There is no mandatory requirement for a Social Impact Assessment for the proposed serviced apartment development. In terms of assessing the social impacts of the current proposal some key issues would include safety and amenity. The issues of amenity are discussed at length in this report. Safety of visitors and tenants of the proposed development would need to be accommodated within the site operation and management planning.

Impacts on the built environment

The current proposal is unlikely to have any significant effects on the built environment considering the residential scale of the existing building.

Economic impacts

There is no requirement for a separate economic assessment or analysis for the proposed development.

Development contributions

The proposed development is not specifically identified under Council's Section 94 Development Contributions Plan 2008.

Any submissions made in accordance with the EP&A Act or the regulations

The current proposal was notified in accordance with the SRDCP 2013. One (1) submission objecting to the proposal was received during this period.

A copy of that objection is attached to this report.

The applicant was provided with a copy of the submission and the response on behalf of the applicant by Dabyne Planning is also attached.

The following issues in italics are raised in this objection

Inadequate consultation

The objection raises concern regarding the lack of consultation regarding the current proposal and issues associated with the period of notification.

Response to submission

The current proposal is the first serviced apartment development that Council has received within this residential area of Jindabyne with the introduction of the new LEP in 2013. This application presents a change in land use and while there is no obligation on the proponent to consult with adjoining owners there may have been an advantage to discuss the proposal with neighbouring landowners. This is specifically highlighted in Council's DCP as a key issue for the applicant to satisfy Council regarding the impact on residential amenity and ability to demonstrate how this proposal will work within this low density residential zone in Jindabyne.

The applicant's response to the objection fails to acknowledge that the proponent must address certain statutory obligations in preparing a response to Council's LEP objectives and Council's DCP. This includes assessing the impacts of a proposal on amenity and residential character.

In response to the comments regarding the notification process this was undertaken in accordance with Council's DCP and if requested the period of time can be extended in certain circumstances.

There was no request from the objector that further time was required prior to the closing of the notification period.

Negative impact on residential amenity

The objection highlights the issues surrounding residential nature of the immediate area and the likely impacts of short term visitor accommodation within Candlebark Circuit. This includes impacts such as traffic, noise, anti-social behaviour and littering.

Response to the submission

The issues perceived as negative or otherwise, about short term accommodation within Jindabyne are well documented.

Specifically, the objectives of the Low Density Residential zone identify:

- *To enable short-term, low impact tourist and visitor accommodation compatible with the surrounding residential character of the zone.*

It is clear from this objection that to consider short term, low impact accommodation under current planning controls it must be compatible with the surrounding residential character of the zone.

The applicant's response to the objection contends that the current application involves the change of use of an existing building that was approved by Council to provide two (2) dwellings and this building is considered to be compatible with the scale and design of buildings within the immediate area. The applicant's response considers that any impacts on amenity are without merit.

In considering both the objection and the current proposal the change of use implies differing tenancy arrangements than exist at present. As evidenced by the submission this is clearly not well received by adjoining landowners that have already experienced the use of the property for winter worker accommodation.

However there are no proposals to increase the size, or alter the existing building and the given the residential scale of the building this proposal could be considered to be relatively low scale.

The issue of amenity is still however a valid consideration. Contrary to the applicant's views the impact of short term accommodation within residential areas is well documented. Council's such as Byron Shire, Eurobodalla, Shoalhaven and Kiama have all dealt with the impacts of short term holiday rental accommodation within residential areas and developed various strategies to deal with these uses.

Amenity issues have been a primary concern. Byron Shire Council produced the *Draft Byron Shire Short Term Holiday Accommodation Strategy (undated)* highlighting case studies of impacts on residential amenity of short term accommodation in residential areas and strategies to address these issues.

Generally the response to deal with amenity issues has been to:

- Time limit approvals for short term accommodation to allow them to demonstrate effective site and operational management to avoid any impacts on neighbours and local amenity. Where operations are subject to substantive complaints during this period this enables Council to revoke the approval
- Require intensive management of complaints and procedures to deal with complaints
- Other controls in relation to noise, access and parking

These strategies require levels of performance from the operation of short term accommodation. It is considered that applying these matters as conditions of development consent will require the applicants to actively demonstrate that the use of the property for short term accommodation is practical and will not impact on residential amenity.

Parking issues

The objection highlights the issues associated with car parking in residential areas of Jindabyne and the potential for this development to intensify car parking problems within Candlebark Circuit.

Response to the submission

Assessment of the original application identified deficiencies in the design and provision of on-site car parking.

Amended details have been provided to satisfy Council's DCP requirements.

Council must be satisfied that the arrangement is satisfactory.

While meeting the minimum requirements for on-site car parking Council will need to gauge the likely impacts of the proposed development on overflow parking within Candlebark Circuit.

Access to ground floor residence

The objection raises concern over the current poor identification of the downstairs residence which has impacted on their neighbouring property.

Response to the submission

Access to the ground floor serviced apartment is via a walkway on the western side of the building. While the issue of signage, lighting and access is largely an operational issue for the site it may affect neighbouring amenity where visitors are unfamiliar with the site. This can include situations where visitors arrive at night.

The applicant indicates that this access exists and has indicated that signage and other measures will assist to identify internal site access arrangements. This requires consideration also of lighting that will not impact on adjoining properties to ensure safety and security of visitors to the site.

In conjunction with site operational and management controls this issue can be addressed.

Noise

The adjoining owners have indicated that noise impacts associated with the use of the property for short term accommodation will impact on their use and enjoyment of their property. This includes impacts on neighbouring bedrooms adjoining the access to the proposed smaller two (2) bedroom apartment.

Response to the submission

The changed frequency in external movement of people and goods from either dwelling to car parking and Candlebark Circuit may increase given the short term nature of the accommodation. The main upstairs dwelling also incorporates a large external deck area.

The change in use of the downstairs dwelling may result in an increase in the noise that could affect the adjoining residence. The setback to Candlebark Circuit of the neighbouring residence is similar to the current dual occupancy building which makes

noise attenuation and management difficult. There is an existing boundary fence that may attenuate some of the noise generated when using the external access along the western boundary. There may also be an opportunity to further screen the downstairs dwelling access and entrance to further reduce any noise. However management of noise will require active site management and control.

The applicant's response to the submission identifies that the noise impacts are unlikely to change under the current proposal and relies on developing a site management plan to respond to any noise impacts on adjoining properties. It is unclear from the applicant's response what action will be taken by the owner/manager to deal with any complaints received.

There are noise control limits under the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008*. These controls apply regardless of whether the property is permanently occupied or used for short term accommodation.

The main issue associated with this proposal is how the accommodation is managed and how any impacts of noise are dealt with. With the current proposal additional physical measures may need to be explored if required to mitigate noise impacts supporting site operational controls.

Inconsistency with the Jindabyne Action Plan

The objection highlights the local community engagement and outcomes of the Action Plan highlighting the need to protect the residential amenity of parts of Jindabyne. The submission refers to nine (9) submissions made to the Action Plan that identify as part of Volume 3 the Healthy and Sustainable Neighbourhood theme in that Plan, that Candlebark Circuit forms one of the few permanent residential areas in Jindabyne with few holiday lets and winter housing. The submission highlights that there is a need to protect this area from undergoing changes that increase the amount of short term accommodation in what is regarded as a primarily residential neighbourhood.

Response to the submission

The comments relating to the role of the Council staff member, who is a joint owner of the site, are irrelevant to consideration of the current application.

The Jindabyne Action Plan represents the most comprehensive recent engagement with the local community documenting future aspirations for the local area.

In Volume 3 (Page 22) Table 2.2 highlights the 21 themes arising from *'What are the three most important things you would like to see changed that would make your neighbourhood more liveable? (Jindabyne residential area)*

These consist of a range of issues including major and minor themes surrounding better access, pathways, traffic management etc...

A minor theme relevant to this application included the location of staff and tourist accommodation with the following comments made in that regard:

- *Less tourist accommodation*
- *Stop overcrowding of accommodation by seasonal workers (stop owners ripping them off)*
- *Keep staff and tourist accommodation out of the area (upper Gippsland St)*
- *No winter Staff (Banjo Paterson)*
- *All permanent residents*

It is clear that in the Action Plan consultation with residents in Jindabyne identified the need to retain residential areas free of short term accommodation.

The applicant in response to the objection identifies that the Action Plan is not a relevant statutory consideration for this proposal. This is incorrect.

Firstly the Jindabyne Action Plan 2010 is incorporated within the Snowy River DCP associated with the development of the Jindabyne Town Centre

Secondly the Planning Principles adopted by the NSW Land and Environment Court recognise non-statutory policy/controls developed by Councils and the community. These principles place significant weight on outcomes such as those identified in the Action Plan where it can be demonstrated extensive research and public consultation has been undertaken in developing a policy position.

The need to consider the objectives of the Low Density Residential Zone embodies to a degree, community views on short term accommodation in residential areas of Jindabyne which are publicly documented in the Action Plan.

However the zone objectives do not prohibit low scale low impact proposals from consideration by Council where it can be demonstrated such proposals will not impact on residential amenity.

There is substantial onus on the applicant to demonstrate that the use of the property is suitable for short term accommodation.

The public interest

The current proposal raises a number of issues in the broader public interest.

Council's engagement with the local community to date has identified that there is a lack of support for short term accommodation within residential areas of Jindabyne.

This has not been well translated into Council's planning or development controls. Council may wish to consider reviewing whether serviced apartments should be a permitted land use within the Low Density Residential zoning to support community views on limiting the location of short term accommodation away from established residential areas in Jindabyne.

Conclusion

The current proposal presented to Council meets the minimum standards established within Council's DCP.

However the impact of the proposal on adjoining properties requires the applicant's to demonstrate that the operation of short term accommodation can meet the objectives of the zone and not interfere with residential amenity in the immediate area.

For these reasons it is recommended that Council utilise Section 80A (1) (d) of the EPA Act 1979 and include a condition of approval that limits the operation of the proposed development to a twelve (12) month period only.

It is recommended that Council consult with adjoining owners regarding the impacts of the use of the site for short term accommodation at the end of those twelve (12) months to identify any substantive complaints during the operation before determining any amendment to that condition.

Draft Conditions of Consent DA2016/0119

APPROVAL IN ACCORDANCE WITH APPROVED PLANS AND SUPPORTING INFORMATION

1. The development is carried out in accordance with the approved stamped plans and supporting information, as amended by conditions of this consent

GENERAL CONDITIONS

2. This consent is limited to a twelve (12) month period only. The property is to be effectively managed during this time to ensure there are minimal impacts on adjoining neighbours.
3. The maximum number of vehicles to be parked on the property at any one time is limited to six (6) only.
4. Car parking spaces 1,2 & 3 are to be used only for vehicles associated with the upper unit.
5. The proposed on-site car parking is to be clearly marked and identified.
6. The maximum number of occupants, including visitors, on-site at any one time is limited to sixteen (16) persons only. This includes six (6) persons in the two (2) bedroom serviced apartment and ten (10) persons in the four (4) bedroom serviced apartment.
7. The outdoor entertaining areas within the property, including external balcony area, are not to be used to cause any offensive noise to adjoining residential properties
8. The property is to be managed generally in accordance with the Holiday Rental Industry Association Code of Conduct 24 March 2015 as updated specifically having regard to Part 2, Part 3, Part 4 and Schedule A and B of that Code.
9. Only one (1) sign identifying the property as short term accommodation is to be displayed within the property. This sign is to be placed in a location which can clearly be seen from the footpath advising the public of the property managers contact details.
10. An automatic fire detection or smoke detection and alarm system connected to the mains power with battery back-up is to be provided within each serviced apartment.
11. The property manager must be contactable 24 hours 7 days a week and be able to respond within 30 minutes in person to complaints regarding the action of tenants and in particular issues pertaining to noise and residential amenity.

PRIOR TO OCCUPATION

12. The applicant will submit, to Council for approval, a detailed site management plan for the site that addresses the following:
 - compliance with specific controls in Section 5.2.2. and 5.2.3. of Snowy River DCP E1Tourism Development
 - the location and type of directional signage within the site, and
 - the proposed lighting scheme of the external access to the lower serviced apartment. This scheme is not to impact on immediately adjoining residential properties including habitable rooms located immediately to the site boundaries
13. Prior to the occupation and use of the property, the developer must reinstate the integrity of the dividing wall in the area of the kitchen in the lower floor unit.

ADMINISTRATIVE CONDITIONS

14. In the event of any inconsistency between conditions of this consent and the approved drawings/documents referred to in Condition 1, the conditions of this consent prevail.
15. The developer will comply with any relevant prescribed conditions of development consent under the Environmental Planning and Assessment Regulation.
16. This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992.

Guide to Preparing a Statement of Environmental Effects

This guide only applies to development applications (DA).



What is Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is required for all development applications. When you lodge a development application, you need to provide documents including, a completed application form, the relevant plans, and a SEE. (See DA Lodgment Checklist for your particular type of development for a complete list of required documentation.)

The SEE should address the matters outlined in this guide and where additional documentation is required (by an environmental planning instrument or a development control plan) this may form part of the body of the SEE or may be included as an appendix to the SEE. For example, if you need to provide a visual impact statement, acoustic report or a traffic impact statement, these may form appendices to your SEE. The size of the SEE will therefore vary according to the proposed development and its potential to impact on the natural and built environments.

A Statement of Environmental Effects (SEE) outlines:

- the likely environmental impacts of the development;
- how the environmental impacts of the development have been identified; and
- the steps that will be taken to protect the environment or to lessen the expected harm to the environment.

Council must consider a number of statutory matters when determining your application. These are outlined in section 79C of the Environmental Planning and Assessment Act 1979 and include:

- the provisions of any environmental planning instrument (state environmental policies (SEPP's) regional environmental plans (REP's), and local environmental plans (LEP's));
- the provisions of any draft environmental planning instrument (that is or has been placed on public exhibition);
- any development control plans (DCP's);
- the likely impacts of the development (including environmental impacts on both the natural and built environments, and social economic impacts in the locality;
- the suitability of the site for the development;
- any submissions made; and
- the public interest.

Your SEE must address these matters (with the exception of any submissions made) so that Council and any other relevant authorities have the necessary information to assess your application. Your SEE should demonstrate that in designing your proposal, you have fully considered the site constraints and the applicable legislative provisions.

Why do you need a SEE?

The Environmental Planning and Assessment (EP&A) Regulations 2000 specify that a development application must be accompanied by a SEE except in the case of designated development. Designated development is development that is listed in Schedule 3 of the EP&A Regulations 2000

and requires a greater level of rigor in the form of an Environmental Impact Statement. In general, designated development includes heavy industry with the potential to pollute, intensive livestock industries, extractive industries, mining operations, marinas and aircraft facilities. Most development applications are for local development requiring SEE. Complying development does not require a SEE but does require a detailed description of the development.

Council will not accept your development application without an adequate and legible SEE. A SEE that does not include the required information may cause delays in the processing of your application.

What information must a SEE include?

An SEE should be a written statement clearly titled 'Statement of Environmental Effects'. It should give an understanding of the thinking behind your development and includes information about the development that cannot be shown on the plans. The SEE should address, at minimum, the matters described below. If you think something is not applicable to your application, please state why this is the case. The amount required will depend on the type and scale of your application and will include:

- A description of the site and surrounding locality
- Present and previous uses of the site
- Existing structures on the land
- A detailed description of the proposal
- Operational and management details
- Reference to any environmental planning instruments (state environmental planning policies, regional environmental plans, local environmental plans – including the zoning of the land) that are applicable
- Reference to any draft environmental planning instruments (that are or have been placed on public exhibition) that are applicable
- Reference to any development control plans that are applicable.

Anyone can prepare a SEE. You may use the pro-forma attached with this guide for your SEE if your proposal is for minor development. Minor development includes:

- Small scale advertising structures
- Agriculture
- Bed and Breakfast establishments
- Change of use (may include internal alterations/fit-out but does not include the erection of any significant structures) to building products warehouse and showroom, bulk store, bulky goods showroom, car repair station, commercial premises, retail plant nursery, industry, junk yard, light industry, motor showroom, professional consulting rooms, restaurant, shop or wholesale plant nursery.
- Approval to Use
- Holiday Dwellings
- Demolition (not applicable to heritage items)
- Drainage
- Dwelling-houses/ Dual Occupancies and ancillary structures such as a garage or shed
- Earthworks
- Home business

- Home industry
- Signs
- Subdivision – minor (boundary adjustments or simple one into two lot subdivisions)

If your proposal does not fall into the above categories or is relying on existing use rights, Council advises that you seek the assistance of a suitably qualified professional/consultant in preparing your SEE, or please contact Council for further advice. You may still use the attached pro-forma as a guide only but you will need to provide a greater level of information and additional clauses and requirements will be applicable.

Further Assistance

Please contact Council's Customer Service Staff on 64511550 or visit in person at Shop 3 Razorback Plaza Gippsland St, Jindabyne (8.30am to 10.30am) for technical staff assistance.

THIS PAGE IS INTENTIONALLY BLANK

Statement of Environmental Effects for Minor Development



Office Use Only

Application No.

Date Rec.

Property Number

104752

This may be used for minor development proposals that require a development application.

If you believe a particular section does not apply to your proposal, please give a brief explanation as to why it does not apply.

Include your completed SEE with your development application documents for lodgment.

Site Details

Street Number

Street Name*

32

Candlebark circuit

Property/Building Name

Suburb or Locality*

Sindabyne

Lot & DP or SP Number *

Lot 83 DP 811787

The correct Lot and DP/SP number can be found on the rate notices from Council or on the title documents for the land.

Description of Proposal

Description of Proposal

☐ Advertising Structure

☐ Alterations and/or additions

☐ Bed and Breakfast

☒ Earthworks

☐ Minor Subdivision of land

☒ Temporary use

☐ Dual Occupancy

☐ Home Business

☒ Change of Use

☐ Approval to Use

☐ Dwelling House

☐ Demolition

Detailed Description

The application is for serviced apartment to use the approved dual occupancy for holiday letting.

What is the area of the site?(m²)

850sqm.

Describe the site:

(Elaborate on the information provided on the site analysis plan. Include information such as the physical features of the site, for example slope and vegetation, existing services, view corridors, access.)

The site is in an established low density residential zone. Existing dual occupancy with 3 car garage.

The application is a change of use to permit short term holiday letting in both dwellings of the dual occupancy.

No new building work is occurring.

Describe the use of land adjoining the site:

General low density residential development
No new external or internal lld work is occurring so no impact on adjoining dwell.

What is the present use of the site and when did this use commence?

Residential ~ permanent occupancy since construction approx 1993-94.

List the previous use(s) of the site

Have any potentially contaminating activities been undertaken on the property?

☐ Yes

☒ No

If Yes please identify:

Existing Structures

List existing structures

| Existing Structure | Materials | Floor Area (m2) |
|----------------------|--|-----------------|
| dual occupancy house | brick + weather board + colourbond roof. | approx 245sqm. |
| 3 car garage | | |
| | | |
| | | |

Are any of the above structures to be demolished as part of this proposal and if so which one(s):

No. / N/A.

business

Note this section is not applicable to the construction of a dwelling house, alterations to a dwelling house or structures ancillary to a dwelling house.

Describe in detail the proposed business/activity.

N/A

| | |
|--|--|
| Total number of staff: | |
| Maximum number of staff on duty at any one time | |
| Maximum number of clients/customers expected in a day | |
| Maximum number of clients/customers expected at any one time | |

Hours of Operation


| | | | | | |
|--|----|----|--|----|------------------------|
| | am | to | | pm | Monday to Friday |
| | am | to | | pm | Saturday |
| | am | to | | pm | Sunday /Public Holiday |
| | am | to | | pm | Extended Hours |

Expected vehicle types associated with the proposal:

Number of car parking spaces provided:

Location of car parking spaces provided

What are the arrangements for transport, loading and unloading of goods? What is the expected frequency of deliveries, size of vehicles and frequency of truck movements?



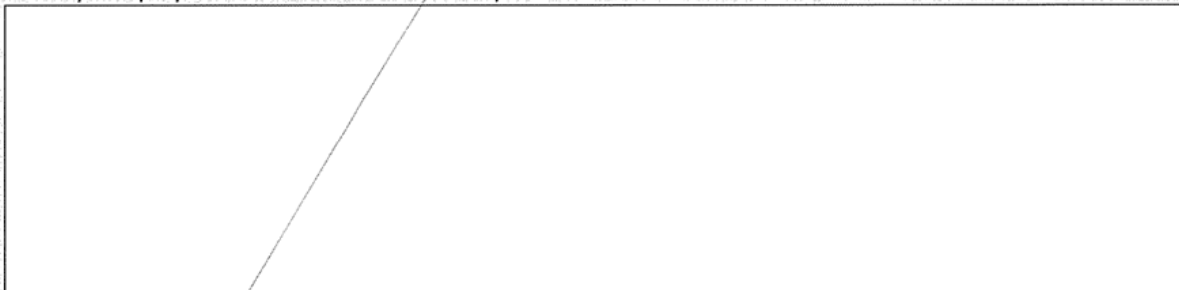
List the type and quantity of raw materials, finished products and waste materials.




How will waste be disposed of?



Identify and proposed hazardous materials or processes.



If your proposal involves the use of a spray booth, identify the location of the booth, manufacturers' specifications, details of exhaust ventilation and details of pollution control.



Threatened Species, Populations and Ecological Communities and their Habitat

Is the land identified as critical habitat or part of a critical habitat?

☒ No

☐ Yes You need to submit a Species Impact Statement to accompany your development application (this may form an appendix to this SEE)

Is the development likely to significantly affect threatened species, populations or ecological communities or their habitat?

☒ No

☐ Yes You need to submit a Species Impact Statement to accompany your development application (this may form an appendix to this SEE)

State Environmental Planning Policies

List any State Environmental Planning Policies (SEPPs) applicable to your proposal and demonstrate how your proposal complies with the provision of the relevant SEPP(s).

This may form an Appendix to this SEE

A list of the SEPPs can be found on the Planning and Infrastructure website :

<http://www.planning.nsw.gov.au/list-of-state-policies>

Snowy River Local Environmental Plan 2013

Copies of the Snowy River LEP can be found at

[http://www.snowyriver.nsw.gov.au/Development/Local Environmental Plans](http://www.snowyriver.nsw.gov.au/Development/Local%20Environmental%20Plans)

What is the land zoned?

R2 Low Density Residential

How is the development defined under the LEP?

Serviced Apartment

Is the use permissible in the zone

☒ Yes

☐ No

Expand on how your proposal meets the objectives of the zone

The approved dual occupancy provides housing in a low density residential environment. The dwellings are designed + constructed to minimize impacts on adjoining properties in terms of noise & privacy. Off street carparking is provided to ensure residential amenity & reduce impacts on neighbours from vehicle movements.

Essential Infrastructure

Town water

☒

Town sewer

☒

Electricity

☒

Telecommunications

☒

Is the proposal for temporary use of land (ie less than 28 days per year) ?

☒ No

☐ Yes please provide details:

Covenants, Agreements or Instruments

Does a covenant, agreement or similar instrument affect the property?

☐ Yes please provide details:

Subdivision

Do you propose to subdivide?

☒ No

☐ Yes please provide the following details:

How many existing lots?

How many proposed lots?

Please provide details of how the proposed subdivision complies with the relevant clauses of the LEP:

Dwelling Houses

What is the size of the allotment?

Is the allotment in a Rural Area?

☐ No (you have finished this section)

☐ Yes If yes is the land part or the whole of an existing holding?

☒ No

☐ Yes please list the lots that form the existing holding

Are any dwellings or dual occupancies erected on any lots that form the existing holding?

☐ Yes If a dual occupancy exists on the land then no further dwellings can be constructed on the existing holding.

Dual Occupancies

What is the size of the allotment?

Is the dual occupancy:

☐ attached

☐ detached

Building Height

What is the maximum height of the proposed structure?

Control of Pollution

Will your proposal result in air, noise or water pollution?

☐ No

☐ Yes Please provide what measures will be implemented to minimize and/or control pollution.

Visual Impact

Is the development within a visual protection area (as defined in the LEP)?

☐ No

☐ Yes please provide details of how you have addressed the relevant clauses in the LEP

Access

Does the development have coinciding legal and practical access?

☐ Yes

☐ No Please provide details of how legal and practical access will be achieved.

Does the development require a new access to be constructed from an arterial road?

☐ No

☐ Yes Please be advised your development application may be referred to the NSW Roads and Maritime Authority for comment.

What erosion prevention and sediment control measures do you propose to implement?

No works.

- An erosion and sediment control plan must be submitted with your application for any development creating ground disturbance.

Flood Prone Land

Is your land flood prone?

☒ No

☐ Yes please provide details of the finished floor levels of the habitable rooms?

- A flood study may be required from Council if no information as to the flood levels are on file for the property.

Bushfire Considerations

Is the land classified as bushfire prone?

☒ No

☐ Yes Please provide details of how the development complies with the provisions of Planning for Bushfire Protection 2006. This may come in the form of a bushfire report and can be attached as an appendix to this SEE.

- If the development is for a residential subdivision or tourist development a bushfire report addressing the requirements of s100b of the Rural Fires Act will need to be provided and referred to the NSW Rural Fire Service as Integrated Development.
- For more information on what is required for building in bushfire prone areas please contact the NSW Rural Fire Service or visit their website www.rfs.nsw.gov.au

Trees and Native Vegetation

Do you propose to clear any vegetation as part of your proposal?

☒ No

☐ Yes Please provide details of the clearing to take place (note, this includes clearing for access and driveways and asset protection zones (in the case of development in bushfire prone areas))

Is the proposal a heritage item?

- ☒ No
☐ Yes

Is the proposal in the vicinity of a heritage item?

- ☒ No
☐ Yes

Is the proposal within a heritage conservation area?

- ☒ No
☐ Yes

Will your development cause known potential harm and/or disturbance to Aboriginal objects?

- ☒ No
☐ Yes

If you have answered yes to any of the above questions please provide a report addressing the relevant clauses in the LEP. This can be attached to this SEE as an appendix.

Snowy River Shire Development Control Plan 2013

List any sections from the DCP applicable to your proposal and demonstrate how your proposal complies with the provisions of the DCP. Where you are proposing a departure from the performance criteria contained within the relevant section written justification must be provided.

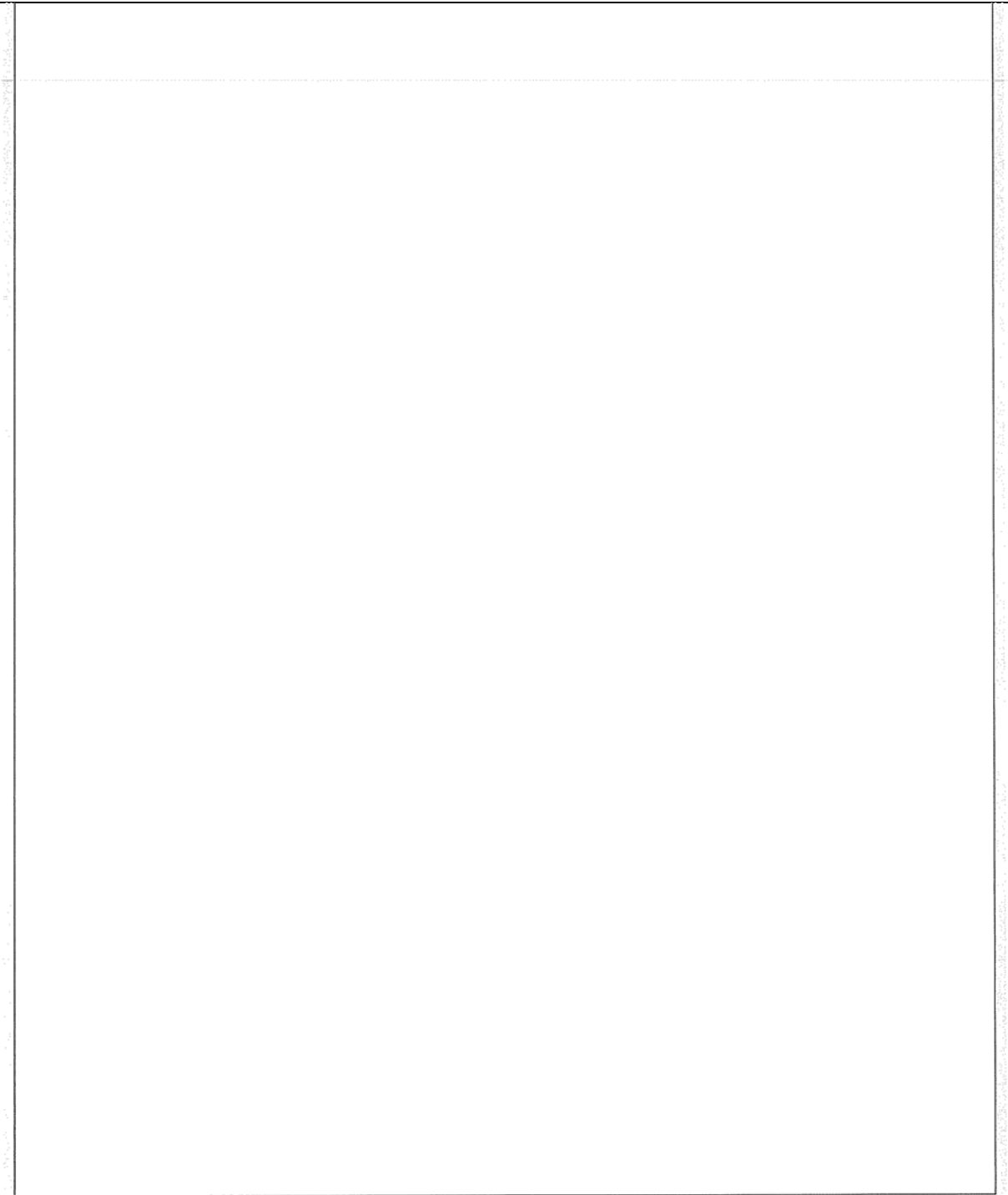
The proposal meets all of the criteria set out in DCP E1 - Tourism Development - serviced apartments.

There is no building work & hence the scale & bulk is predetermined & consistent with adjoining & nearby devel.

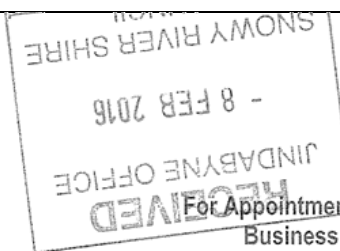
Both dwelling can^{have} be used for permanent residential development. The design & fittings mean there are no noise btw units & btw adjoining properties.

We are seeking approval for 10 persons in unit 1 & 6 persons in unit 2. There is sufficient recreation & living space to be utilised by occupants. There is garage parking for 3 vehicles & offstreet for up to 4 or 5 vehicles. meeting the requirement of DCP for car parking.

There is existing Bins & recycling for the approved dual occupancy.



THE FOLLOWING INFORMATION IS PROVIDED FOR THE PURPOSE OF THE ENVIRONMENTAL EFFECTS STATEMENT. IT IS THE RESPONSIBILITY OF THE APPLICANT TO ENSURE THAT THE INFORMATION IS ACCURATE AND COMPLETE. THE APPLICANT IS ADVISED THAT THE INFORMATION WILL BE MADE AVAILABLE TO THE PUBLIC AND TO THE ENVIRONMENTAL EFFECTS REVIEW BOARD FOR THEIR REVIEW.



Development Assessment
Shop 3 Razorback Plaza,
Gippsland Street Jindabyne
PO Box 143 Berridale NSW 2628
www.snowyriver.nsw.gov.au
For Appointments or Information Please Call 02 6451 1550
Business Hours – Monday to Friday 8.30am to 4.30pm

| | | | |
|--------------|-------------------|-------------|------------|
| DA2016, 0119 | Date Rec: 16/2/16 | Receipt No: | PN: 104752 |
|--------------|-------------------|-------------|------------|

Development Application

Made under section 78A of the Environmental Planning and Assessment Act 1979

This form is required to apply for consent to carry out development. The **DA Guide** is available to assist in completing this application. Please place a cross in the relevant boxes and fill in the relevant sections if not applicable leave blank. This application can be lodged by mail or in-person at Council's Jindabyne Office. This application cannot be lodged by fax.

1. Pre lodgement Meeting (if applicable)

Officer Name:

Date:

2. Applicants Details

All correspondence relating to this application will be sent to the address below and any contact with Council Officers is limited to those listed as applicant.

Name :

Company/Organisation:

Address:

Suburb: Postcode:

Phone: Mobile: Fax:

Email :

3. Land to be Developed

Unit/Street No: Street or Property Name:

Suburb or locality:

Lot & DP/SP or Section:

The correct Lot and DP or SP, can be found on rate notices from Council or on the title documents for the land.

4. Description of Proposal

- | | | |
|---|--|---|
| <input type="checkbox"/> New construction | <input type="checkbox"/> Subdivision of land or a building | <input checked="" type="checkbox"/> Change of Use |
| <input type="checkbox"/> Alterations and/or additions | <input type="checkbox"/> Temporary use | <input type="checkbox"/> Approval to Use |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Tree Removal | <input checked="" type="checkbox"/> Holiday Letting |

Description Details ie - build a house, dual occupancy, change of use to holiday dwelling, boundary adjustment, subdivide land (if subdividing then indicate the number of lots and purpose of each lot).

Dual occupancy to use as serviced apartment for holiday letting.

5. Staged Development

Is this application for staged development consent?

- ☐ Yes If **YES** please attach information which describes the stages of your development and/or a copy of any consent already approved for part of your development.
- ☒ No

6. Cost of Building and Application Fees

N/A

Construction costs are to be based on **\$1,500/m²** of building for residential buildings, and **\$750/m²** for ancillary works (e.g. balcony, verandas, and carport). For commercial retail and industrial development current commercial construction rates apply.

Please supply a breakdown if the development includes more than one building. (e.g. dwelling house & shed)

| Gross Floor Area | (m ²) | x | Price | = | Cost of Building |
|--|-------------------|---|--------|---|------------------|
| Building | | x | \$1500 | = | \$ |
| Ancillary works (ie balcony, verandas, and carport) | | x | \$750 | = | \$ |
| Total Cost of Building | | | | = | \$ |

Once the cost of building has been determined please contact Council's Customer Service Officer in Jindabyne on (02) 6451 1550 for an application fee estimate or refer to Council's Schedule of Fees and Charges.

Please note that incorrect calculation of fees can incur additional payment and result in delays in processing the application.

Integrated development or concurrence from State Agencies, requires a fee of \$250 made payable to each authority and a once only processing fee of \$110 made payable to Council.

7. Environmental Effects of the Development

Is the proposal Designated Development?

- ☐ Yes - Please attach an Environmental Impact Statement (EIS)
- ☒ No - Please attach a Statement of Environmental Effects (SEE) **ALL** applications must be accompanied by a statement of environmental effects

Is the proposal likely to have a significant effect on threatened species, populations, ecological communities or their habitats?

- ☐ Yes - Please attach a Species Impact Statement (SIS)
- ☒ No

Will the proposal involve the change of use of a building other than a dwelling house?

- ☒ Yes - Please attach the current and proposed Category 1 Fire Safety Provisions
- ☐ No *to Holiday letting.*

8. Concurrences from State Agencies

Does the development require the concurrence of State Agencies?

- ☐ Yes - Please list any agencies whose concurrence is required:

Please attach:

- ☒ No
- A full copy of this application for each agency/authority

9. Approvals from State Agencies – Integrated Development

Is the application for integrated development?

- ☐ Yes - Please complete **DA Supplement 1 – Integrated Development** and submit with your application.
Please attach a full copy of this application for each agency/authority

- ☒ No

10. Other approvals from Council

N/A

Do you want Council to approve any other activity at the same time as this application? The following are a number of approvals most commonly applied for with a development application. This list is not exhaustive and there are a number of other approvals, which may be relevant to your development. A list can be found in the Development Application Help Guide or in Councils Ancillary Activity Application form.

- ☐ Construction Certificate application form attached
- ☐ Driveway/Crossover/Road Works (Section 138) application form attached
- ☐ Sewerage, Stormwater Drainage, Water Supply, connect to Council Sewer application form attached
- ☐ Install an On-Site Sewage Management Facility application form attached
- ☐ Operate an On-Site Sewage Management Facility application form attached
- ☐ Water Connection application form attached
- ☐ Install a manufactured home, Ancillary Activity Application form attached
- ☐ Other _____, Ancillary Activity Application form attached

11. BASIX Certificate

N/A

A BASIX Certificate is required for a new house or for residential alterations and additions worth more than \$50,000.

The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate in Snowy River Shire when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au.

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council should require applicants to submit consistent applications before progressing the assessment process, either by amending plans / specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning' BASIX website: www.basix.nsw.gov.au. For more information, phone the BASIX Help Line on 1300 650 908.

- ☐ Yes - BASIX Certificate Required ☐ No - BASIX Certificate Not Required.

Please note that BASIX commitments MUST be shown on DA plans.

12. Supporting information

- Please see Councils **DA Application Help Guide and Lodgment Checklists** for submission requirements
- A Statement of Environmental Effects (SEE) is required to be completed for **ALL** applications.
- A list of all accompanying documents (ie plans, statement of environmental effects etc) on a separate covering letter or plan cover sheet is required for **ALL** applications.
- You can support your application with additional material such as photographs, aerial photographs, slides, models and plans to illustrate your proposal.
- For required plans please see Council DA Application Help Guide and Lodgment Checklists **All plans submitted are to be folded to A4, NOT rolled.**

13. Crown Development N/A .

If the application is Crown Development in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* please identify the Crown Agency - _____

14. Owners Consent

- Must be signed by all land owners.
- If the owner is a company or owner's association eg: Body Corporate must be signed by a director or secretary UNDER COMMON SEAL.

As the owner(s) of the land to which this application relates, I/we consent to the making of the application and give consent for Council, its officers or agents to enter the land without first having given notice for the purpose of processing this application to carry out inspections, take photographs, videos, surveys and measurements.

Name: Sean Louis Crowe. Date: 7/2/16

Signature: [Signature Box]

Name: Rodelle Crowe Date: 7/2/16

Signature: [Signature Box]

15. Privacy Policy

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

16. Disclosure of Political Donations or Gifts

Under section 147(4) of the *Environmental Planning and Assessment Act 1979* ('the Act') a person who makes a development application to a council is required to disclose the following *reportable political donations and gifts* :

(a) all reportable political donations made to any local councillor of that council. Reportable political donations include those of or above \$1,000.

(b) all gifts made to any local councillor or employee of that council.

Have you or any person with a financial interest in this application made any of the above political donations or gifts in the last 2 years?

☐ Yes - Please complete the **Snowy River Shire Political Donations Disclosure Statement** and submit with your application.

☒ No

17. Applicants Declaration

I/We the undersigned hereby apply for approval of the development/activity proposal described in the plans, specifications and documents accompanying the application.

I/We undertake to carry out that development/activity in accordance with any approval granted by the Council and to conform to the provisions of the relevant Act(s), Regulations, Codes and planning instruments.

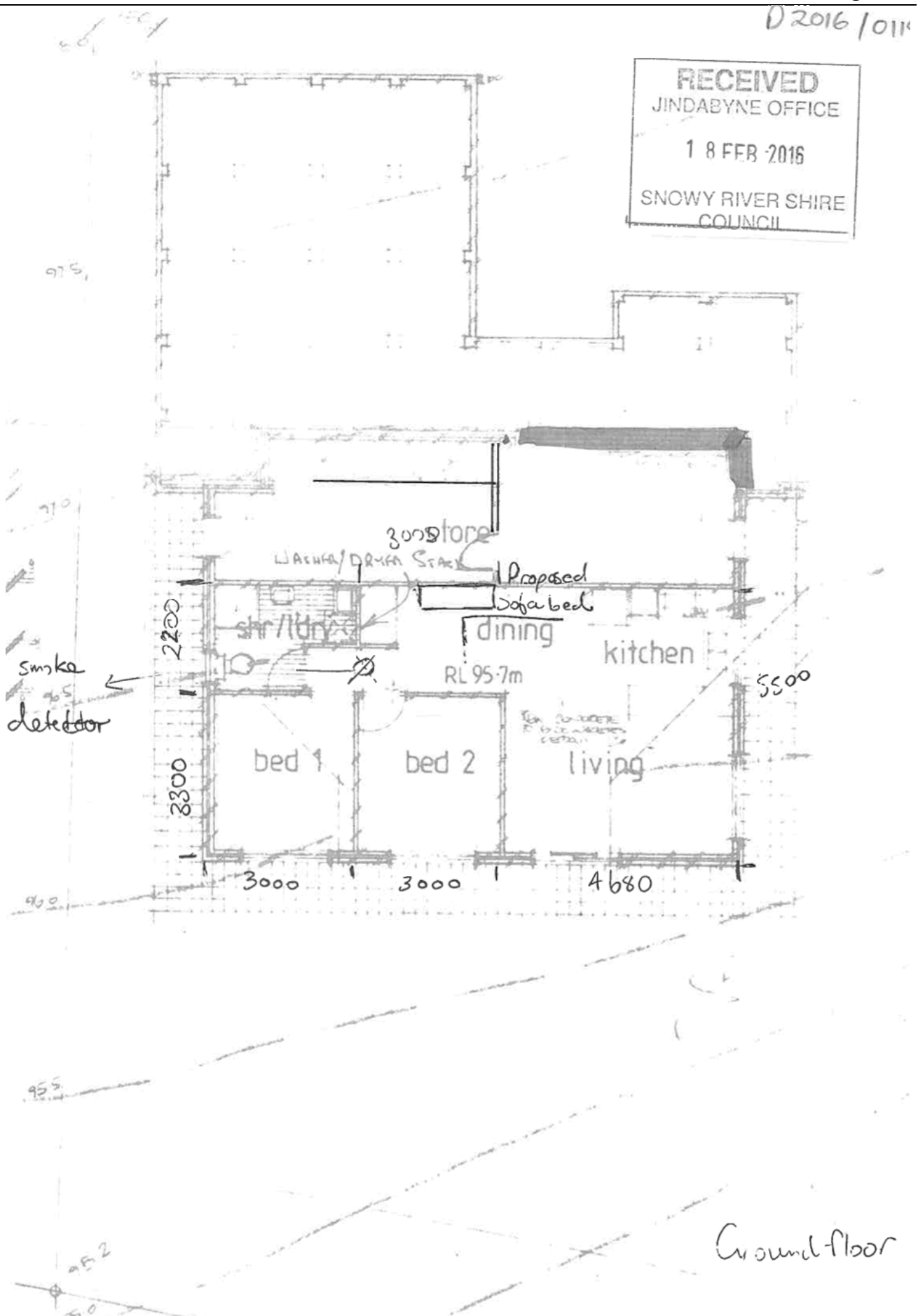
I also understand that:

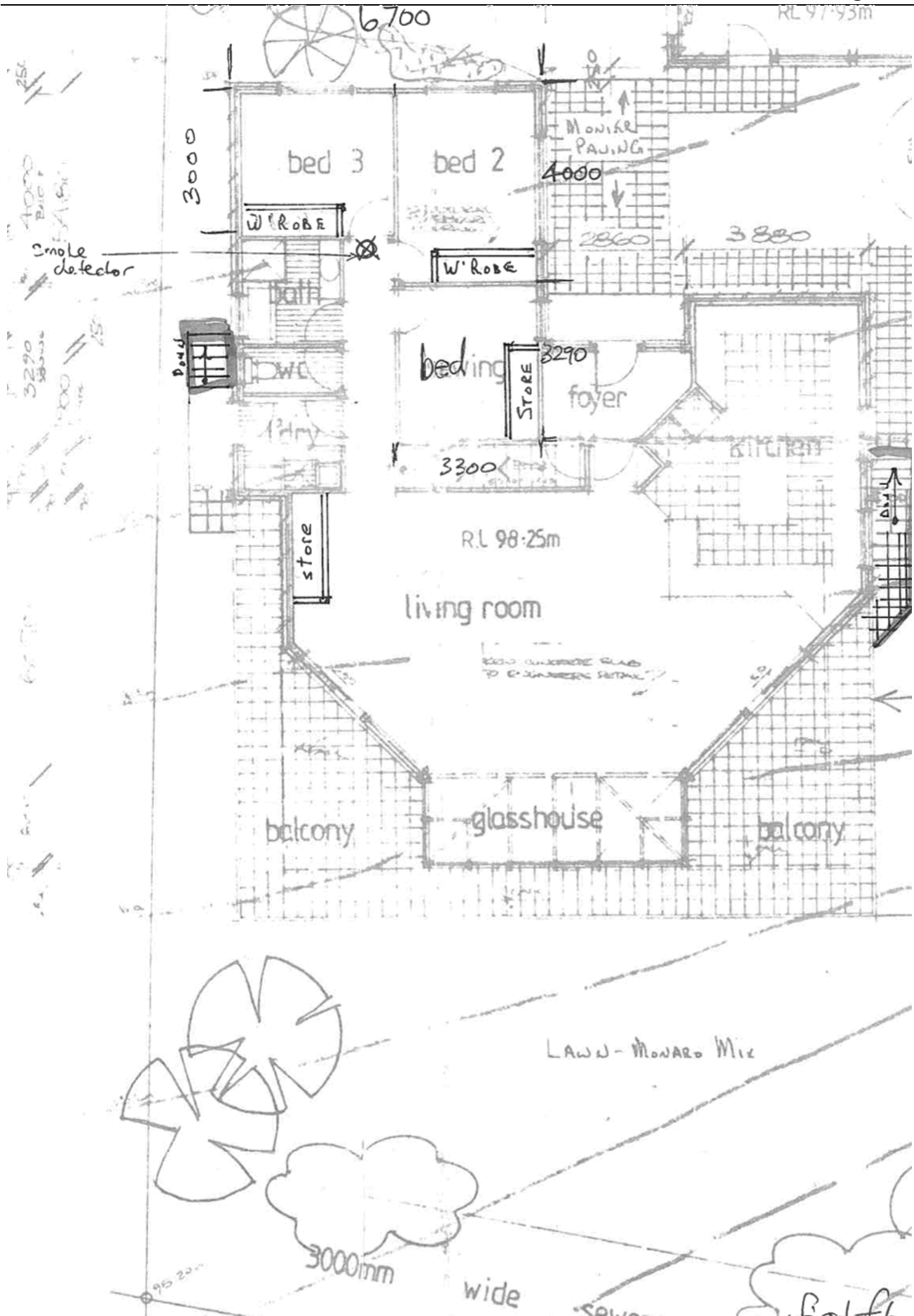
- ☐ if incomplete, the application may be delayed or rejected
- ☐ more information may be requested

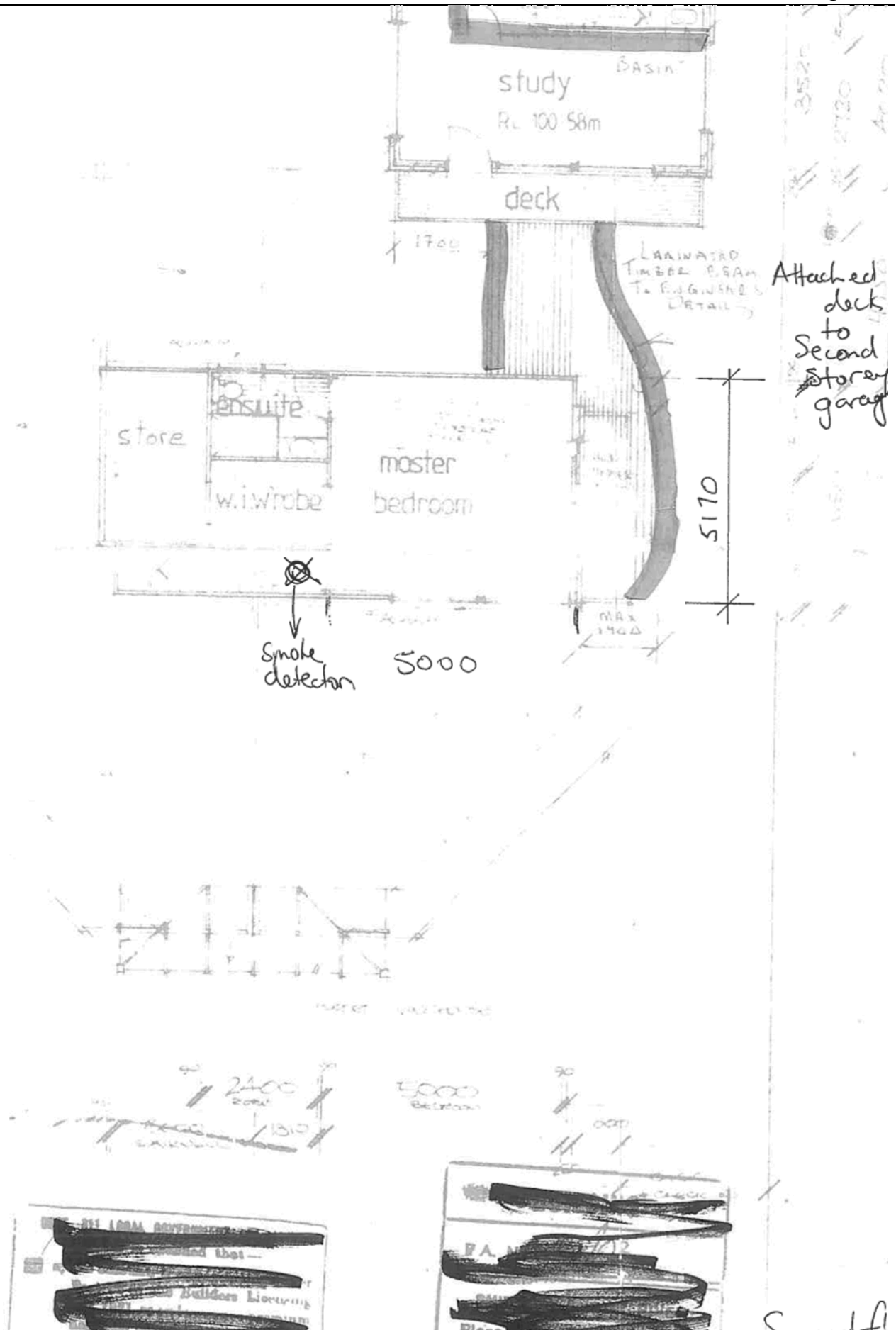
Name:

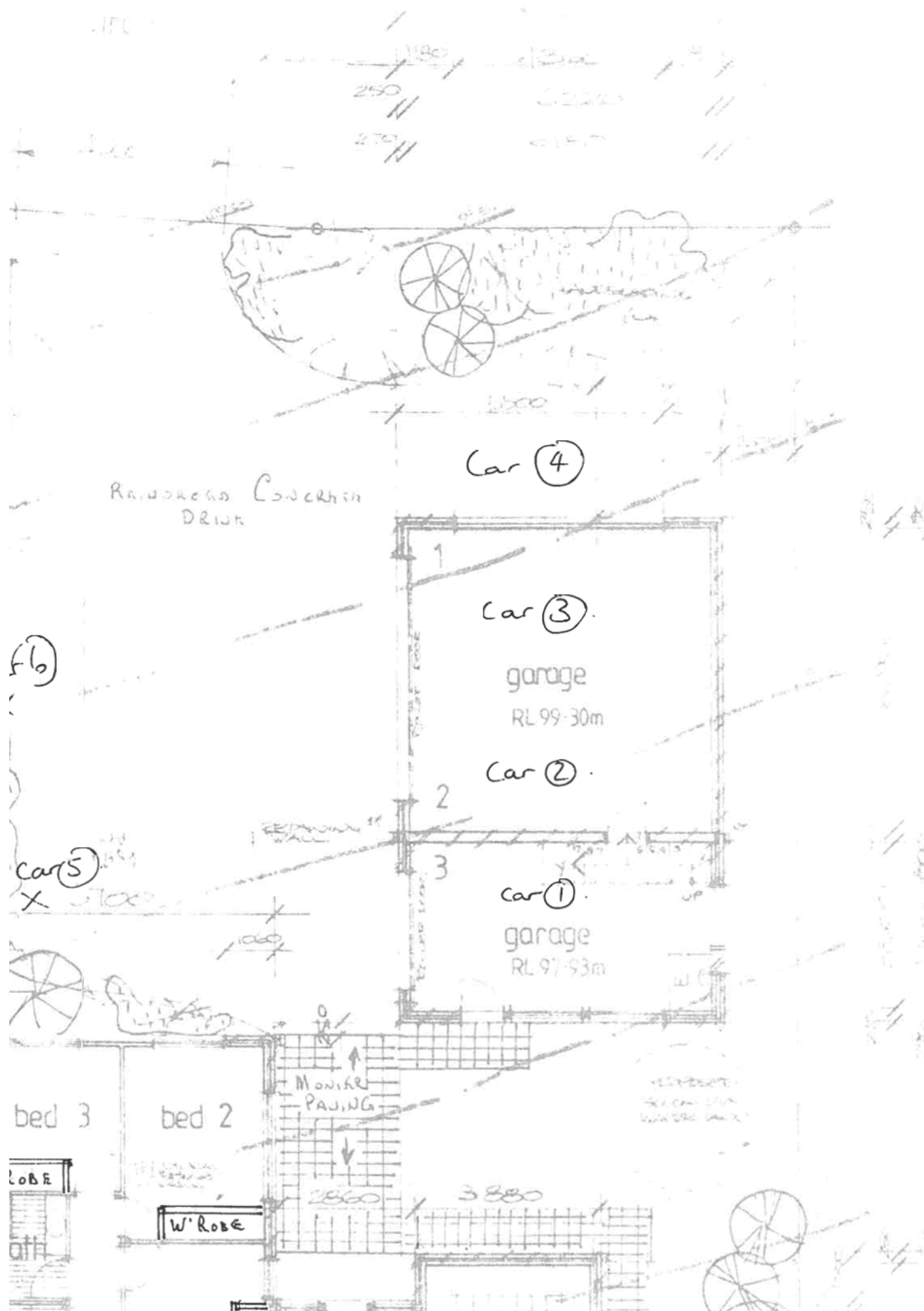
Date:

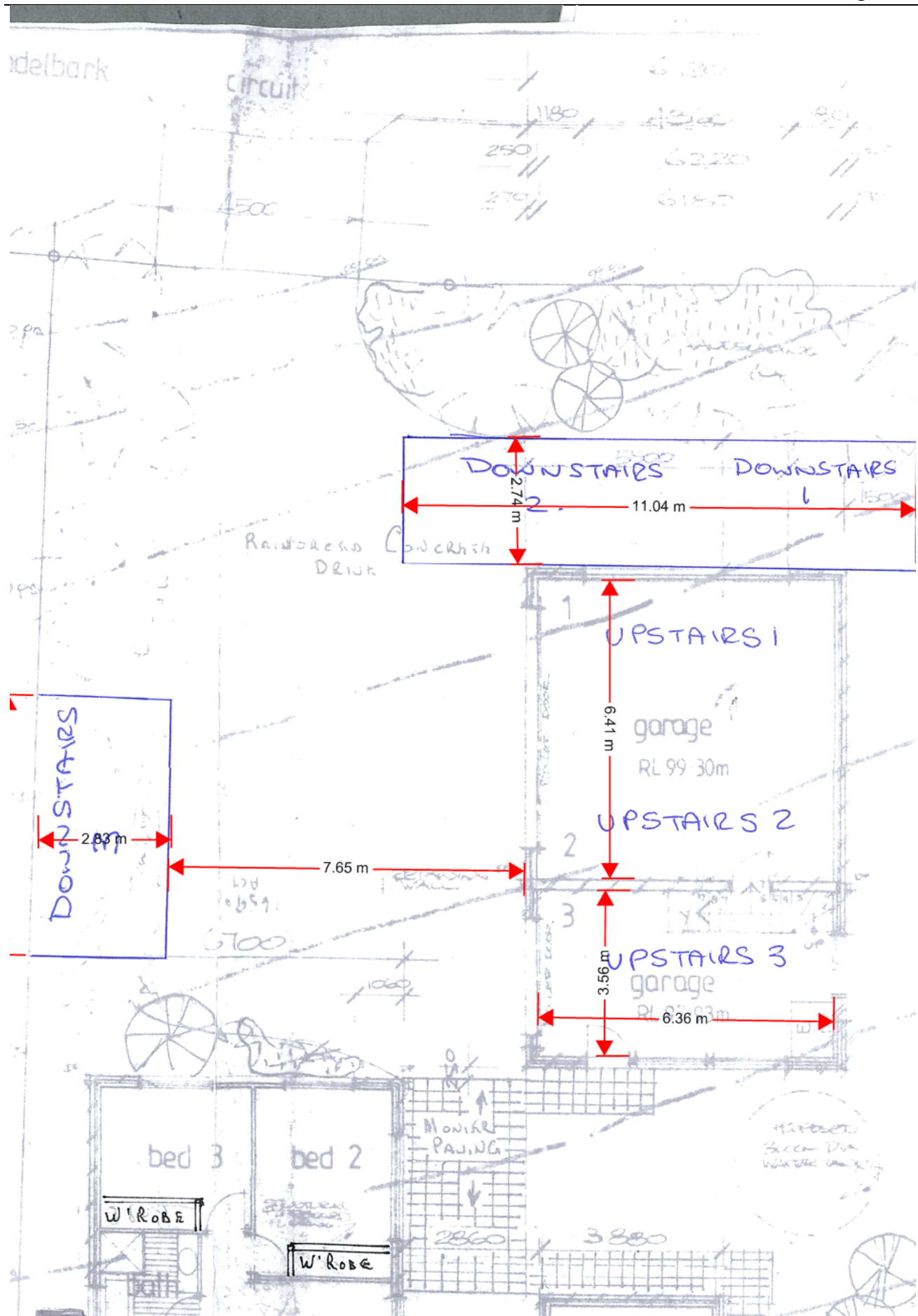
Signature:











Mr Joseph Vescio
General Manager
Snowy River Shire Council
PO Box 143
Berridale NSW 2628

24th April, 2016

RE: Objection to Development Application No: DA2016/0119 – Change of use to serviced apartment

Dear Mr Vescio,

We wish to object to Development Application No: DA2016/0119 which concerns the change of use of our next door neighbours' property from dual occupancy to serviced apartment. The basis of our objections is outlined below.

Inadequate Consultation:

The applicant is a senior environmental planner employed by Snowy River Shire Council and is therefore fully aware of Council's application processes. Council's own information (<https://www.snowyriver.nsw.gov.au/349/The-DA-Process>) specifies that step three is "Talk to your neighbours and to any local community groups with these concept plans to assist them to understand your proposal. Consider their concerns and seek to compromise to achieve a satisfactory outcome." At no point have our neighbours sought to advise us about their plans to change the use of their property. We also are concerned that the DA notification process has been used in such a way as to maximise the chance that we would be unable to respond within the required timeframe. Having avoided discussing anything in person, we first learned of these plans via written notification from Council. Recent changes to Australia Post's letter delivery mean that standard mail now takes around six days to be delivered. Our letter was dated 11 April 2016 and the time to respond given was 14 days therefore falling on the ANZAC day public holiday. This has meant that we have been unable to take time off work to view the application in person at Council's offices within the required timeframe and that the actual days that this was even possible have been minimised to an unreasonable extent.

Negative Impact on Residential Amenity of Existing Neighbourhood:

Candlebark Circuit is a residential area of Jindabyne that has been largely spared the negative impact of short term holiday rentals. This application for change of use is inconsistent with the existing neighbourhood amenity. This or further changes to existing dwellings will necessarily result in factors such as increased traffic, noise, late night revelry and other negative impacts associated with high turnover properties in tourism centres. Issues relating to intoxicated people walking between licenced premises and their accommodation are well known within Jindabyne. Short term rentals are therefore

best placed close to the CBD in order to minimise the residential areas impacted by intoxication, antisocial behaviour, noise and litter.

Candlebark Circuit is presently a very pleasant neighbourhood where children are able to play in safety and residents are largely known to each other. For example, children have been able to play outside, walk to school and undertake activities such as door knocking their neighbours to participate in fundraising or Halloween in relative safety. Allowing short term holiday accommodation to become established in this area will result in a loss of this community safety as large numbers of people with no interest in the community and unknown character frequently move in and out of properties. The resultant increase in traffic will also impact on the safety of children who are playing outside or who are walking to and from school.

Parking Issues:

Our neighbours have rented out their flat to winter workers for many years. While their property may technically meet any requirements for off street parking, its driveway design is not conducive to use by multiple residences. This has meant that in practice their tenants park on the street. Last winter for example the winter tenant parked on the street for the duration of the tenancy, often encroaching on our driveway entrance, and frequently facing their vehicle in the wrong direction. Because Candlebark Circuit is a largely residential area, these parking issues were not policed as they would have been closer to the CBD and the issue continued throughout winter. Inconsiderate and illegal parking is a well-known issue in Jindabyne during winter. Given the issues that have already arisen with winter-long rentals in this property, it is difficult to see how allowing the establishment of a short-term holiday rental will not result in these issues increasing thus spreading parking problems further throughout the township.

Lack of Defined Entrance to Downstairs Apartment:

The downstairs apartment at 32 Candlebark Circuit does not have a clearly defined entrance. Winter tenants in this property have therefore frequently used our driveway to access this apartment often having parked illegally or inconsiderately on the street outside of our property. While this has been an irritation in the case of winter long tenants, the fact that they are resident for several months means that there is at least some opportunity to address this encroachment on our privacy. The prospect of having to address this concern over and over again as different short term holiday tenants move in and out of the property is completely untenable and has an unreasonable impact of the quality of our enjoyment of our own property.

Noise issues:

In order to enter the downstairs apartment at 32 Candlebark Circuit it is necessary to walk close to the boundary of our property. The closest room to this boundary is our main bedroom meaning that we are disturbed by early morning and late night noise associated with tenants entering and leaving this property. This occurs from time to time with winter-long tenants of this property however we are concerned that a change of use to short term holiday rental will exacerbate this issue to an untenable extent. Rather than the day to day noise associated with living in the apartment, entering and leaving for work for example and occasional social gatherings, we will be regularly subjected to people moving bags and equipment in and out of the property at various hours. In addition, we believe that this change will result in a large increase in the number of social gatherings, alcohol use by people of unknown

character, and associated noise from people who are only visiting Jindabyne and who therefore do not need to have regard for their neighbours. Noise from social gatherings held at this property is already very disturbing however it has been infrequent to date and we have considered this to be a manageable part of residential life. We are concerned that changing the use of this property for commercial purposes will result in a regular level of noise that will severely impact on our quiet enjoyment of our own property.

Inconsistency with Council's Jindabyne Action Plan:

Council's own Jindabyne Action Plan repeatedly notes the value of safe, quiet and friendly residential areas and the need to manage the negative issues associated with alcohol use and late night revelry. Indeed, community consultations undertaken in the development of this plan have clearly indicated the desire of the community to maintain residential areas without winter rentals and Candlebark Circuit is specifically noted in this regard (see Volume 3, page 21). Among the findings of this plan is the value that residents place on maintaining areas that are not negatively impacted by winter traffic, noise and antisocial behaviour and where people are able to enjoy their quality of life and children are able to play safely.

The applicant is a senior environmental and community planner with Council and we understand that they have a large level of responsibility in regards to the development and implementation of the Jindabyne Action Plan. It is therefore extremely disappointing that they would overlook the findings of this plan in order to increase their own financial benefit. We believe that our neighbours would actually share the concerns about these negative impacts on neighbourhood amenity if not for our daughters then certainly for their own children. They have resided in the property for many years without seeking this change of use. We believe that they do not intend to continue residing in their current property in the long term and will therefore not experience the consequences of any change. While no doubt designed to increase the value of their property, approval of this application will benefit only them and leave behind a significantly degraded neighbourhood. It is difficult to see how Council will be able to take action to preserve the amenity of residential areas of Jindabyne from developers who are concerned only with their own financial gain if this application is approved. If senior members of Council's planning staff are able to disregard the findings of the Jindabyne Action Plan then it will surely be difficult to apply them to anyone else.

We hope that you will carefully consider the objections we have raised and will recommend that this development application be refused. We also trust that appropriate consideration to conflicts of interest within Council will be made and that this application will be independently assessed by people who are neither close colleagues nor friends of the applicant.



9.17 MONTHLY FUNDS MANAGEMENT REPORT - APRIL 2016 - SNOWY REGION

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Director Corporate Services |
| Author: | Management Accountant |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.6 Increase and improve Council's financial sustainability. |
| Operational Plan Action: | OP7.17 Effective management of Council funds to ensure financial sustainability. |
| Attachments: | 1. April 2016 Investment Register |
| 929553Cost Centre | 4010 Financial Services |
| Project | Fund Management |
| Further Operational Plan Actions: | |
| OP7.1 | Completion of reporting requirements in accordance with legislation |

EXECUTIVE SUMMARY

The following details funds management movements for the reporting period beginning 1 March and ending 30 April 2016. Cash and Investments as at 30 April 2016 are \$18,239,962

Certification

I, Jo-Anne Mackay, Responsible Accounting Officer of Council hereby certify, as required by Regulation 212 of the Local Government (General) Regulation 2005, that investments as detailed in the attached listings were invested in accordance with Section 625 of the Local Government Act 1993, the Regulations and Council's Investment Policies.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

- A. Receive and note the report indicating Council's Funds Management position as at 30 April 2016
- B. Receive and note the Certificate of the Responsible Accounting Officer.

BACKGROUND

As per Legislation, the Investment Register is reported to Council within a month.

Council's Cash and Investments 30 April 2016 consists of:

| | 30/04/2016 | 31/03/2016 | Movement |
|--------------|-------------------|-------------------|-------------------|
| Cash at Bank | 128,633 | 932,907 | -804,274 |
| Investments | 18,111,329 | 19,557,544 | -1,446,215 |
| Total | 18,239,962 | 20,490,451 | -2,250,489 |

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Total Cash and Investments are available to provide services and Infrastructure to the community in accordance with the 2016 budget, Council resolutions and other external restrictions.

2. Environmental

It is considered that the recommendations contained herein will not have any environmental impacts.

3. Economic

Total investments decreased by \$1,446,215 in the reporting period from \$19,557,545 on 31 March 2016 to \$18,111,329 on 30 April 2016.

Interest on Invested Funds

The tables below, and attached, summarise the following information:

1. Restrictions on Invested Funds
2. Developers Contributions as at 30 April 2016
3. Council's holdings as at 30 April 2016 (attachment)
4. Investment Performance vs. Benchmark
5. April 2016 Investment Income vs. Budget

| Restrictions on Invested Funds | 30/4/2016 | 31/3/2016 |
|---|----------------------|---------------------|
| Water Fund | 5,399,755 | 5,382,636 |
| Sewer Fund | 3,493,660 | 3,851,300 |
| Waste Fund | 2,573,156 | 2,662,964 |
| s.94 Developers Contributions - General | 628,104 | 599,380 |
| s.64 Developers Contributions - Water | 910,073 | 904,568 |
| s.64 Developers Contributions - Sewer | 451,471 | 444,890 |
| s.94 Developers Contributions - Waste | 74,308 | 72,912 |
| s.94 Developers Contributions - RFS | 22,605 | 22,267 |
| Totals | \$ 13,553,131 | \$13,933,237 |

- This does not include Other Externally or Internally Restricted Funds.

| Developers Contributions as at 30 April 2016 | | | | |
|--|--------------------------------------|------------------|------------|--------------------------------------|
| Fund | Developer Contributions 30/6/2015 | Collected YTD | Rebated | Developer Contributions 30/4/2016 |
| General | 557,186 | 70,918 | 0 | 628,104 |
| Water | 763,261 | 146,812 | 0 | 910,073 |
| Sewer | 315,975 | 135,496 | 0 | 451,471 |
| Waste | 56,544 | 17,764 | 0 | 74,308 |
| RFS | 19,207 | 3,398 | 0 | 22,605 |
| Total | \$1,712,173 | \$374,388 | \$0 | \$2,086,561 |

Developer Contributions collected during April were: \$42,544

| Investment Performance* vs. Benchmark** | | | | |
|---|---|--|--|--|
| Period Ending 30/04/2016 | Bank Bill Index Comparison % p.a. | This Month (Apr 2016) Avg Return % | This Month (Mar 2016) Avg Return % | Last Month (Feb 2016) Avg Return % |
| At Call | 2.00% | 2.00% | 2.00% | 2.00% |
| 1 month | 2.08% | - | - | - |
| 2 months | 2.22% | - | - | - |
| 3 months | 2.27% | 2.97% | 2.97% | 2.97% |
| 4 months | 2.34% | 2.95% | 2.92% | 2.91% |
| 5 months | 2.39% | 2.95% | 2.83% | 2.82% |
| 6 months | 2.43% | - | 2.90% | 2.91% |
| 9 month | 2.29% | - | 3.03% | 3.03% |
| YTD | - | 2.89% | 2.89% | 2.89% |

| April 2016 Investment Income* vs. Budget | |
|--|-----------|
| Adopted Budgeted Income | \$451,258 |
| Current Budgeted Income | \$577,258 |
| Current Budgeted Income – Year to Date | \$481,048 |
| Actual Income – Year to Date | \$508,036 |

* Income on investment holdings includes accruals to date.

At 30 April 2016 the actual interest earned is \$26,988 above Budget. It is expected that this budget variance will reduce over the remainder of the year as funds invested are withdrawn to complete major projects and as well as the Reserve Bank having decreased the cash rate.

Reconciliation of Cash Book

Cash at Bank on 30 April 2016 was \$128,633 (March \$932,907). As at date of report writing Council's Cash Book has been reconciled to 30 April 2016.

Loan Movements

| Fund | Balance 31-Mar-16 | Principal Apr-16 | Int Paid Apr-16 | New Loans Apr-16 | Balance 30-Apr-16 |
|--------------|------------------------------|-----------------------------|----------------------------|-----------------------------|------------------------------|
| General | 651,301 | | | - | 651,301 |
| Water | 519,781 | | | - | 519,781 |
| Sewer | 2,087,343 | | | - | 2,087,343 |
| Waste | 1,711,017 | 8,520 | 2,882 | - | 1,702,497 |
| Total | 4,969,442 | 8,520 | 2,882 | - | 4,960,922 |

Creditors

Total creditors payments for April were \$2,107,865 (March \$2,473,847).

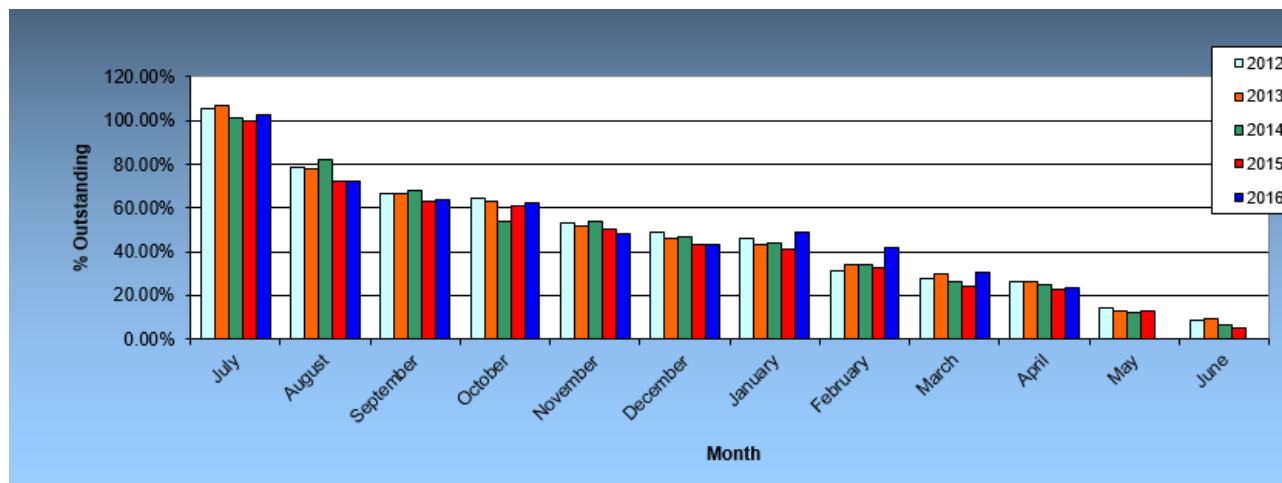
- Significant individual payments between \$25,000 and \$75,000 related to:
 - Electricity payments
 - Waste projects payment
 - Library Contribution
 - Weed Spraying
- Significant individual payments between \$75,000 and \$150,000 related to:
 - PAYG
 - Berridale Toilets claim
 - Inclusive playground
 - Water capital projects
- Significant individual payments over \$150,000 related to:
 - Road works

Rates Recovery: April 2016

The third rates instalment was due 28 February. The final instalment, which were issued in April, is due 31 May 2016.

| Charge Analysis | Apr-16 | Mar-16 | 2016 Levy | % O/S |
|----------------------------------|---------------|---------------|------------------|--------------|
| Business | 114,912 | 120,053 | 596,573 | 19.26% |
| Business Electricity | 96,086 | 96,086 | 383,800 | 25.04% |
| Farmland | 342,725 | 356,341 | 1,363,594 | 25.13% |
| Residential | 606,613 | 656,937 | 2,622,958 | 23.13% |
| Residential Rural | 113,888 | 124,581 | 491,310 | 23.18% |
| Special Jindabyne Beautification | 12,623 | 13,517 | 59,127 | 21.35% |
| Special Emergency Services | 45,693 | 49,534 | 210,524 | 21.70% |
| Waste | 400,606 | 432,800 | 1,740,143 | 23.02% |
| OSSM | 22,930 | 24,144 | 100,502 | 22.82% |
| Liquid Trade Waste | 12,132 | 12,941 | 72,023 | 16.85% |

| | | | | |
|------------------|------------------|------------------|--------------------|---------------|
| Sub-Total | 1,768,208 | 1,886,934 | 7,640,554 | 23.14% |
| Legal | 17,849 | 18,909 | | |
| Other | - 28,056 | -14,945 | | |
| Total | 1,758,001 | 1,890,898 | \$7,640,554 | 23.01% |



Water and Sewer Charges Recovery: April 2016

The February water accounts were issued on 29 April 2016. The delay was a result of the upgrade of the Corporate Systems.

| Locality | Apr-16 | Mar-16 | Feb-16 | Jan-16 |
|------------------|------------------|----------------|----------------|----------------|
| Adaminaby | 160,978 | 49,479 | 52,666 | 59,203 |
| Anglers Reach | 242 | - 243 | - 243 | - 243 |
| Berridale | 424,987 | 76,762 | 85,680 | 100,416 |
| Dalgety | 28,108 | 11,287 | 11,499 | 11,973 |
| East Jindabyne | 155,754 | 17,276 | 18,777 | 22,600 |
| Eucumbene | 4,719 | - | - | - |
| Jindabyne | 1,337,434 | 53,024 | 104,163 | 162,333 |
| Kalkite | 107,213 | 28,135 | 28,976 | 32,231 |
| Leesville | 70,256 | 14,599 | 15,354 | 17,111 |
| Moonbah | 494 | - | - | - |
| Snowy River | 667 | - | - | - |
| Tyrolean Village | 126,934 | 39,489 | 39,888 | 43,277 |
| Total | 2,417,787 | 289,808 | 356,760 | 448,901 |

Sundry Debtor Recovery: April 2016

Debtors invoices for April 2016 were \$170,883 (March \$438,980). Council's opening balance, as at 1 April for Debtors was \$389,225. The balance owing as at 30 April 2016 is \$357,479 of which \$150,848 (42%) is current and \$102,896 (29%) is overdue by 90 days or more.

Of this, \$55,233 (54% of over 90 days or 15% of total outstanding) is owed by three debtors that have a balance over \$5,000. 25 debtors, totalling \$36,642, have a 90 day overdue balance greater than \$1,000. The remainder are small balances.

The balance of 90+ day debt across charge types is detailed in the following table.

| Total Outstanding Debtors - 30 Apr 2016 | | | | |
|---|----------------|--------------------|----------------|--------------------|
| Charge Type | Balance | 90+ Day Balance | Balance | 90+ Day Balance |
| | 30-Apr-16 | April 2016 90 days | 31-Mar-16 | March 2016 90 days |
| Hall/Facilities Hire | 597 | 597 | 597 | 471 |
| Weeds | 9,468 | 9,468 | 9,468 | 9,468 |
| Private Works | 3,792 | 2,756 | 2,756 | 2,685 |
| Store Sales | - | - | - | - |
| Tips | 60,580 | 45,982 | 102,222 | 42,595 |
| Trade Waste | 30,864 | 12,488 | 32,254 | 11,317 |
| Rent | - | - | - | - |
| Legal Recovery | 2,003 | 2,003 | 2,003 | 2,003 |
| Hostel Respite | 3,623 | 2,253 | 6,612 | 2,253 |
| Community Transport | - | - | 18,090 | - |
| Community Services | - | - | 22 | 22 |
| Burial Plots | 7,115 | 435 | 2,470 | 1,235 |
| Snowy River Health Centre | 4,012 | 3,932 | 11,837 | 3,932 |
| Grants & Contributions | 87,450 | - | 66,000 | - |
| Licence Fee Foreshore | - | - | - | - |
| Other | 133,732 | 10,200 | 21,456 | 4,373 |
| Interest | 16,350 | 15,027 | 15,750 | 14,714 |
| Plant Sales | - | - | 104,091 | - |
| Prepayments | - | - | 6,359 | 2,181 |
| Hostel Interest | 4,141 | - | - | - |
| TOTAL | 357,479 | 102,896 | 389,223 | 92,842 |

Significant Income Received

- RMS reimbursements for major road works

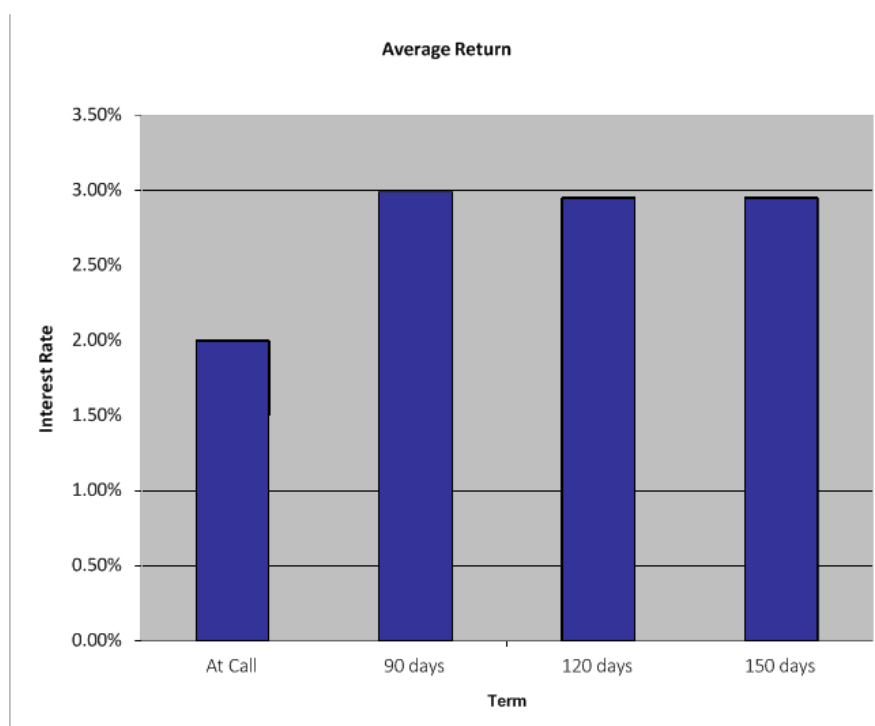
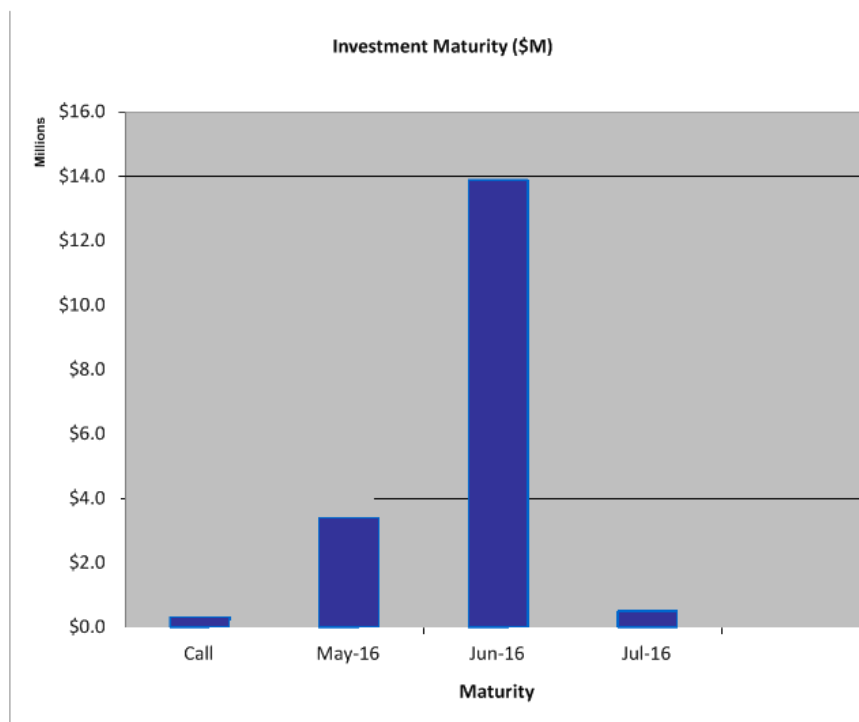
4. Civic Leadership

In accordance with Regulation 212 of the Local Government (General) Regulation 2005, a report setting out details of money invested must be presented to Council on a monthly basis. This report is referred directly to Council in order to comply with Local Government Regulations that state that the Investment Register must be reported to Council in the following month.

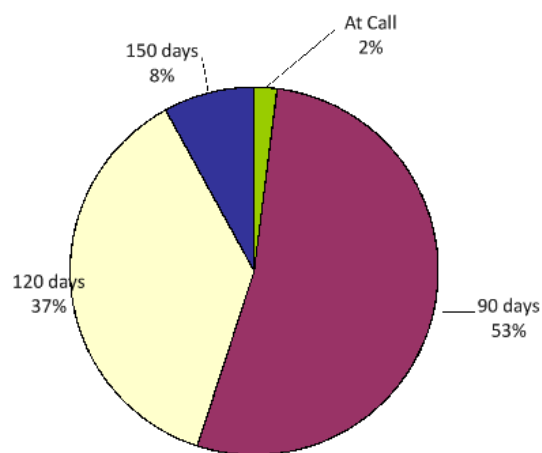
Council's Fund Management Reporting exceeds minimum regulatory requirements and demonstrates a commitment to accountability and transparent leadership. It provides the Council, Executive and Community with timely, accurate and relevant reports on which to base decisions.

INVESTMENTS REGISTER
April

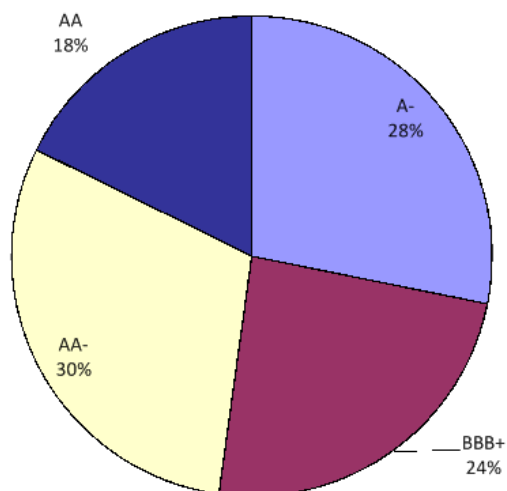
| INV # | DATE INVEST | FIN INST. | Rating | TYPE | CURRENT INVESTMENT | SOURCE | TERM (days) | INT RATE | MATURITY |
|-------|-------------|----------------------|--------|------|--------------------|-----------|-------------|----------|-----------|
| 1857 | 06-Jan-16 | NAB | A-1 | TD | 1,500,000 | 1833 | 161 | 2.95% | 15-Jun-16 |
| 1858 | 06-Jan-16 | NAB | A-1 | TD | 400,000 | 1833 | 154 | 2.95% | 08-Jun-16 |
| 1859 | 13-Jan-16 | Bankwest | A-1 | TD | - | 1824 | 91 | 2.95% | 13-Apr-16 |
| 1860 | 13-Jan-16 | ME Bank | BBB+ | TD | 750,000 | 1843 | 126 | 2.95% | 18-May-16 |
| 1861 | 13-Jan-16 | Bank QLD | A- | TD | 500,000 | 1842 | 119 | 3.00% | 11-May-16 |
| 1862 | 20-Jan-16 | Rural Bank | A- | TD | 500,000 | 1840 | 119 | 2.86% | 18-May-16 |
| 1862 | 27-Jan-16 | Bank QLD | A- | TD | 500,000 | New | 112 | 2.95% | 18-May-16 |
| 1863 | 27-Jan-16 | NAB | A-1 | TD | 700,000 | New | 112 | 3.04% | 18-May-16 |
| 1864 | 27-Jan-16 | IMB | A-1 | TD | - | New | 91 | 2.80% | 27-Apr-16 |
| 1865 | 03-Feb-16 | NAB | A-1 | TD | 450,000 | 1819 | 112 | 3.02% | 25-May-16 |
| 1866 | 10-Feb-16 | Bank QLD | A- | TD | 700,000 | New | 133 | 2.95% | 22-Jun-16 |
| 1867 | 17-Feb-16 | Rural Bank | A- | TD | 1,000,000 | 1835 | 133 | 2.88% | 29-Jun-16 |
| 1868 | 17-Feb-16 | Bankwest | A-1 | TD | 600,000 | 1849 | 105 | 2.95% | 01-Jun-16 |
| 1869 | 24-Feb-16 | Rural Bank | A- | TD | 403,647 | 1845 | 126 | 2.85% | 29-Jun-16 |
| 1870 | 25-Feb-16 | Auswide | BBB+ | TD | 500,000 | 1845 | 97 | 3.00% | 01-Jun-16 |
| 1871 | 03-Mar-16 | Rural Bank | A- | TD | 750,000 | New | 118 | 3.00% | 29-Jun-16 |
| 1872 | 09-Mar-16 | NAB | A-1 | TD | 450,000 | New | 91 | 3.11% | 08-Jun-16 |
| 1874 | 16-Mar-16 | Bankwest | A-1 | TD | 1,000,000 | 1846/1855 | 84 | 2.95% | 08-Jun-16 |
| 1875 | 16-Mar-16 | IMB | A-1 | TD | 750,000 | 1847/1844 | 91 | 2.85% | 15-Jun-16 |
| 1876 | 16-Mar-16 | Bank QLD | A- | TD | 750,000 | New | 105 | 2.90% | 29-Jun-16 |
| 1877 | 16-Mar-16 | NAB | A-1 | TD | 1,200,000 | 1854/1845 | 98 | 3.10% | 22-Jun-16 |
| 1878 | 23-Mar-16 | NAB | A-1 | TD | 750,000 | 1809 | 91 | 3.09% | 22-Jun-16 |
| 1879 | 23-Mar-16 | Auswide | BBB+ | TD | 350,000 | new | 91 | 2.85% | 22-Jun-16 |
| 1880 | 30-Mar-16 | Bankwest | A-1 | TD | 1,300,000 | 1851 | 84 | 2.95% | 22-Jun-16 |
| 1881 | 30-Mar-16 | Beyond Bank | BBB+ | TD | 1,500,000 | New | 91 | 3.02% | 29-Jun-16 |
| 1856 | 20-Apr-16 | ME Bank | BBB+ | TD | 500,000 | 1828/New | 84 | 3.06% | 13-Jul-16 |
| | | | | | 17,803,647 | | | | |
| 1875 | | Westpac Maxi-Account | | Call | 307,682 | | | 2.00% | |
| | | | | | 18,111,329 | | | | |



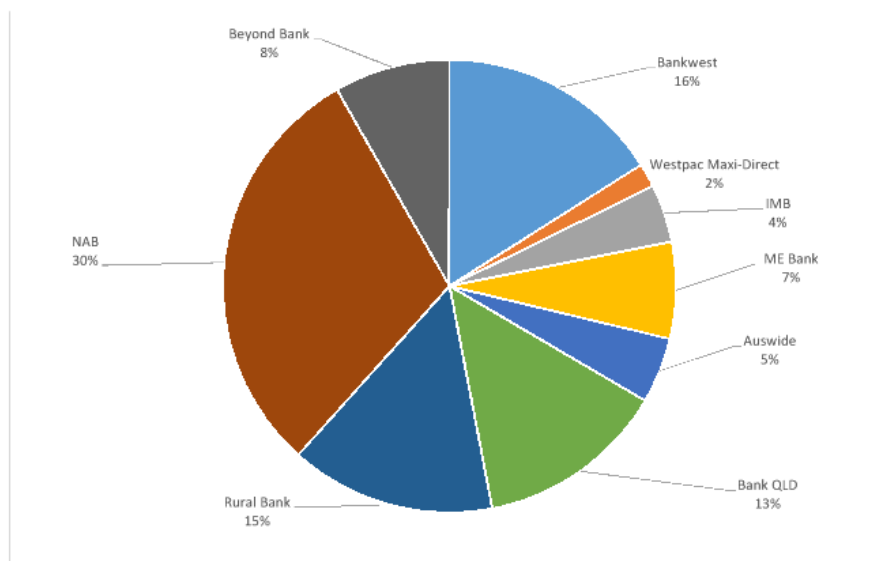
Maturities



Risk Rating



Investment Diversity



9.18 BOMBALA OFFICE - FM 06/16 - REPORT ON COUNCIL INVESTMENTS

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | Nil |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | Refer Bombala Office |

EXECUTIVE SUMMARY

In accordance with Clause 212 of the Local Government Regulation 2005, I certify that all investments have been made in accordance with the Act, the regulations and Council's investment policy.

Jill Hampshire

Responsible Accounting Officer

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive and note the report as presented by the Responsible Accounting Officer.

BACKGROUND

In accordance with legislation Council must be provided with a report setting out the details of all funds that Council has invested.

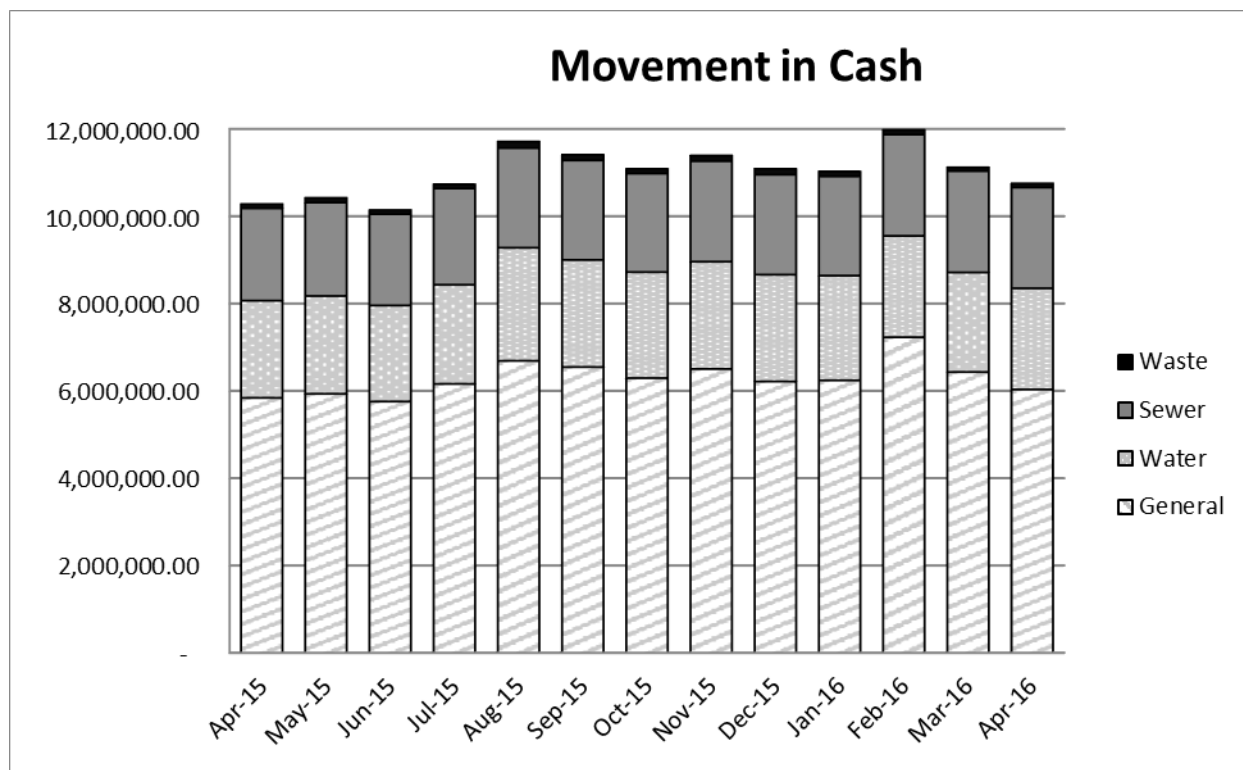
Investment as at 30 April 2016

| INVESTMENT REGISTER - Summary as at 30th April 2016 | | | | | | |
|---|---|-------------|------|----------------------|--------|---------------|
| Reference | INVESTMENT DETAILS | Term (days) | % | Amount Invested | Rating | Maturity Date |
| | TERM DEPOSITS | | | | | |
| 30-341-3590 | Term Deposit (NAB) | 121 | 3.01 | 1,500,000.00 | AA- | 17/06/2016 |
| 39-306-0572 | Term Deposit (NAB) | 122 | 3.10 | 3,500,000.00 | AA- | 15/07/2016 |
| 98-921-0172 | Term Deposit (NAB) | 153 | 3.10 | 2,000,000.00 | AA- | 14/06/2016 |
| 80-643-0157 | Term Deposit (NAB) | 156 | 3.11 | 1,000,000.00 | AA- | 14/09/2016 |
| NEW | Term Deposit (NAB) | 121 | 3.11 | 1,000,000.00 | AA- | 10/08/2016 |
| 94-792-2825 | Term Deposit (NAB) Redeemed 9/3/2016 | | | | | |
| 24-753-1110 | Term Deposit (NAB) Closed 5/7/2015 added to 98-921-0172 | | | 0.00 | | |
| | Subtotal Term Deposits General Fund | | | 9,000,000.00 | | |
| | AT CALL FUNDS | | | | | |
| 082-467 89-565-1006 | Cash Maximiser (NAB) Inv 1 | At call | 2.00 | 1,020,388.31 | AA- | |
| 082-467 83-307-0046 | General Fund Bank Account (NAB) - Inv 7 | At Call | 2.00 | 730,378.68 | AA- | |
| | Subtotal At Call Deposits General Fund | | | 1,750,766.99 | | |
| | TOTAL FUNDS INVESTED | | | 10,750,766.99 | | |
| | SUMMARY BY FUND TYPE | | | | | |
| | Total Investments General Fund-1 | | | 6,032,627.88 | | |
| | Total Investments Water Fund-2 | | | 2,316,224.35 | | |
| | Total Investments Sewer Fund-3 | | | 2,308,693.56 | | |
| | Total Investments Waste Fund-4 | | | 93,221.20 | | |
| | TOTAL FUNDS INVESTED (BY FUND) | | | 10,750,766.99 | | |
| | SUMMARY BY FINANCIAL INSTITUTION | | | | | |
| | National Australia Bank | | | 10,750,766.99 | AA- | |
| | TOTAL FUNDS INVESTED | | | 10,750,766.99 | | |

Cashbook to 30 April 2016

| | | | |
|---|-----------------|------|-----------------------|
| Cashbook Balance as at 30th April 2016 | | | \$730,378.68 |
| | | | |
| | | | |
| <u>Cash at Bank</u> | | | \$728,788.68 |
| Add: Outstanding Deposit | | | |
| | | | |
| | General Account | | |
| | Trust Account | \$ - | |
| | | | \$0.00 |
| <i>Less: EFT Outstanding</i> | | | \$0.00 |
| <i>Less: Unpresented Cheques</i> | | | (\$1,010.50) |
| <i>Plus: Unpresented Receipts (cash & Chqs)</i> | | | 2,600.50 |
| <u>Balance as per Cashbook</u> | | | \$730,378.68 |
| | | | |
| | | | |
| Limit of Overdraft at Bank | | | \$1,000,000.00 |
| | | | |
| | | | |
| <u>Bank Statements</u> | | | |
| NAB - General Fund Bank account | | | \$728,788.68 |
| Trust Account 000035 | | | \$0.00 |
| | | | |
| <i>TOTAL CASH AT BANK</i> | | | \$728,788.68 |

Comparison Report for 12 months to April 2016



QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Office

2. Environmental

Refer Bombala Office

3. Economic

Refer Bombala Office

4. Civic Leadership

Relevant Policy or Legislation:

- Section 212 Local Government (General) Regulation 2005
- Section 625 Local Government Act 1993
- Council's Investment Policy
- Goal 7.4 of Council's Integrated Community Strategic Plan.

9.19 BOMBALA OFFICE - FM 07/16 - MARCH QUARTERLY BUDGET REVIEW STATEMENT

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | 1. March Quaterly Budget Review Statement |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | Refer Bombala Office |

EXECUTIVE SUMMARY

To inform Council of necessary changes to the 2015/16 budget and to fulfil the legislative requirement to prepare and submit to the council a budget review statement no later than 2 months after the end of each quarter (except the June quarter).

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the information in this report; and
- B. Adjust the adopted budget to reflect the recommended variations to income and expenditure as shown in the Quarterly Budget Review Statement (QBRs)

BACKGROUND

Council's March Quarterly Budget review is attached and includes a number of variations which are detailed within the review itself. The net anticipated result for the minor funds indicates a decrease in the anticipated operating results (excluding capital revenue) as detailed below:

| | <u>Original Budget</u> | <u>March Review</u> |
|-----------------------------|------------------------|---------------------|
| • Domestic Waste Management | surplus \$67,000 | surplus \$27,000 |
| • Water | surplus \$33,000 | deficit \$81,000 |
| • Sewer | deficit \$53,000 | deficit \$79,000 |

Although these funds have sufficient reserves to cover minor deficits, operations are being closely monitored to minimise further erosion of these reserves.

It is important when reading the enclosed documents to consider the accrual method of accounting for revenue and expenditure. The general idea is that economic events are recognised regardless of when the cash transactions occur. This is evident in the Rates and Annual Charges actuals figure of \$3,554 million, this revenue is recognised when the rates are levied on the 1st of July but not all cash has been received.

Other timing issues are also evident in the amounts as presented in the QBRs such as the depreciation which is calculated annually (hence no actuals) and employee costs. The figure of \$2,530,000 operating employee costs at the end of the quarter includes both the salaries and wages “productive hours” and the dollar value of any leave taken or paid. At year end calculations are made to determine the Employee Leave entitlement expense, which does not represent the value of all leave paid but rather the value of new leave vested to employees. Total employees costs are anticipated to be in line with budget expectations at year end, however, the split between operating and capital may differ from the budget.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Office

2. Environmental

Refer Bombala Office

3. Economic

Refer Bombala Office

4. Civic Leadership

Relevant policy or legislation:

- Clause 203(1) of the Local Government (General) Regulation 2005
- Council’s Operational Plan 2015/16 and Delivery Program 2013/14 to 2016/17
- Integrated Planning and Reporting Guidelines 2010

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

| Table of Contents | page |
|--|-------------|
| 1. Responsible Accounting Officer's Statement | 1 |
| 2. Income & Expenses Budget Review Statement's | |
| Income & Expenses - Council Consolidated | 2 |
| Income & Expenses - General Fund | 3 |
| Income & Expenses - Water Fund | 4 |
| Income & Expenses - Sewer Fund | 5 |
| Income & Expenses Budget Review Statement by Activity | 6 - 9 |
| Income & Expenses Budget Review Statement | 10 |
| 3. Capital Budget Review Statement | |
| Capital Budget - Council Consolidated | 11 |
| Capital Expenditure Budget by Project - Council Consolidated | 12 - 13 |
| Capital Budget Review Statement | 14 |
| 4. Cash & Investments Budget Review Statement | |
| Cash & Investments Budget Review Statement | 15 |
| Cash & Investments Reconciliation Statement | 16 |
| 5. Contracts & Other Expenses Budget Review Statement | 17 |
| 7. Consultancy & Legal Expenses Budget Review Statement | 18 |

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Bombala Council for the quarter ended 31/03/16 indicates that Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

Date:

Jill Hampshire
Responsible Accounting Officer

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRs report

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2016

Income & Expenses - Council Consolidated

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|--------------|--------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Income | | | | | | | | | | | |
| Rates and Annual Charges | 3,619 | - | - | - | - | - | 3,619 | (21) | 2 | 3,598 | 3,526 |
| User Charges and Fees | 725 | - | - | - | 37 | - | 762 | 202 | 1 | 964 | 654 |
| Interest and Investment Revenues | 301 | - | - | - | - | - | 301 | - | | 301 | 215 |
| Other Revenues | 337 | - | - | - | - | - | 337 | 4 | | 341 | 290 |
| Grants & Contributions - Operating | 3,588 | - | - | 130 | 288 | - | 4,006 | 57 | | 4,063 | 3,514 |
| Grants & Contributions - Capital | 870 | - | - | 1,361 | 809 | - | 3,040 | 75 | | 3,115 | 1,068 |
| Net gain from disposal of assets | - | - | - | - | - | - | - | - | | - | - |
| Share of Interests in Joint Ventures | - | - | - | - | - | - | - | - | | - | - |
| Total Income from Continuing Operations | 9,440 | - | - | 1,491 | 1,134 | - | 12,065 | 317 | | 12,382 | 9,267 |
| Expenses | | | | | | | | | | | |
| Employee Costs | 3,352 | - | - | - | - | - | 3,352 | 103 | | 3,455 | 2,530 |
| Borrowing Costs | 10 | - | - | - | - | - | 10 | - | | 10 | - |
| Materials & Contracts | 2,300 | 223 | 44 | 204 | 599 | - | 3,370 | 270 | 1 | 3,640 | 2,194 |
| Depreciation | 2,735 | - | - | - | - | - | 2,735 | - | | 2,735 | - |
| Legal Costs | - | - | - | - | - | - | - | - | | - | - |
| Consultants | - | - | - | - | - | - | - | - | | - | - |
| Other Expenses | 941 | - | - | - | - | - | 941 | 52 | | 993 | 991 |
| Interest & Investment Losses | - | - | - | - | - | - | - | - | | - | - |
| Net Loss from disposal of assets | - | - | - | - | - | - | - | - | | - | - |
| Share of interests in Joint Ventures | - | - | - | - | - | - | - | - | | - | - |
| Total Expenses from Continuing Operations | 9,338 | 223 | 44 | 204 | 599 | - | 10,408 | 425 | | 10,833 | 5,715 |
| Net Operating Result from Operations | 102 | (223) | (44) | 1,287 | 535 | - | 1,657 | (108) | | 1,549 | 3,552 |
| Net Operating Result before Capital Items | (768) | (223) | (44) | (74) | (274) | - | (1,383) | (183) | | (1,566) | 2,484 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2016

Income & Expenses - General Fund

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Projected Year End Result | Actual YTD figures |
|---|-------------------------------|------------------|-----------------------|-------------|--------------|-------------|------------------------------|-----------------------------------|---------------------------------|--------------------------|
| | | Carry Fwd | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | |
| Income | | | | | | | | | | |
| Rates and Annual Charges | 2,630 | | | | | | 2,630 | (21) | 2,609 | 2,546 |
| User Charges and Fees | 542 | | | | 37 | | 579 | 202 | 781 | 650 |
| Interest and Investment Revenues | 179 | | | | | | 179 | | 179 | 211 |
| Other Revenues | 337 | | | | | | 337 | 4 | 341 | 290 |
| Grants & Contributions - Operating | 3,567 | | | 130 | 288 | | 3,985 | 57 | 4,042 | 3,494 |
| Grants & Contributions - Capital | 870 | | | 865 | 809 | | 2,544 | 75 | 2,619 | 1,068 |
| Net gain from disposal of assets | | | | | | | - | | - | |
| Share of Interests in Joint Ventures | | | | | | | - | | - | |
| Total Income from Continuing Operations | 8,125 | - | - | 995 | 1,134 | - | 10,254 | 317 | 10,571 | 8,259 |
| Expenses | | | | | | | | | | |
| Employee Costs | 3,100 | | | | | | 3,100 | 100 | 3,200 | 2,328 |
| Borrowing Costs | 10 | | | | | | 10 | | 10 | |
| Materials & Contracts | 1,918 | 223 | 44 | 204 | 583 | | 2,972 | 198 | 3,170 | 1,787 |
| Depreciation | 2,106 | | | | | | 2,106 | | 2,106 | |
| Legal Costs | | | | | | | - | | - | |
| Consultants | | | | | | | - | | - | |
| Other Expenses | 869 | | | | | | 869 | 37 | 906 | 919 |
| Interest & Investment Losses | | | | | | | - | | - | |
| Net Loss from disposal of assets | | | | | | | - | | - | |
| Share of interests in Joint Ventures | | | | | | | - | | - | |
| Total Expenses from Continuing Operations | 8,003 | 223 | 44 | 204 | 583 | - | 9,057 | 335 | 9,392 | 5,034 |
| Net Operating Result - Continuing Operations | 122 | (223) | (44) | 791 | 551 | - | 1,197 | (18) | 1,179 | 3,225 |
| Net Operating Result before Capital Items | (748) | (223) | (44) | (74) | (258) | - | (1,347) | (93) | (1,440) | 2,157 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2016

Income & Expenses - Water Fund

(\$'000's)

Income

| | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|-------------|-------------|-------------|------------------------------|-----------------------------------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | |
| Rates and Annual Charges | 486 | | | | | | 486 | | 486 | 478 |
| User Charges and Fees | 170 | | | | | | 170 | | 170 | - |
| Interest and Investment Revenues | 59 | | | | | | 59 | | 59 | 2 |
| Other Revenues | | | | | | | - | | - | |
| Grants & Contributions - Operating | 11 | | | | | | 11 | | 11 | 11 |
| Grants & Contributions - Capital | | | | 496 | | | 496 | | 496 | |
| Net gain from disposal of assets | | | | | | | - | | - | |
| Share of Interests in Joint Ventures | | | | | | | - | | - | |
| Total Income from Continuing Operations | 726 | - | - | 496 | - | - | 1,222 | - | 1,222 | 491 |

Expenses

| | | | | | | | | | | |
|---|------------|----------|----------|------------|-------------|----------|------------|-------------|-------------|------------|
| Employee Costs | 144 | | | | | | 144 | 16 | 160 | 128 |
| Borrowing Costs | | | | | | | - | | - | |
| Materials & Contracts | 229 | | | | 16 | | 245 | 48 | 293 | 266 |
| Depreciation | 272 | | | | | | 272 | | 272 | |
| Legal Costs | | | | | | | - | | - | |
| Consultants | | | | | | | - | | - | |
| Other Expenses | 48 | | | | | | 48 | | 48 | 39 |
| Interest & Investment Losses | | | | | | | - | | - | |
| Net Loss from disposal of assets | | | | | | | - | | - | |
| Share of interests in Joint Ventures | | | | | | | - | | - | |
| Total Expenses from Continuing Operations | 693 | - | - | - | 16 | - | 709 | 64 | 773 | 433 |
| Net Operating Result Continuing Operations | 33 | - | - | 496 | (16) | - | 513 | (64) | 449 | 58 |
| Net Operating Result before Capital Items | 33 | - | - | - | (16) | - | 17 | (64) | (47) | 58 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2016

Income & Expenses - Sewer Fund

(\$'000's)

Income

| | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|-------------|-------------|-------------|------------------------------|-----------------------------------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | |
| Rates and Annual Charges | 503 | | | | | | 503 | | 503 | 502 |
| User Charges and Fees | 13 | | | | | | 13 | | 13 | 4 |
| Interest and Investment Revenues | 63 | | | | | | 63 | | 63 | 2 |
| Other Revenues | | | | | | | - | | - | |
| Grants & Contributions - Operating | 10 | | | | | | 10 | | 10 | 9 |
| Grants & Contributions - Capital | | | | | | | - | | - | |
| Net gain from disposal of assets | | | | | | | - | | - | |
| Share of Interests in Joint Ventures | | | | | | | - | | - | |
| Total Income from Continuing Operations | 589 | - | - | - | - | - | 589 | - | 589 | 517 |

Expenses

| | | | | | | | | | | |
|--|------------|---|---|---|---|---|------------|-----------|------------|------------|
| Employee Costs | 108 | | | | | | 108 | (13) | 95 | 74 |
| Borrowing Costs | - | | | | | | - | | - | |
| Materials & Contracts | 153 | | | | | | 153 | 24 | 177 | 141 |
| Depreciation | 357 | | | | | | 357 | | 357 | |
| Legal Costs | | | | | | | - | | - | |
| Consultants | | | | | | | - | | - | |
| Other Expenses | 24 | | | | | | 24 | 15 | 39 | 33 |
| Interest & Investment Losses | | | | | | | - | | - | |
| Net Loss from disposal of assets | | | | | | | - | | - | |
| Share of interests in Joint Ventures | | | | | | | - | | - | |
| Total Expenses from Continuing Operations | 642 | - | - | - | - | - | 642 | 26 | 668 | 248 |

Net Operating Result-Continuing Operations

Net Operating Result before Capital Items

| | | | | | | | | | | |
|-------------|---|---|---|---|---|---|-------------|-------------|-------------|------------|
| (53) | - | - | - | - | - | - | (53) | (26) | (79) | 269 |
| (53) | - | - | - | - | - | - | (53) | (26) | (79) | 269 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Income & Expenses Budget Review Statement by Activity

Budget review for the quarter ended 31 March 2016

| \$'000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|---|-------------------------------|----------------------|------|-------------|-------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Other than C/Fwds | QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Income | | | | | | | | | | | |
| SP Goal 1 Local Economy | | | | | | | | | | | |
| Economic Development | - | | | | | | - | | | - | |
| Private Works | 50 | | | | | | 50 | 180 | 1 | 230 | 47 |
| Service NSW Agency | 55 | | | | | | 55 | | | 55 | 61 |
| TMS Road works on State Roads | 177 | | | | 84 | | 261 | | | 261 | 244 |
| SP Goal 2 Tourism | | | | | | | | | | | |
| Events Staging & Promotion | 7 | | | | (7) | | - | 1 | | 1 | 1 |
| Tourism Operations | 13 | | | | | | 13 | | | 13 | 7 |
| Waravan Park | 65 | | | | | | 65 | 7 | | 72 | 62 |
| SP Goal 3 Environment | | | | | | | | | | | |
| Monaro Regional Weeds Committee | | | | | 2 | | 2 | | | 2 | 2 |
| Animal Control | 3 | | | | | | 3 | | | 3 | 1 |
| Waste Management | 410 | | | | | | 410 | (22) | 2 | 388 | 379 |
| Toxicious Weeds Regulation | 43 | | | | | | 43 | 11 | 3 | 54 | 54 |
| Development & Planning | 47 | | | | 6 | | 53 | 3 | | 56 | 50 |
| Fire Prevention & Emergency Services | 314 | | | | (121) | | 193 | | | 193 | 179 |
| Public Health | - | | | | 1 | | 1 | | | 1 | |
| Environmental Health | - | | | | | | - | | | - | |
| Weed/Vegetation Management | - | | | | | | - | | | - | |
| SP Goal 4 Community Wellbeing | | | | | | | | | | | |
| Street Lighting | 3 | | | | | | 3 | | | 3 | |
| Community Services | 274 | | | | | | 274 | 59 | 4 | 333 | 276 |
| Parks & Reserves | - | | | | | | - | | | - | |
| Buildings & Property | 64 | | | | 4 | | 68 | | | 68 | 50 |
| Cemeteries | 52 | | | | | | 52 | (11) | 5 | 41 | 27 |
| Public Amenities | - | | | | | | - | | | - | |
| Swimming Pool | 20 | | | | | | 20 | 2 | | 22 | 22 |
| Halls Community Centres & Sportsgrounds | 7 | | | | 10 | | 17 | 75 | 6 | 92 | 90 |
| Audromat | 8 | | | | (2) | | 6 | | | 6 | 5 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Income & Expenses Budget Review Statement by Activity

Budget review for the quarter ended 31 March 2016

| \$'000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|---|-------------------------------|----------------------|----------|--------------|--------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Other than C/Fwds | QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Income | | | | | | | | | | | |
| SP Goal 5 Infrastructure | | | | | | | | | | | |
| roads | 1,925 | | | 854 | 553 | | 3,332 | | | 3,332 | 1,769 |
| bridges | - | | | 131 | 495 | | 626 | | | 626 | |
| footpaths | - | | | | | | - | | | - | |
| stormwater Drainage | 14 | | | | | | 14 | 1 | | 15 | 15 |
| Water | 726 | | | 495 | | | 1,221 | | | 1,221 | 491 |
| Quarry Operations | 178 | | | | | | 178 | | | 178 | 324 |
| Quailry Operations | 7 | | | | | | 7 | 4 | | 11 | (6) |
| Aerodrome | - | | | | | | - | | | - | |
| sewer | 589 | | | | | | 589 | | | 589 | 517 |
| SP Goal 6 History & Culture | | | | | | | - | | | | |
| libraries | 20 | | | | | | 20 | 1 | | 21 | 21 |
| Cultural & Social Development | 7 | | | | 121 | | 128 | | | 128 | 123 |
| SP Goal 7 Participation & Leadership | | | | | | | - | | | | |
| Plant Operations | 47 | | | | | | 47 | 5 | | 52 | 39 |
| CEO Office | - | | | | | | - | | | - | |
| Corporate Services | 3 | | | | | | 3 | 1 | | 4 | 4 |
| Finance | 4,280 | | | 11 | (12) | | 4,279 | | | 4,279 | 4,385 |
| Information Technology | - | | | | | | - | | | - | |
| Human Resources | 32 | | | | | | 32 | | | 32 | 28 |
| Engineering | - | | | | | | - | | | - | |
| Elected Members | - | | | | | | - | | | - | |
| Depot Operations | - | | | | | | - | | | - | |
| Total Income from Continuing Operations | 9,440 | - | - | 1,491 | 1,134 | - | 12,065 | 317 | | 12,382 | 9,267 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Income & Expenses Budget Review Statement by Activity

Budget review for the quarter ended 31 March 2016

| \$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|---|-------------------------------|----------------------|------|-------------|-------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Other than C/Fwds | QBRs | Sep QBRs | Dec QBRs | Mar QBRs | | | | | |
| Expenses | | | | | | | | | | | |
| SP Goal 1 Local Economy | | | | | | | | | | | |
| Economic Development | 112 | | | | | | 112 | | | 112 | 78 |
| Private Works | 50 | | | | | | 50 | 180 | 1 | 230 | 196 |
| Service NSW Agency | 58 | | | | | | 58 | 3 | | 61 | 49 |
| IMS Road works on State Roads | 177 | | | | 84 | | 261 | | | 261 | 234 |
| SP Goal 2 Tourism | | | | | | | | | | | |
| Events Staging & Promotion | 12 | 5 | | | 4 | | 21 | | | 21 | 13 |
| Tourism Operations | 77 | | | 8 | | | 85 | (3) | | 82 | 62 |
| Waravan Park | 84 | | | | | | 84 | 5 | | 89 | 50 |
| SP Goal 3 Environment | | | | | | | | | | | |
| Animal Control | 19 | | | | | | 19 | 3 | | 22 | 16 |
| Waste Management | 343 | | | | | | 343 | 18 | 7 | 361 | 267 |
| Toxic Weeds Regulation | 63 | | | | | | 63 | 11 | 3 | 74 | 62 |
| Monaro Regional Weeds Committee | | 82 | | | 2 | | 84 | | | 84 | 17 |
| Development & Planning | 131 | 25 | | 44 | 30 | | 230 | 2 | | 232 | 101 |
| Fire Prevention & Emergency Services | 443 | | | 3 | (67) | | 379 | | | 379 | 268 |
| Public Health | 6 | | | | | | 6 | | | 6 | 4 |
| Environmental Health | 13 | | | | | | 13 | (2) | | 11 | 7 |
| Weed/Vegetation Management | 44 | | | | | | 44 | | | 44 | 19 |
| SP Goal 4 Community Wellbeing | | | | | | | | | | | |
| Street Lighting | 22 | | | | | | 22 | | | 22 | 18 |
| Community Services | 299 | 14 | | | | | 313 | 59 | 4 | 372 | 237 |
| Parks & Reserves | 105 | | | | 37 | | 142 | (4) | | 138 | 90 |
| Buildings & Property | 263 | 13 | | | 20 | | 296 | (8) | | 288 | 99 |
| Cemeteries | 59 | | | | | | 59 | | | 59 | 43 |
| Public Amenities | 41 | | | | 11 | | 52 | | | 52 | 38 |
| Swimming Pool | 144 | | | | | | 144 | 6 | | 150 | 121 |
| Halls Community Centres & Sportsgrounds | 275 | | | 6 | | | 281 | 8 | | 289 | 85 |
| Audromat | 8 | | | | (2) | | 6 | 1 | | 7 | 6 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRs report

Bombala Council

Income & Expenses Budget Review Statement by Activity

Budget review for the quarter ended 31 March 2016

| \$'000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|----------------------|-------------|--------------|-------------|-------------|------------------------------|-----------------------------------|-----------|---------------------------------|--------------------------|
| | | Other than C/Fwds | QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Expenses | | | | | | | | | | | |
| SP Goal 5 Infrastructure | | | | | | | | | | | |
| Assets | 2,259 | 6 | 44 | | 343 | | 2,652 | (21) | | 2,631 | 1,375 |
| Bridges | 656 | | | 131 | 20 | | 807 | 21 | | 828 | 74 |
| Footpaths | 41 | | | | | | 41 | | | 41 | |
| Stormwater Drainage | 39 | | | | | | 39 | 1 | | 40 | 10 |
| Water | 693 | | | | 16 | | 709 | 98 | 8 | 807 | 432 |
| Quarry Operations | 69 | | | | | | 69 | | | 69 | 149 |
| Airfield Operations | 14 | | | | | | 14 | 18 | 9 | 32 | 10 |
| Airport | 2 | | | | 4 | | 6 | | | 6 | 4 |
| Leisure | 642 | | | | | | 642 | 26 | 10 | 668 | 248 |
| SP Goal 6 History & Culture | | | | | | | | | | | |
| Libraries | 99 | | | | | | 99 | 5 | | 104 | 78 |
| Cultural & Social Development | 33 | 61 | | | 115 | | 209 | | | 209 | 69 |
| SP Goal 7 Participation & Leadership | | | | | | | | | | | |
| Plant Operations | (34) | | | | | | (34) | | | (34) | (280) |
| CEO Office | 184 | 17 | | | 13 | | 214 | (2) | | 212 | 138 |
| Corporate Services | 337 | | | 6 | (18) | | 325 | | | 325 | 262 |
| Finance | 495 | | | 2 | 3 | | 500 | | | 500 | 382 |
| Information Technology | 294 | | | | 7 | | 301 | | | 301 | 182 |
| Human Resources | 232 | | | | | | 232 | | | 232 | 68 |
| Engineering | 205 | | | | | | 205 | | | 205 | 155 |
| Elected Members | 141 | | | 4 | 5 | | 150 | | | 150 | 120 |
| Depot Operations | 89 | | | | (28) | | 61 | | | 61 | 59 |
| | | | | | | | - | | | - | |
| Total Expenses from Continuing Operations | 9,338 | 223 | 44 | 204 | 599 | | 10,408 | 425 | 42 | 10,833 | 5,715 |
| Net Operating Result Profit (Loss) | 102 | (223) | (44) | 1,287 | 535 | - | 1,657 | (108) | | 1,549 | 3,552 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Budget Variations being recommended include the following items:

10

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2016

Capital Budget - Council Consolidated

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|--------------|-------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Capital Expenditure | | | | | | | | | | | |
| <i>New Assets</i> | | | | | | | | | | | |
| - Plant & Equipment | | | | | | | - | | | - | |
| - Land & Buildings | | 272 | 250 | | | | 522 | (7) | | 515 | 11 |
| - Other | 20 | 11 | | | | | 31 | | | 31 | 5 |
| <i>Renewal Assets (Replacement)</i> | | | | | | | | | | | |
| - Plant & Equipment | 198 | | | | 90 | | 288 | | | 288 | 100 |
| - Land & Buildings | 350 | 161 | 459 | | 118 | | 1,088 | 67 | 1,2 | 1,155 | 233 |
| - Roads, Bridges, Footpaths | 1,573 | 269 | | 854 | 567 | | 3,263 | | | 3,263 | 1,923 |
| - Sewer Services | 120 | 14 | | | | | 134 | | | 134 | 7 |
| - Water Infrastructure | 147 | 145 | | 496 | (16) | | 772 | | | 772 | 44 |
| - Waste Management | 20 | 30 | | | | | 50 | | | 50 | |
| - Other | 35 | 189 | | | | | 224 | | | 224 | 38 |
| Total Capital Expenditure | 2,463 | 1,091 | 709 | 1,350 | 759 | - | 6,372 | 60 | | 6,432 | 2,361 |
| Capital Funding | | | | | | | | | | | |
| Rates & Other Untied Funding | 544 | | | | (16) | | 528 | (15) | | 513 | 507 |
| Capital Grants & Contributions | 1,184 | | | 1,350 | 567 | | 3,101 | 75 | | 3,176 | 1,754 |
| <i>Reserves:</i> | | | | | | | | | | | |
| - External Restrictions/Reserves | 287 | 189 | | | 90 | | 566 | | | 566 | 51 |
| - Internal Restrictions/Reserves | 448 | 902 | 709 | | 118 | | 2,177 | | | 2,177 | 49 |
| <i>New Loans</i> | | | | | | | - | | | - | |
| <i>Receipts from Sale of Assets</i> | | | | | | | | | | | |
| - Plant & Equipment | | | | | | | - | | | - | |
| - Land & Buildings | | | | | | | - | | | - | |
| Total Capital Funding | 2,463 | 1,091 | 709 | 1,350 | 759 | - | 6,372 | 60 | | 6,432 | 2,361 |
| Net Capital Funding - Surplus/(Deficit) | - | - | - | - | - | - | - | - | | - | |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2016

Capital Expenditure Budget by Project - Council Consolidated

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|-------------|-------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Capital Expenditure | | | | | | | | | | | |
| New Assets | | | | | | | | | | | |
| - Plant & Equipment | | | | | | | | | | | |
| - Land & Buildings | | | | | | | | | | | |
| Garage Construction at BCCS Site | | 8 | | | | | 8 | (3) | | 5 | 5 |
| Maintenance Workshop at Saleyards site | | 4 | | | | | 4 | (2) | | 2 | 2 |
| Delegate Caravan Park | | 60 | 100 | | | | 160 | | | 160 | |
| Bombala Caravan Park | | | 150 | | | | 150 | | | 150 | 1 |
| Visitors Information Centre | | 200 | | | | | 200 | | | 200 | 3 |
| - Other | | | | | | | | | | | |
| Saleyards Low Voltage Pole Project | | 2 | | | | | 2 | (2) | | - | |
| Black Lake Boat Ramp | | 4 | | | | | 4 | | | 4 | |
| Tourism Signage Project | 20 | 5 | | | | | 25 | | | 25 | 5 |
| Renewal Assets (Replacement) | | | | | | | | | | | |
| - Plant & Equipment | 198 | | | | 90 | | 288 | | | 288 | 100 |
| - Land & Buildings | | | | | | | | | | - | |
| Bombala Exhibition Ground | | | 88 | | | | 88 | 75 | 1 | 163 | 122 |
| Cathcart Hall | | 2 | 103 | | | | 105 | | | 105 | |
| Early Settlers Hut Toilet | | 30 | | | | | 30 | | | 30 | 28 |
| Delegate Preschool & School of Arts - Drainage | | 12 | | | | | 12 | | | 12 | |
| Admin Building Courtyard Drainage Project | | 4 | | | | | 4 | (2) | | 2 | 2 |
| RFS Land Matters | | 48 | | | | | 48 | | | 48 | 13 |
| Boa Exhibition Ground Works (Bull yards) | 20 | | | | | | 20 | | | 20 | 8 |
| Delegate Showground | 20 | | 248 | | | | 268 | | | 268 | |
| Delegate Tennis Courts | | | | | 115 | | 115 | 7 | 2 | 122 | |
| Admin Office Building Improvements | 60 | 15 | | | | | 75 | (17) | 2 | 58 | 15 |
| Library Improvements | | 30 | | | | | 30 | | | 30 | 1 |
| Stewards Room at Racecourse | | 20 | | | | | 20 | | | 20 | 20 |
| Health & Fitness Complex | 250 | | | | | | 250 | | | 250 | 3 |
| Swimming Pool Amenities | | | | | 3 | | 3 | 4 | | 7 | 7 |
| 13 William St Delegate (Disadvantaged housing) | | | 20 | | | | 20 | | | 20 | 14 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2016

Capital Expenditure Budget by Project - Council Consolidated

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|---|-------------------------------|-------------------|-----------------------|--------------|-------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| - Roads, Bridges, Footpaths | | | | | | | | | | | |
| Bombala Main Street Footpath Upgrade | 50 | 20 | | | | | 70 | | | 70 | 12 |
| Bombala Footpaths Improvements | 15 | 5 | | | | | 20 | | | 20 | |
| Delegate St footpaths | | 12 | | | | | 12 | | | 12 | |
| Delegate Streets | 10 | 30 | | | | | 40 | | | 40 | |
| Urban Shoulder Sealing | 34 | 68 | | | | | 102 | | | 102 | 10 |
| Reconstruct & seal Caveat St (Cncl) | 30 | | | | | | 30 | | | 30 | 30 |
| MR93 Delegate Road | | 134 | | | | | 134 | | | 134 | 134 |
| RMS REPAIR Prog Delegate Rd | 280 | | | | | | 280 | | | 280 | 270 |
| Lower Bendoc Road (Fixing Country Roads) | | | | 874 | | | 874 | | | 874 | 652 |
| Urban Roads R2R | 274 | | | | | | 274 | | | 274 | 326 |
| Rural Reseals R2R | 130 | | | | | | 130 | | | 130 | 46 |
| Gravel Resheeting R2R | 200 | | | | 272 | | 472 | | | 472 | 363 |
| Gravel resheeting - other | 150 | | | (20) | | | 130 | | | 130 | |
| Timber Freight Roads Grant Mila Rd | 150 | | | | | | 150 | | | 150 | 80 |
| Local Timber Heritage Roads (State) | 250 | | | | (250) | | - | | | - | |
| Parsonage Creek Bridge | | | | | 545 | | 545 | | | 545 | |
| - Sewer Services | 120 | 14 | | | | | 134 | | | 134 | 7 |
| - Water Infrastructure | 147 | 145 | | 496 | (16) | | 772 | | | 772 | 44 |
| - Waste Management | 20 | 30 | | | | | 50 | | | 50 | |
| - Other | | | | | | | | | | | |
| Admin Office Equipment & Furniture | 10 | 15 | | | | | 25 | | | 25 | |
| Computer/IT Hardware | 12 | | | | | | 12 | | | 12 | 8 |
| Swimming Pool Pump Replacement (& building) | | 22 | | | | | 22 | | | 22 | 20 |
| Quarries and Pits Capital Works | | 54 | | | | | 54 | | | 54 | 3 |
| Apex Park Playground upgrade | | 3 | | | | | 3 | | | 3 | 1 |
| Urban Stormwater Drainage Works | | 10 | | | | | 10 | | | 10 | |
| Cemetery Facility Improvements | 13 | | | | | | 13 | | | 13 | 6 |
| Upgrade of Phone System & Radio Telemetry | | 85 | | | | | 85 | | | 85 | |
| Total Capital Expenditure | 2,463 | 1,091 | 709 | 1,350 | 759 | - | 6,372 | 60 | | 6,432 | 2,361 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council
Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

| Notes | Details |
|-------|--|
| 1 | Bringing to account the total cost for Exhibition Ground amenities (offset by Grant from Country Rugby League) |
| 2 | Movement of allocated budget from Council buildings to Delegate Tennis Courts and Saleyards major maintenance as approved by Council's March 2016 meeeting |

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2016

Cash & Investments - Council Consolidated

| (\$000's) | Original Budget 2015/16 | Approved Changes | | | | | Revised Budget 2015/16 | Variations for this Mar Qtr | Notes | Projected Year End Result | Actual YTD figures |
|--|-------------------------------|-------------------|-----------------------|--------------|--------------|-------------|------------------------------|-----------------------------------|-------|---------------------------------|--------------------------|
| | | Carry Forwards | Other than by QBRS | Sep QBRS | Dec QBRS | Mar QBRS | | | | | |
| Externally Restricted ⁽¹⁾ | | | | | | | | | | | |
| Developer Contributions - General | 22 | | | | | | 22 | | | 22 | 22 |
| Developer Contributions - Water Fund | 40 | | | | | | 40 | | | 40 | 40 |
| Developer Contributions - Sewer Fund | 23 | | | | | | 23 | | | 23 | 23 |
| Specific Purpose Unexpended Grants | 253 | (253) | | | | | - | | | - | - |
| Water Supplies | 2,211 | 3 | | | | | 2,214 | | | 2,214 | 2,214 |
| Sewerage Services | 2,123 | | | | | | 2,123 | | | 2,123 | 2,123 |
| Domestic Waste Management | 82 | (20) | | | | | 62 | | | 62 | 62 |
| Home & Community Care | 277 | | | | (90) | | 187 | | | 187 | 187 |
| Total Externally Restricted | 5,031 | (270) | - | - | (90) | - | 4,671 | - | | 4,671 | 4,671 |
| ⁽¹⁾ Funds that must be spent for a specific purpose | | | | | | | | | | | |
| Internally Restricted ⁽²⁾ | | | | | | | | | | | |
| Plant & Vehicle Replacement | 23 | | | | | | 23 | | | 23 | 23 |
| Infrastructure Replacement | 1,579 | | (325) | (35) | (250) | | 969 | | | 969 | 969 |
| Employees Leave Entitlement | 550 | | | | | | 550 | | | 550 | 550 |
| Carry Over Works | 1,061 | (1,061) | | | | | - | | | - | - |
| Community Development | 15 | | | (1) | | | 14 | | | 14 | 14 |
| Deposits, Retentions & Bonds | 162 | | | | | | 162 | | | 162 | 162 |
| Economic Development | 80 | | | | | | 80 | | | 80 | 80 |
| Emergency Services | 20 | | | | | | 20 | | | 20 | 20 |
| Snowy River Way - Community Projects | 1,271 | | (364) | (110) | (60) | | 737 | | | 737 | 737 |
| Delegate Disadvantaged Units | 54 | | (20) | | | | 34 | | | 34 | 34 |
| Total Internally Restricted | 4,815 | (1,061) | (709) | (146) | (310) | - | 2,589 | - | | 2,589 | 2,589 |
| ⁽²⁾ Funds that Council has earmarked for a specific purpose | | | | | | | | | | | |
| Unrestricted | 296 | 17 | (44) | (17) | 400 | - | 652 | | | 798 | 3,491 |
| Total Cash & Investments | 10,142 | (1,314) | (753) | (17) | | | 8,058 | - | | 8,058 | 10,751 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRS report

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Cash & Investments Reconciliation Statement

Comment on Cash & Investments Position

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/16

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)

730

Investments on Hand

10,020

less: Unpresented Cheques

(Timing Difference)

(1)

add: Undeposited Funds

(Timing Difference)

2

Reconciled Cash at Bank & Investments

10,751

Balance as per Review Statement:

10,751

Difference:

-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRs report

Bombala Council

Quarterly Budget Review Statement
for the period 01/01/16 to 31/03/16

Contracts Budget Review Statement

Budget review for the quarter ended 31 March 2016
Part A - Contracts Listing - contracts entered into during the quarter

| Contractor | Contract detail & purpose | Contract Value | Start Date | Duration of Contract | Budgeted (Y/N) | Notes |
|------------|---------------------------|----------------|------------|----------------------|----------------|-------|
| | | | | | | |

Notes:

- 1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
- 2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
- 3. Contracts for employment are not required to be included.

Bombala Council

Quarterly Budget Review Statement

for the period 01/01/16 to 31/03/16

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

| Expense | YTD Expenditure (Actual Dollars) | Budgeted (Y/N) |
|---------------|-------------------------------------|-------------------|
| Consultancies | 51,494 | Y |
| Legal Fees | 3,651 | Y |

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

This statement forms part of the Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2016 and should be read in conjunction with the total QBRs report

9.20 REVIEW OF MEMBERSHIP OF COMMITTEES

Record No:

| | |
|--------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments. |
| Attachments: | Nil |
| Cost Centre | 0130 Mayor and Council |
| Project | Operational Activity |

EXECUTIVE SUMMARY

Council maintains links with a range of community based and other organisations via representation on relevant committees. Such representation is usually by appointment of either elected members or members of staff as delegates.

Delegates generally have voting rights as representatives of Council on such committees, although the extent of this does vary between committees. Delegates have a responsibility to Council, as its representative, to vote in accord with Council policy and to keep Council informed of the activities of the committee in question.

On 12 May 2016 the Governor General issued the Local Government (Council Amalgamations) Proclamation 2016.

Key matters to be dealt with at the first meeting of the council include a review of the advisory committees on which former Council's appointed a delegate. The appointed Administrator should review the membership of advisory committees and committees established under Section 355 of the Act.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Determines the Committees (not being a Standing Committee of Council)
- B. That the Administrator where required:
 - (i) Formally represent Snowy Monaro Regional Council at meetings and formalised functions (Committee/Organisations as per the adopted schedule).
 - (ii) Vote in accord with Council policy where called upon to exercise voting powers at such meetings.
 - (iii) Refer for Council's determination and formal vote of expenditure, all issues with the potential to commit Council to any financial liability.

- (iv) Ensure that where required minutes of meeting are provided to Council for receipt and notation.
- (v) Affix Council's Seal on appointments to external committees, where required.
- C. Reconfirm membership of all Section 355 committees as at 25 May 2016 to be extended to 30 September 2017
- D. Review all committees, with the exception of the Section 355 committees and any Standing Committee of Council in December 2016
- E. Notify the external committees of continued membership by Snowy Monaro Regional Council and its representative
- F. Notify the members of the Section 355 Committees of their reappointment until September 2017

BACKGROUND

This report has been prepared to appoint delegates to represent Council on a variety of community and advisory committees.

By appointing delegates, Council is delegating authority to those persons to act on its behalf in accord with the provisions of s355 (e) of the Local Government Act 1993. The delegation of power by Council is exercised under s377 of the Act. It is further noted Council is precluded under s377 from delegation of its powers to employees other than to the General Manager.

Only the General Manager (s378) may delegate those of his powers to an employee of Council, which have been formally delegated to him by Council. Thus, where a staff appointment is to be made, the delegation from Council will show the General Manager's name as the delegate and where delegated by the General Manager, the name of the employee of Council. It is proposed that formal instruments of delegation be drawn up in terms of the delegation as noted in the recommendation. This will enable consistency to be maintained with S.380 of the Act, which requires review of delegation.

A summary of the committees (not being a Standing Committee of Council) of the three former Councils for the current year is provided below for information:

External Committees

| <i>Former Bombala Council</i> | <i>Former Cooma Council</i> | <i>Former Snowy River</i> |
|--|--|---|
| ANU Medical School – Cooma Campus – Community Advisory Committee and Board | ANU Medical School's Rural Program Committee | ANU Medical School - Community Advisory Committee Board |
| Canberra Region Joint Organisation (CBRJO) (formerly SEROC) | Canberra Region Joint Organisation (CBRJO) | Canberra Region Joint Organisation of Councils (CBRJO) |
| | Canberra Region Joint Organisation General | CBRJO General Manager's Advisory Committee |

| | | |
|--|--|---|
| | Managers Advisory Committee (GMAC) | |
| | Cooma Correctional Centre Community Consultative Committee | Cooma Gaol Community Consultative Committee |
| Community Safety Precinct Committee | Community Safety Precinct Committee | Monaro Local Area Command Community Safety Precinct Committee (CSPC) |
| Bombala Council Area Local Traffic Committee | Cooma-Monaro Local Traffic Committee | Local Traffic Committee (LTC) |
| | | Traffic Development Committee |
| Bombala District Bushfire Management Committee | District Bush Fire Management | Jindabyne Liquor Accord |
| Monaro Regional Interagency Committee | Monaro Regional Interagency | Monaro Regional Interagency |
| Bombala District Rural Fire Service Agreement Liason Committee | Rural Fire Service Liaison Committee | Rural Fire Service District Liaison |
| Southern Monaro Local Emergency Management Committee | Southern Monaro Local Emergency Management Committee | Southern Monaro Local Emergency Management Committee (LEMC) |
| | | Southern Monaro Local Emergency Rescue Committee (LERC) |
| Monaro Regional Weeds Committee | Monaro Regional Weeds Committee | Monaro Regional Weeds Committee |
| South East Arts | South East Arts Board | South East Arts Board (SEA) |
| South East Australian Transport Study Group (SEATS) | South East Australia Transport Strategy | South East Australia Transport (SEATs) |
| | | |
| Boco Rock Community Fund Committee | Boco Rock Community Enhancement Fund Committee | |
| South East Regional Academy of Sport (SERAS) | | Southern Area South East Regional Academy of Sport Board of Directors (SERAS) |
| | | |
| Bundian Way Advisory Committee | Cooma Universities Centre | Aboriginal Liaison Committee |
| Delegate Progress Association | South East Weight Of Loads Group | Kosciuszko Alpine Way Steering Committee (KAW) |

| | | |
|--|--|---|
| Joint Regional Planning Panel | Upper Murrumbidgee Catchment Co-Ordinating Committee | Monaro Housing Taskforce |
| Local Monaro Regional Library Committee Government NSW | | Monaro Regional Library and Information Service Management Committee |
| Monaro Grasslands Local Management Team | | Snowy Mountains Neighbourhood Centre |
| Cooma-Monaro Shire Council's Noxious Weeds Committee | | Snowy River Shire Noxious Weeds Advisory Committee-Land Manager's Panel |
| | | Snowy River Health Centre Representative Committee |
| | | South East and Southern Resource Recovery Group |

Comments:

There are 15 committees of which the three former councils were all members. There are 2 committees of which two of the former councils were members. There are 16 committees that were specific to the former LGA and 1 external committee that was dissolved with the proclamation (Monaro Regional Library and Information Service Management Committee).

Internal Advisory Committees (Operational)

| <i>Former Bombala Council</i> | <i>Former Cooma Council</i> | <i>Former Snowy River</i> |
|-------------------------------|-------------------------------|---|
| | Conduct Review Panel | Finance Committee |
| | Consultative Committee | Property Maintenance & Development Working Group |
| Waste Management Committee | | Snowy River Waste Management Committee |
| | | Snowy River Noxious Weeds Advisory Committee |
| | Contract Employment Committee | Staff Committee, General Manager's Performance Review |

Comments:

The Conduct Review Panel is not required as there are provisions through the Office of Local Government and Procedures for the Model Code of Conduct for Local Government in NSW.

Internal Advisory Committees and Working Parties (including members of the public as Delegates)

| <i>Former Bombala Council</i> | <i>Former Cooma Council</i> | <i>Former Snowy River</i> |
|-------------------------------|-----------------------------|---------------------------|
|-------------------------------|-----------------------------|---------------------------|

| | | |
|---|---|--|
| Bombala Council Community Services Advisory Committee | Australia Day Working Party | Green Team |
| Bombala Swimming Pool Complex Advisory Committee | CBD Working Party | Public Art Advisory Committee (As per specific terms of reference) |
| Noxious Weeds Advisory Committee | Monaro Regional Housing Forum | Social Planning Advisory Committee |
| Selection Committee For Citizen Of The Year | Snowy Mountains Aboriginal Liaison Working Party | Tourism and Heritage Advisory Committee |
| | Waste Management Working Party | Youth Council |
| | Water & Wastewater Strategic Directions Working Party | |
| | Infrastructure Strategic Working Party | |

Section 355 Committees (including members of the public as Delegates)

| <i>Former Bombala Council</i> | <i>Former Cooma Council</i> | <i>Former Snowy River</i> |
|---|--|---|
| Bibbenluke Hall & Sportsground Management Committee | Arts And Cultural Activities Committee | Adaminaby School of Arts Hall |
| Bombala Cemetery Committee | Cemetery Committee | Aitchison House (Old Cottage) |
| Bombala Exhibition Ground Management Committee | Community Services Committee | Berridale Beautification Committee |
| Bombala Racecourse and Recreation Ground Committee | Access & Equity Sub-Committee | Berridale Pool, Community Centre & Sportsground |
| Bombala Railway and Land Management Committee | HACC Services Sub-Committee | Companion Animals Management Advisory Committee |
| Bombala Tennis Club | Cooma-Monaro Tourism Advisory Committee | Dalgety Hall Management Committee |
| Bungarby Memorial Hall Preservation Committee | Koala Management Plan Committee | Dalgety Showground |
| Cathcart School of Arts / Cathcart Tennis Club Committees | Monaro Regional Libraries Committee | Jindabyne Beautification |
| Craigie Hall Committee | Nimmitabel Showground Management Committee | Jindabyne Memorial Hall |

| | | |
|--|--|--|
| Delegate Early Settlers Hut Committee | Noxious Weeds Committee | Jindabyne Shared Trails |
| Delegate & District Pre-School Committee | Recreational Facilities Committee | Jindabyne Sportsground and Recreation Areas Management Committee |
| Delegate RSL Hall Community Committee | Cemeteries | |
| Delegate School of Arts Committee | Bredbo | |
| Delegate Sportsground Committee | Michelago | |
| Mila Country Club | Nimmitabel | |
| | Numeralla | |
| | Peakview/Jerangle | |
| | Halls | |
| | Bredbo | |
| | Kybeyan | |
| | Michelago | |
| | Nimmitabel | |
| | Numeralla | |
| | Peakview | |
| | Smiths Road | |
| | North Ridge Reserve Committee | |
| | Old Cooma Grasslands Reserve Committee | |
| | Saleyards Committee | |
| | Werri-Nina Management Committee | |
| | Yallambee Lodge Management Committee | |
| | Yamaga Sister City Committee | |

Comments:

It is recommended that memberships of all Section 355 committees be extended to September 2017 in recognition of the contribution and commitment of the volunteers on these committees

undertaken on behalf of the Council. The exception is the Monaro Regional Libraries Committee as there is no longer a need for this following amalgamation of the three councils.

It is requested that any alterations to these committees, including recording of additional committees or deletions from the current list, be notified at the meeting.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council maintains links with a range of community based and other organisations via representation on relevant committees. Such representation is usually by appointment of either elected members or members of staff as delegates.

Appointment of Council delegates to these Community based Committees recognises and promotes people's rights and improve the accountability of decision makers as well as giving people better opportunities for genuine participation and consultation about decisions affecting their lives.

2. Environmental

Participation in community based Committees will assist Council in meeting the objectives of sustainability at the local level by meaningful participation in forums with organisations that contribute to the Council's future.

Following receipt of minutes of external and internal advisory committees, Council will ensure that any resulting recommendations requiring a decision from Council considers quadruple bottom line reporting, including environmental sustainability.

Council's consideration and appointment of delegates to committees itself will not have a negative impact on environmental sustainability.

3. Economic

Provision has been made in the 2016 and 2017 budget for the Mayor and Council to undertake civic duties as required. This budget includes representing Council on a number of external and internal advisory committees.

Executive support to Mayor and Council is provided within the salary and wages of staff.

In addition, there are a number of committees that also include staff representatives as members. The cost for these staff to attend meetings etc is allocated in the salaries and wages account of the respective budgets.

4. Civic Leadership

Delegates generally have voting rights as representatives of Council on such committees, although the extent of this does vary between committees. Delegates have a responsibility to Council, as its representative, to vote in accord with Council policy and to keep Council informed of the activities of the committee through verbal reports or by submitting the minutes to Council for information.

9.21 BOMBALA OFFICE - CSM 03/16 - RE-APPOINTMENT OF SECTION 355 COMMITTEES

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | Nil |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | Refer Bombala Operational Plan |

EXECUTIVE SUMMARY

On a per annum basis Council's Section 355 Committees are required to submit (if applicable) their fees and charges, annual report, financial statement and appointment of office bearers and committee membership.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council re-appoint the following Committees under Section 355 of the Local Government Act, 1993:

1. Bombala Tennis
2. Delegate Early Settlers Hut

BACKGROUND

On a per annum basis Council's Section 355 Committees are required to submit (if applicable) their fees and charges, annual report, financial statement and appointment of office bearers and committee membership.

This information for the 2012/2013, 2013/2014 & 2014/2015 financial years has been received from the Bombala Tennis Club

The information for the 2013/2014 & 2014/2015 financial years has been received from the Delegate Early Settles Hut Committee.

Previously Council resolved that a list of office bearers and fees charged by the Committees also be advised. The following information is therefore supplied:

Bombala Tennis Club

Office Bearers

| | |
|------------------|---------------|
| Chairperson | Hazel Rodwell |
| Vice Chairperson | David Murphy |
| Secretary | Louise Wright |
| Treasurer | Lauren Yelds |

Fees

| Description of Fee or Charge for Hire of Facilities | Fee \$ |
|---|--------|
| Court Hire – Day | 8.00 |
| Court Hire – Night (2 courts) | 10.00 |
| Court Hire – Night (3 courts) | 15 .00 |
| Group Hire | 40.00 |

Delegate Early Settlers Hut

Office Bearers

| | |
|------------------|---------------------------------|
| Chairperson | Robin Guthrie |
| Secretary | Penny Judge |
| Joint Treasurers | Robin Guthrie and Jayne Sellers |

| Description of Fee or Charge for Hire of Facilities | Fee \$ |
|---|--------|
| There are no fees charged for this facility | |

All required paperwork has been submitted by the Committee.

The Bombala Tennis Club had identified that the top court need resurfacing urgently and the Committee is exploring opportunities for grant funding.

The Delegate Early Settlers Hut Committee are very pleased with the construction of the toilet – this will allow the Committee to undertake additional activities at the Hut and is a great improvement for when bus tours visit the Hut.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Council.

2. Environmental

Refer Bombala Council.

3. Economic

Refer Bombala Council.

4. Civic Leadership

Relevant Policy or Legislation:

- Section 355 of the Local Government Act.
- Goals 4, 6 and 7 – Community Strategic Plan

9.22 RESIGNATION RECEIVED FROM MEMBER OF DALGETY SHOWGROUND SECTION 355 COMMITTEE OF COUNCIL

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Author: | Governance Officer |
| Key Direction: | 4. Creating a Safer, Healthier and Thriving Community |
| Delivery Plan Strategy: | DP4.5 Support the availability of volunteering opportunities and build capacity. |
| Operational Plan Action: | OP4.9 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance. |
| Attachments: | 1. Resignation of Membership - P R Daley - Dalgety Showground s355 Committee |
| Cost Centre | 0389 – Corporate Governance |
| Project | Section 355 Committees |
| Further Operational Plan Actions: | OP7.40 Support and encourage public engagement methods which invite comment from community and informs the decision making. |

EXECUTIVE SUMMARY

Councils Section 355 Committees (s355) have positions for up to seven members of the public. For a committee to call for nominations, Council must accept the resignation of a retiring member/s, formalising the vacancy. Council will then promote the call for nominations via Council's website, Facebook page and in the Shire Wire.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council accept the resignation from Mr P R Daley from the Dalgety Showground s355 Committee.

BACKGROUND

Under Council's guidelines for s355 Committees, Council has positions for up to seven community members on each of the committee. These appointments are only made following Council's considerations of the nomination and decision to make the appointment of the individual to the Committee.

In order to ensure that no single user group dominates the membership of s355 Committees it is recommended membership be limited to an equal number of members from each user group of that asset.

Council has received the resignation from Mr P R Daley from the Dalgety Showground s355 Committee. This resignation will create one vacant position on the committee. Council will promotion the vacancy and call for nominations.

All nominations will be presented to Council for consideration. In considering any applications Councillor's should be aware of any potential of a conflict of interest which may affect the operation of this committee and consider these prior to determining whether to approve this application.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Well managed and appropriately established section 355 committees have a favourable impact as they give the community members a sense of belonging and identity.

2. Environmental

It is not considered that the establishment of s355 committee will have any environmental impact as any development of Council's assets will go through the normal development channels for approval.

3. Economic

Well managed section s355 committees should have a positive impact on Council's budget. Poorly managed s355 committees could have negative impact on Council's budget. The cost of resources to provide the induction training required for the s355 committee members for this term will be covered by the appropriate internal program budgets.

4. Civic Leadership

Well managed and appropriately established section 355 committees encourage active community participation in Council programs.

9.22 RESIGNATION RECEIVED FROM MEMBER OF DALGETY SHOWGROUND SECTION 355
COMMITTEE OF COUNCIL

ATTACHMENT 1 RESIGNATION OF MEMBERSHIP - P R DALEY - DALGETY SHOWGROUND S355
COMMITTEE

Page 352

The General Manager
Snowy River Shire Council
Myack Street
BERRIDALE 2628

424 Bulgundara Road
Dalgety 2628
April 14, 2016

Dear Sir,

Re Dalgety Showground Section 355 Committee – Resignation of Membership

I hereby tender my resignation from the Dalgety Showground Section 355 committee.

I was one of the Dalgety Show Societies representatives on the committee and as I am no longer a member of the Dalgety Show Society I feel I can no longer represent that group on the committee.

Yours sincerely,



P R Daley



9.23 ACCEPTANCE OF TRAINING TENDERS

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Director Governance & Executive Services |
| Author: | Manager Human Resources |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.8 Council employs a multi-skilled workforce and encourages staff to take ownership of service delivery in a responsible and efficient manner |
| Operational Plan Action: | OP7.24 Ensure Council attracts, retains and develops a capable workforce that delivers positive outcomes. |
| Attachments: | Nil |
| Cost Centre | 6020 Corporate Training |
| Project | Operational |
| Further Operational Plan Actions: | OP7.17 Effective management of Council funds to ensure financial sustainability |

EXECUTIVE SUMMARY

This report recommends acceptance of a tender(s) for the Provision of Training Services (tender reference ESC-695490) in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders of **Local Government Training Institute, Risk Response Rescue** and **TAFE Illawarra** for the Provision of Training Services Panel for a period of two years (with an option at Council's discretion for a further one year and additional one year after that).
- B. Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution

BACKGROUND

Council is required to provide training to staff in order to meet work, health and safety (WHS) obligations. The required training programs align to a Nationally Recognised Training Unit of Competency under the Australian Qualifications Framework. The required standards, content, delivery, assessment and qualification of each unit of competency are as defined in the Australian Qualifications Framework for that unit of competency.

Council currently engages Service Providers on a case by case basis, a joint tendering process undertaken by the CBRJO is seen as a way to provide a more efficient and cost effective way to engage these training organisations.

The Organisation Development Group Working Party resolved to pursue a joint training services tender for members of the Canberra Business Region.

The objectives of the tender is to:

1. Provide an open, transparent and competitive process for the selection of Service Providers by Council;
2. To establish a panel of preferred Service Providers based on the responses to the tender from which Councils can select Service Providers to perform the required training services;
3. To improve probity processes and management of Service Providers engaged by the Councils;
4. To ensure compliance with *Local Government Act 1993* and *Local Government (General) Regulation 2005*; and
5. To ensure effective and efficient use of council resources to establish an Agreement that meets the needs of the Councils whilst reducing costs to the Councils.

Invitation to Tender

Tenders were invited by open tender method and advertised in the Sydney Morning Herald (8th September 2015), Canberra Times (11th September 2015) and local papers and on Tenderlink website for the duration of the advertisement period closing 2:00pm Wednesday, 30th September 2015.

Tender Submissions

A total of twenty submissions were received from the following training organisations:

1. Admire Workplace Safety Pty Ltd
2. Advance OHS
3. Alertforce Pty Ltd
4. Allen's Training Pty Limited
5. Canberra Institute of Technology
6. Coal Services Pty Limited
7. Eurobodalla Adult Education Centre Inc.
8. Fire Smart Training Pty. Ltd.
9. KGE Mines Rescue Pty Ltd
10. Lemke Timber Training Pty Ltd
11. Local Government Training Institute
12. Machinery And Personnel (MAP) Training Pty Ltd
13. PARASOL EMT Pty Limited
14. Pipeline Training
15. RRR Facilities Pty Ltd
16. Southern Training Organisation Pty Ltd
17. TAFE NSW - RIVERINA INSTITUTE
18. TAFENSW - Illawarra institute
19. Trans-Plant Training Pty Ltd
20. Zokal Safety Services

Non-conforming Submissions

The following submission(s) were deemed non-conforming and have been excluded from further evaluation.

| Respondent | Non-Conformance |
|------------------------------|---|
| Trans-Plant Training Pty Ltd | No pricing submitted – Pricing Schedule not completed |

Tender Evaluation

Mandatory Participation

The following mandatory participation criteria:

- Submission of responses by the closing date and in accordance with all other lodgement instructions;
- Provision of all of the information requested in the documents; and
- Demonstrated ability to meet all mandatory criteria and specifications.
- Registered Training Organisation status
- Conformance to Specification and Deed
- Insurances
- Financial Compliance

Tender Evaluation

All conforming tenders were evaluated in accordance with the following published tender evaluation criteria:

| | | % |
|---------------|--|------------|
| Non-Price | Past Performance and Experience | 20 |
| | Key Personnel Qualifications & Capacity | 30 |
| Price | As per Pricing Schedule by Zone and Course | 50 |
| Total: | | 100 |

Evaluation Committee

| Officer | Role | Organisation |
|-----------------|-----------------------------|---------------------------|
| Kerry Evans | Evaluation Committee Member | Eurobodalla Shire Council |
| Lorae Stokes | Evaluation Committee Member | Palerang Shire Council |
| Luke O'Sullivan | Evaluation Committee Member | Snowy River Shire Council |
| Rick Scott | Procurement Delegate | Snowy River Shire Council |

| | | |
|---------------|---------------------|-------|
| Daniel Cooper | Project Facilitator | CBRJO |
|---------------|---------------------|-------|

Evaluation Process

The evaluation of the tenders received was conducted as a “two envelope” system. The evaluation committee members evaluated non-price criteria via Tenderlink. The non-price score was then added to the price score to give a total score out of 100. Price score has been assessed in two ways to provide improved decision making information: (1) price for minimum class size and (2) price for maximum class size.

Results of this process were then provided to individual Council procurement and training personnel to assess in terms of the individual Council’s needs in collaboration with other zone member Councils where practicable.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Best practice human resource management will ensure Council will maintain effective personal management systems that ensure the organisation is sustainable. Demonstrable best practice human resource management will enhance council’s reputation in the public domain and be seen to be an employer of choice.

2. Environmental

Maintaining best practice Risk Management frameworks will ensure that principles of sustainability safety and protection are always considered when providing advice and support to business units.

3. Economic

The HR section has responsibility for ensuring the weekly training nomination process keeps approving officers informed of the current expenditure of training against the approved budgets and in doing so ensures Council spends within its means and meets legislative requirements.

4. Civic Leadership

The HR section continues to play an active role in the local government network through attendance at a number of the South East Region of Councils (CBRJO) meetings and informal collaboration in HR matters on a needs basis. Participation in the tendering evaluation panel ensures Council is making a tangible contribution to the joint organisation.

9.24 BOMBALA OFFICE - RPM 01/16 CLASSIFICATION OF LAND

Record No:

| | |
|---------------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | Nil |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | |
| Refer Bombala Office Operational Plan | |

EXECUTIVE SUMMARY

The former Bombala Council received notification of ownership of the land by way of receipt of Supplementary Valuation List dated 12 March 2016. If Council does nothing the land will automatically default to Community Land which then places more stringent conditions on the use and disposal of the land.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Classify the following parcels of land, being Lots 1-4 DP 1216130, as Operational Land in accordance with Part 2 Sec 31 (2) of the Local Government Act, 1993; and
- B. Record the appropriate entries in Councils Land Register.

BACKGROUND

Council received notification of ownership of the land by way of receipt of Supplementary Valuation List dated 12 March 2016. The land is the site of the Bombala water treatment plant, Men's Shed, Bombala RFS & SES Sheds and a residence. Under Part 2 Sec 31(2) of the Local Government Act, 1993 all land owned by Council must be classified.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

If Council does nothing the land will automatically default to Community Land which then places more stringent conditions on the use and disposal of the land, should Council choose to do so.

2. Environmental

Local Government Act, 1993, Sec. 31(2) Sec 34

3. Economic

If reclassification required at a future date this would involve further costs to council.

4. Civic Leadership

Refer Bombala Office

9.25 BOMBALA OFFICE - EDM 06/16 - BOCO ROCK COMMUNITY FUND GRANT PROGRAM

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | Nil |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | |
| Refer Bombala Operational Plan | |

EXECUTIVE SUMMARY

The former Bombala Council received nine applications under round three of the Boco Rock Community Fund Grant program.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council adopt the funding recommendations, to the total project value of \$151 780, of the Boco Rock Community Fund Committee as follows:

- A. Bombala and District Historic Engine Society - Construction of additional shed to house restored engines to the total project value of \$65 000;
- B. Delegate Sportsground Committee - Purchase of equipment to assist with maintenance of community recreational/neighbourhood safer place facility to the total project value of \$23 643;
- C. Creewah Bush Fire Brigade - Purchase of split cycle heater for community meeting room to the total project value of \$3 015;
- D. Bombala Golf Club - Purchase of equipment to assist with maintenance of recreational venue to the total value of \$9 709;
- E. Delegate School of Arts - Indigenous Mural interpreting the Bundian Way to the total project value of \$6 500;
- F. Bombala and District Netball Association - Upgrade to community owned recreational facility to the total project value of \$22 685;
- G. Bombala Exhibition Ground Management Committee - Stormwater drainage at community recreational facility to the total project value of \$5 756;
- H. Delegate Progress Association - Purchase of equipment for community run Arts Centre at Delegate for the total project value of \$7 615; and
- I. Bombala and District Historical Society - Covers to protect old newspapers telling the history of

the area to the total project value of \$7 857

BACKGROUND

Council received nine applications under round three of the Boco Rock Community Fund Grant program. All applications met the guidelines. Members of the Boco Rock Community Fund Committee reviewed the applications and using the scoresheet independently scored each of the applications. The Boco Rock Community Fund then met to discuss the projects and their scoring.

The Committee resolved in this instance to fully fund the requests in all the applications.

| Name of Group | Amount of Funding |
|--|-------------------|
| Bombala and District Historic Engine Society | \$20,000 |
| Delegate Sportsground Committee | \$9,818 |
| Creewah Bush Fire Brigade | \$1,975 |
| Bombala Golf Club | \$7,408 |
| Delegate School of Arts | \$5,500 |
| Bombala and District Netball Association | \$12,685 |
| Bombala Exhibition Ground Management Committee | \$4,040 |
| Delegate Progress Association | \$6,615 |
| Bombala and District Historical Society | \$5,357 |
| Totals | \$73,398 |

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Office

2. Environmental

Refer Bombala Office

3. Economic

As part of the Development Approval process funds are received annually to cover the grant program.

4. Civic Leadership

All projects are in line with the Council's current Community Strategic Plan.

9.26 BOMBALA OFFICE - DE 14/16 - UPDATED COSTING FOR THE BOMBALA CEMETERY PROJECTS

Record No:

Responsible Officer: General Manager
Author: Secretary Council & Committees
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action: OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments: Nil
Cost Centre Bombala Office
Project Bombala Office
Further Operational Plan Actions: Refer Bombala Operational Plan

EXECUTIVE SUMMARY

The former Bombala Council considered a report at the February 2016 meeting which detailed issues raised by the Committee and the estimated costs to address these. It was resolved that another report be brought back to Council.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council approve the reallocation of the Capital Works Budget to address the issues raised by the Bombala Cemetery Maintenance Committee.

BACKGROUND

The former Bombala Council considered a report at the February 2016 meeting which detailed issues raised by the Committee and the estimated costs to address these. It was resolved that another report be brought back to consider the following issues:

- The costs for roofing the Lytch Gate with a corrugated iron product rather than re-shingle; and
- The scope of works and costs for the complete reparation of the Rotunda building.

At this stage the cost for repairing the steps to the rotunda have been provided Council awaiting the costing for the other required works.

In regards to the safety rail around the Columbarium the rail brackets have arrived and the railing is currently being cut to length by a local business and should be ready shortly for its installation.

There are no issues in undertaking either of these projects however there are working at height safety considerations with the Lytch Gate roof shingle/roofing replacement.

As previously reported the steps into the Rotunda could be removed carefully and replaced by a formed up set of either concrete or timber stairs. However the inspection of the Rotunda revealed a number of other structural issues that need addressing of which the full cost has not yet been fully determined. These costings are still forthcoming. Given the quantum of work and anticipated cost of the repairs, these will have to be considered within next years' budget.

The current capital works budget for cemeteries is \$13,000 which was tagged for the ongoing upgrade of the rear access road to the Lawn Cemetery area, Bombala whilst the maintenance budget is \$58,400.



Bombala Cemetery – Lytch Roof Gate.



Bombala Cemetery – Rotunda Steps.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Council.

2. Environmental

There are no issues in undertaking either of these projects however there are working at height safety considerations with the Lytch Gate roof shingle/roofing replacement.

3. Economic

The current capital works budget for cemeteries is \$13,000 which was tagged for the ongoing upgrade of the rear access road to the Lawn Cemetery area, Bombala whilst the maintenance budget is \$58,400.

- Materials, labour and equipment for the re-shingle of the Lytch Roof Gate = \$6,600
- Materials, labour and equipment for the Colourbond Roofing of the Lytch Roof Gate = \$2,500
- Materials, labour and equipment for the replacement concrete steps = \$2,000

4. Civic Leadership

Refer Bombala Office

9.27 BOMBALA OFFICE - DRS 08/16 - UPGRADE OF BOMBALA SALEYARDS COMPLEX

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | General Manager |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest |
| Operational Plan Action: | OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making. |
| Attachments: | Nil |
| Cost Centre | Bombala Office |
| Project | Bombala Office |
| Further Operational Plan Actions: | Refer Bombala Operation Plan. |

EXECUTIVE SUMMARY

The former Bombala Council previously resolved to allocate \$100,000 from reserves to works at the saleyards complex. The income generated from the recent calf sale was around \$17,000. Additional income is also generated from the operation of the truck wash as well as casual usage charges.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the use of income derived from the complex be used to fund future maintenance and operational expenditure of the saleyards; and
- B. Redirect the reserve allocation of \$100 000, currently identified for the complex, elsewhere.

BACKGROUND

Council previously resolved to allocate \$100,000 from reserves to works at the saleyards complex. The income generated from the recent calf sale was around \$17,000. Additional income is also generated from the operation of the truck wash as well as casual usage charges.

Recent upgrade works have been completed and it is expected that a similar amount of work should be able to be funded annually if sale proceeds remain at current levels. If this occurs the complex should become substantially compliant with current standards within fifteen years.

Given the intermittent usage of the whole complex it is difficult to justify significant investment in the short term over the entire complex. It is known that a smaller part of the yards are in almost constant usage for making up loads and that this area is largely compliant.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Bombala Office

2. Environmental

Refer Bombala Office

3. Economic

The restricted funds would become available for other projects.

4. Civic Leadership

Refer Bombala Office.

**9.28 COOMA OFFICE - EXTENSION OF WASTE TRANSPORT AND RECYCLING CONTRACT
2011/1**

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.

Attachments: Nil

Cost Centre: Cooma Office

Project: Cooma Office

Further Operational Plan Actions: Refer Cooma Operational Plan:
2.5.2 A range of strategies and programs have been developed to further educate and raise awareness of resource recovery and waste reduction

Continuation of effective recycling and waste collection services, continued operation of Cooma Landfill depot & facilities to EPA license requirements, and provision of transfer station & collection point facilities in Nimmitabel, Numeralla, Bredbo, Michelago, Smiths Road, and recycling from Jerangle.

EXECUTIVE SUMMARY

For Council to consider an extension of the Waste Transport and Recycling Contract as permitted by clause 2.2 of the Waste Transport and Recycling contract 2011/1.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. In accordance with Clause 2.2 of Contract 2011/1 (Waste Transport and Recycling Contract) the Contractor be informed of the Principal's intention to extend the contract for a further one (1) x three (3) month period; and
- B. Additional extension (as permitted by the contract) be considered following consultation with the Contractor as required.

BACKGROUND

Inform Council about relevant matters that have led to the current situation and provide detail of the relevant issues and background. Reference to any relevant earlier Council reports and decisions should be included, and should advise of Council's decision at the time.

Staff involved in the Waste and Recycling working group have identified several operational differences between the three former Council areas.

Arrangements in the former Snowy River Shire Council area involved the on-forwarding of collected recyclables on a month by month basis with no on-going contract in place at this time. Kerbside waste and recycling collection is undertaken using Council plant and labour.

Arrangements in the former Bombala Council area involved the collection of recyclables from Bombala, Bibbenluke, Cathcart and Delegate by a contractor on a regular but 'as-needed' basis. Kerbside waste and recycling collection is undertaken by a locally-based contractor, with no Council plant or labour involved. The contract with the current contractor expires on 2 January 2017.

Arrangements in the former Cooma-Monaro Shire Council area involved the transportation and processing of recyclables from Rural Transfer Stations, the Cooma Landfill depot, and materials collected from the Cooma kerbside recycling collection service. Waste and recycling collection is undertaken using Council plant and labour.

The current Waste Transport and Recycling Contract 2011/1 between the former Cooma-Monaro Shire Council (the Principal) and Burchall's Group Pty Ltd (t/a Burchall's Transport and Recycling) commenced on 1 December 2011 and runs for a period of five (5) years, expiring on 30 November 2016. The contract includes the ability for the Principal (Council) to exercise the option to extend the contract for up to four (4) separate periods of three (3) months, subject to providing the Contractor three (3) months prior notice. This is provided in Clause 2.2 of the Contract ("Extension of Term") (refer extract below).

Accordingly, if Council was to extend the contract past the original expiration date, due notice is required to be provided to the Contractor prior to the end of August 2016.

It is suggested that Council seek to extend the current Waste Transport and Recycling contract (2011/1) initially to the end of January 2017, with a further option of 3 x 3 monthly periods if required. This will provide time to plan for and implement more integrated waste management practices for the newly established Snowy Monaro Regional Council area.

The proposed extension period presents an opportunity for review of the current service arrangements. It will also provide the opportunity to establish a new contract document for the processing/transportation of collected materials, to be put out for tender in accordance with the requirements of the Local Government Act.

Consultation will also be required with the current contractor providing the collection service in the former Bombala Council area, regarding extension of the operational contract.

Clause 2.2 Extension of Term

The principal may, in its absolute discretion, extend this term for a maximum of four periods of three months each, upon giving the contractor three months' notice in writing of its intention to do so.

This contract may be varied in writing during its term by mutual consent of the principal and the contractor.

In the event that any new or amended legislation, regulation or directive or requirement of any duly empowered authority has a direct effect upon the provision of the waste transport service in

such a way as may require a substantial alteration to be made to the provisions of the contract, and in the event that the parties are unable to agree upon terms of that alteration to the contract, then such an event shall be deemed to be a dispute between the parties in relation to the contract. Such a dispute shall be dealt with in accordance with the provisions of Clause 8.5.

Any discussions, correspondence or documents forming part of the negotiation between principal and the contractor prior to the commencement of this contract will have no force or effect unless they are incorporated into this contract in accordance with this clause and clearly identify any such discussions, correspondence or documents as a variation to the contract.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Refer Cooma Office

2. Environmental

Refer Cooma Office

3. Economic

Refer Cooma Office

4. Civic Leadership

5. Refer Cooma Office

**9.29 ANSWERS TO OUSTANDING QUESTIONS WITH OR WITHOUT NOTICE FOR THE PERIOD
MARCH 2016 TO APRIL 2016**

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Governance & Executive Services |
| Author: | Secretary Council & Committees |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.13 Through clear and consistent communications, Council provides the community with timely feedback in progress towards goals. |
| Operational Plan Action: | OP7.37 Council's monitoring and reporting mechanisms enable timely and accurate information on progress towards achieving the community's goals identified in the adopted strategic and operational plans in accordance with the IPR framework. |
| Attachments: | Nil |
| Cost Centre | 3120 Corporate Governance |
| Project | Questions with or without notice |
| Further Operational Plan Actions: | |
| OP7.2 | Completion of reporting requirements in accordance with legislation. |
| OP7.5 | Provide timely, accurate and relevant information to Council to enable informed decision making. |
| OP7.6 | Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments. |
| OP7.38 | Continue to implement the strategies and actions of the 2014 – 2017 Communication Strategy to ensure that communication methods meet the needs of the organisation and the community. |
| OP7.11 | Ensure processes and delivery solutions to satisfy State Records Standards contained within the State Records Act 1998 and Council's Records Policy. |

EXECUTIVE SUMMARY

In order to provide Councillors with answer to question asked at Ordinary Council and DOC Meetings, a report has been generated in InfoCouncil with all outstanding questions as documented and recorded in the minutes for the March Ordinary Council Meeting and April Delivery and Operations Committee Meeting.

This report includes responses or updates on questions not previously answered for the period March 2016 to April 2016.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council receive and note the response to outstanding questions raised by Councillors for the period March 2016 to April 2016.

BACKGROUND

On 17 March 2016 The Executive Team resolved to provide answers to all outstanding question for the 2015 period. Further to this, questions asked at both Ordinary Council and DOC Meetings will be documented in InfoCouncil with any question not answered recorded as taken on notice. Answers to these question will be provided, in a report to Councillors, at a following Ordinary Council Meeting.

ANSWERS TO QUESTION WITH OR WITHOUT NOTICE

Ordinary Council Meeting, 22 March

18.1 RATES BY LOCALITY

Councillor Colin Stewart-Beardsley

Question: With the imminent amalgamation, under what legislation can the new Snowy-Monaro Regional Council levy different rates by locality for the various categories of ordinary rates and categories of land?

Answer: The Director Corporate Services responds that the system that determines how rates are currently calculated in NSW is set out in the *Local Government Act 1993* (LG Act).

Currently, Councils may determine subcategories within each category and apply a different rate structure for each subcategory. A subcategory may be determined for:

Residential property according to whether the land is rural residential land or is within a **centre of population**

Business according to a **centre of activity**

Farmland according to the **intensity of land use**, the irrigability of the land or economic factors affecting the land, and

Mining according to the **kind of mining** involved

IPART are currently undertaking a review of the NSW Local Government Rating System and is seeking comment on what changes could be made to rating categories and should further rating categories or subcategories be introduced?

SRSC submission to IPART will contain comment on this supporting the introduction of subcategories based on centre of population for all rating categories.

The outcome of the review and adoption of recommendations by NSW Government will determine whether rates by locality are able to be applied.

18.5 ARCHIVES ON WEBSITE

Councillor John Shumack

Question: There does not seem to be any archives on the new website, where are they?

Answer: The Director Governance and Executive Services advised that in the transfer of content to the new website, old archived material was not brought over. Instead there is notice to contact the office if the information was not available on the website and this is issued as informal release under Government Information (Public Access) Act 2009.

18.6 SIGNS FOR NEW PLAYGROUND

Councillor John Shumack

Question: Would it be possible to consider installing 'No Dogs Allowed' signs for the new playground?

Answer: The Director Technical Services & Operations advised signs have been installed.

18.9 MATONG AND JIMENBUEN ROAD REPAIRS

Councillor John Cahill

Question: Can we have an update on the standard of repairs done to Matong and Jimenbuen Road?

Answer: The Director Technical Services and Operations advised work is underway in Jimenbuen. Matong will be rectified in the new financial year.

Delivery and Operations Committee, 12 April

15.3 CLEAN UP OF PROPERTY

Councillor Bob Frost

Question: Situation left by Peter Maberly upstairs, has it been cleaned up or re-leased?

Answer: The Director Technical Services and Operations advised this will be cleared by the June long weekend, owing to the volume and availability of staff.

15.11 TREE CLEARING IN CAMIERA DRIVE, EAST JINDABYNE

Councillor Peter Beer

Question: There is some concern regarding tree clearing in Camira Drive, East Jindabyne. The issues has been brought to Councils attention, can someone please have a look at this?

Answer: The Director Community and Environmental Service advises that the Regulation & Compliance Unit is currently investigating a matter in the area and is liaising with owners in Jerrara Drive and Camira Drive.

15.15 CLEARING OF PROPERTY

Councillor Bill Smits

Question: The adjoining property to Council property on corner William Street and O'Brien Avenue has dead tree limbs, can it be look at?

Answer: The Director Community and Environmental Services advised that the matter is being investigated.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Providing responses to Councillor Question's provides confidence to those inside and outside of the organisation that council operations are being managed with appropriate reporting and accountability, answers to Councillor questions should be reported in a timely manner

2. Environmental

The production of this report and future reports will not have a direct impact on the environment. All responses provided are in accordance with the quadruple bottom line of which environmental sustainability should be considered

3. Economic

Preparation of this report and coordination of the report is considered operational activity undertaken within the salary and wages cost centre of corporate governance.

4. Civic Leadership

Recording and reporting on actions and resolutions of Council will promote accountability of council staff. It also allows for internal control mechanisms and further reporting on any outstanding actions. It is also noted that the InfoCouncil software has been set-up so that actions should be completed within three weeks of the decision, if they have not been completed within this time, they are recorded in the system as being overdue.

14. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

22.1 Council's Register of Approved Tradespersons Conflict of Interest

Item 22.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

22.2 Draft Review of Public Property Holdings for Snowy River Shire

Item 22.2 is confidential in accordance with s10(A)(2)(f) of the Local Government Act because it contains details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite

| |
|---|
| representations from the public as to whether this part of the meeting should be closed to consider the nominated item. |
|---|