



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

Administrator Delegations Meeting
14 August 2017

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 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, the Administrator 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, Ngunnawal and Walgalu 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.

**ADMINISTRATOR DELEGATIONS MEETING
TO BE HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY 14 AUGUST 2017
COMMENCING AT 10.30AM**

BUSINESS PAPER

- 1. OPENING OF THE MEETING**
- 2. APOLOGIES/REQUESTS OF LEAVE OF ABSENCE**
- 3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**
Nil
- 5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE**
- 6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND**
- 7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY**
- 8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY**
 - 8.1 Donation Request - Raglan Gallery and Cultural Centre Inc 3
- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**
- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**
- 11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION**
 - 11.1 Restricted Cash Reserves 7
- 12. ADMINISTRATORS REPORT (IF ANY)**
- 13. CONFIDENTIAL MATTERS**

8.1 DONATION REQUEST - RAGLAN GALLERY AND CULTURAL CENTRE INC

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Acting Executive Assistant to the Administrator
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.2.1.2 Continue to support the development and redevelopment of present medical facilities within the Region.
Operational Plan Action:	OP4.13 Continue to engage with existing and emerging Medical and general Health Services throughout the Region
Attachments:	1. Letter - Raglan Gallery and Cultural Centre Inc - Request for Council to Assist With Purchase of Defibrillator for Gallery ↓
Cost Centre	Donations Community Groups
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Raglan Gallery and Cultural Centre Inc have requested that council assist with the purchase and installation of a defibrillator.

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

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the request from the Raglan Gallery and Cultural Centre Inc to assist in the purchase and installation of a defibrillator; and
- B. The Administrator consider the request and make a determination.

BACKGROUND

The Board of the Raglan Gallery and Cultural Centre Inc have requested that council assist with the purchase and installation of a defibrillator. They feel that due to the volume of visitors and the age demographic that installation of a defibrillator would potentially mitigate the risk of loss of life.

Purchase of defibrillators can cost up to \$2,000 and have around a 7 year battery life. However, once used the battery is required to be replaced. The cost of installation of the device would be additional.

The Gallery is not legally required to have a defibrillator installed. It would be expected that any volunteers of the Gallery would have sufficient training and qualifications in first aid training.

The **Civil Liberty Act of 2002** defines a Good Samaritan as *a person who, in good faith and without expectation of payment or other reward, comes to the assistance of a person who is apparently injured or at risk of being injured.*

8.1 DONATION REQUEST - RAGLAN GALLERY AND CULTURAL CENTRE INC

Section 57 of the Act states the following:

(1) A Good Samaritan does not incur any personal civil liability in respect of any act or omission done or made by the Good Samaritan in an emergency when assisting a person who is apparently injured or at risk of being injured.

(2) This section does not affect the vicarious liability of any other person for the acts or omissions of the Good Samaritan.

Section 58 provides provision for exclusion from protection:

(1) The protection from personal liability conferred by this Part does not apply if it is the Good Samaritan's intentional or negligent act or omission that caused the injury or risk of injury in respect of which the Good Samaritan first comes to the assistance of the person.

(2) The protection from personal liability conferred by this Part in respect of an act or omission does not apply if:

(a) the ability of the good Samaritan to exercise reasonable care and skill was significantly impaired by reason of the good Samaritan being under the influence of alcohol or a drug voluntarily consumed (whether or not it was consumed for medication), and

(b) the Good Samaritan failed to exercise reasonable care and skill in connection with the act or omission.

(3) This Part does not confer protection from personal liability on a person in respect of any act or omission done or made while the person is impersonating a health care or emergency services worker or a police officer or is otherwise falsely representing that the person has skills or expertise in connection with the rendering of emergency assistance.

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:

2. a strong sense of community throughout the Shire
3. a community that has the capacity to meet its own needs
4. a community environment that encourages cultural and artistic expression

5. Environmental

No environmental impacts have been identified.

6. Economic

Estimated Expenditure	Amount	Financial year	Ledger		Account string														
Donations Community Groups	\$	2017/18	G	L	1	0	3	0	2	0	1	0	0	1	6	3	1	6	0

8.1 DONATION REQUEST - RAGLAN GALLERY AND CULTURAL CENTRE INC

Funding (Income/reserves)	Amount		Ledger	Account string
N/A	\$			

7. Civic Leadership

Under our policy decisions to donate to community groups, individuals and towards events must be considered in a transparent process with the granting of financial assistance only by specific formal resolution of Council.

The relevant section of the policy applicable to this request is:

3.3. Donations Granted Under S356 Local Government Act 1993

In accordance with Section 356 of the Local Government Act 1993 Snowy River Shire Council (SRSC) may contribute money or grant financial assistance to community groups and members of the community for the purpose of exercising Council's functions.

Public Notice

In accordance with the Local Government Act Section 356(2) Council must give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so.

Public notice is not required under any of the following circumstances:

- if the assistance is part of a specific program which has been included in Council's management plan*
- if the program's budget does not exceed 5% of Council's income from ordinary rates for the year*
- if the program is uniformly available to all or a significant group of persons within the area*
- Where an entity is already deemed 100% exempt from payment of rates they will not be eligible for further financial assistance from Council.*

As this program's budget does not exceed 5% of Council's income from ordinary rates for the year there is no need for a public notice

Section 377 of the Local Government Act prevents Council delegating the approval of grants under Section 356 and as such Council must consider all applications.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date:



29 June 2017

The General Manager
Snowy Monaro Regional Council
Bombala Street
COOMA NSW 2630

RECEIVED
[3 JUN 2017]
BY:

Dear Sir

I am writing to you on behalf of the Raglan Gallery Board to ask if the Council is able to assist with the purchase and installation of a defibulator at the Gallery in Lambie Street.

As you are probably aware we have many visitors to the Gallery along with having a large membership many of whom act as volunteers at the Gallery on a regular basis. Each month we have a new exhibition opening event, where we can have well over a hundred or more guests.

The age demographic of our volunteers and visitors is certainly in the older age group brackets where the risk of needing a defibulator is much higher.

I understand that the Council has defibulators installed at various premises in the Region and would appreciate it the Council can provide same to the Gallery.

Yours sincerely

A rectangular box containing a signature, likely of Joanne Jeanes.

Joanne Jeanes
On behalf of the Raglan Board

Patrons Barbara Litchfield, Imants Tillers
Board of Management: Peter Boyce: Bob Coles: Sid Downie: Joey Herbert: Wendy Litchfield:
Denyse Roberts: Hilary Smith: Joanne Jeanes

11.1 RESTRICTED CASH RESERVES

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Acting Chief Financial Officer
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:	OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments:	1. Restricted Cash Reserves 12 May 2016 ↓
Cost Centre	4010 Financial Services
Project	Restricted Cash Reserves
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The former councils each held funds in Restricted Cash Reserves as at 12 May 2016.

In order to complete Snowy Monaro Regional Council (SMRC) 2017 Financial Statements the Internal Cash Reserves treatment needs to be determined. It is recommended that the number of Internally Restricted Cash Reserves be minimised with the residual funds available to each former Council being retained for use in that former Council LGA.

External Cash Reserves are, as the name suggests, restricted externally and therefore Council has less influence over the types of reserves. It is recommended that these be retained separately with the exception of Unexpended Grants, Water, Sewer and Domestic Waste.

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

OFFICER'S RECOMMENDATION

That Council allocate Total Cash & Investments transferred from the former Councils to Restricted Cash Reserves as per attached.

BACKGROUND

Each former Council had various Internally & Externally Restricted Cash Reserves as at 12 May 2016. These need to be allocated to Snowy Monaro Regional Council Restricted Cash Reserves.

Internally Restricted Cash Reserves are for use at Council's discretion through resolution.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Restricted Cash Reserves are available to fund future projects. Internally Restricted Cash Reserves will be available for use within the former Local Government Area (LGA) through Council resolution.

2. Environmental

No known environmental impacts

3. Economic

The following Restricted Cash Reserves were available to the former Councils as at 12 May 2016.

	Financial Statements			Balance 12 May 2016
All figures are in thousands ('000)	Bombala	Cooma	Snowy	
Internally Restricted Cash Reserves	5,269	5,390	6,057	16,716
Externally Restricted Cash Reserves	5,328	15,305	12,861	33,494
Unrestricted Cash	720	11	5	736
Total Cash & Investments	11,317	20,706	18,923	50,946

Internally Restricted Cash Reserves

It is proposed that the funds of the former Councils be retained for use within the former LGA with the exception of the following which would be combined for use throughout the Snowy Monaro Regional Council LGA

- Employee Leave Entitlement
 - each former Council contributes between 49% to 50% of ELE Liability
- Plant & Vehicle Replacement
 - Bombala & Snowy contribute 33%, Cooma 51%, giving 38% of total General Fund Plant & Equipment Accumulated Depreciation
- Deposits, Retentions & Bonds
 - Adjusted to reflect General Fund Deposits, Retentions & Bonds Liability for each former Council area

Future cash surplus would be allocated to Other Internal Reserves to be used on priority operations and projects throughout Snowy Monaro Regional Council.

11.1 RESTRICTED CASH RESERVES

Externally Restricted Cash Reserves

It is proposed that these Reserves be retained separately with the exception of the Restricted Funds of Water, Sewer & Domestic Waste Management which would be combined to be utilised where required throughout the Snowy Monaro Regional Council LGA. Developers Contributions, Unexpended Grants Reserve and Aged Care Accommodation Bonds would also be combined with the same restrictions as previously imposed.

Domestic Waste Management Reserves within the former Bombala and Cooma Councils contained a portion of Non Domestic Waste Management Reserves. This will need to be transferred to Internal Waste Reserve.

Unrestricted Cash

Unrestricted Cash refers to the difference between Total Cash & Investments held and that held as Restricted Cash Reserves.

It is proposed that Unrestricted Cash as at 12 May 2016 be included in the Internally Restricted Cash Reserve relating to the former LGA.

No additional funding is required. The Restricted Cash Reserves of the former Councils are proposed to be reallocated according to the attached.

The resulting SMRC Restricted Cash Reserves would be brought to account as at 13 May 2016.

Restricted Cash Reserves

All figures are in thousands ('000)	SMRC Balance
Internal	
Employee Leave Entitlement	3,093
Plant & Vehicle Replacement	3,129
HACC Vehicle Replacement	197
Quarry Operations	65
Uncompleted Works	1,773
Waste	1,815
Deposits, Retentions & Bonds	682
Yallambee Lodge Building & Equipment	1,632
Former Bombala LGA	3,270
Former Cooma LGA	890
Former Snowy LGA	906
Other Internal	-
Total Internal	17,452
External	
Developer Contributions - General	1,201
Developer Contributions - Water	1,097

11.1 RESTRICTED CASH RESERVES

Developer Contributions - Sewer	480
Unexpended Grants	1,331
Water Supply	9,999
Sewerage Services	12,487
Domestic Waste Management	3,413
Aged Care Accommodation Bonds	2,034
Crown Land Reserves	30
Jindabyne Beautification Special Levy	248
Crown Lands - Holiday Parks	788
Emergency Service Special Levy	14
Other	8
Home & Community Care Vehicle Replacement	292
Boco Rock Community Fund	34
Kamoto-Cooma Friendship Scholarship Fund	38
	-
Total External	33,494
	-
Unrestricted	-
	-
Total Cash & Investments	50,946

4. Civic Leadership

Allocation of Restricted Cash Reserves will allow for effective use of funds as required in the future.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date:

Restricted Cash Reserves

	Proposed SMRC Reserves			SMRC Balance 13 May 2016	
All figures are in thousands ('000)	Bombala	Cooma	Snowy		
Internal					
Employee Leave Entitlement	650	1,553	890	3,093	49% of ELE Liability Adjusted - 38% Total Council GF Accumulated Depreciation
Plant & Vehicle Replacement	638	1,229	1,262	3,129	- Bombala & Snowy 33%; Cooma 51%
HACC Vehicle Replacement			197	197	Transfer to External Reserves in 2017
Quarry Operations	-	32	33	65	
Uncompleted Works	1,355	40	378	1,773	
Waste	-	-	1,815	1,815	Movement from External Reserve in 2017
Deposits, Retentions & Bonds	76	25	581	682	Adjusted to reflect General Fund Liability
Yallambee Lodge Building & Equipment	-	1,632	-	1,632	
Former Bombala LGA	3,270			3,270	
Former Cooma LGA		890		890	
Former Snowy LGA			906	906	
Other Internal				-	Subsequent cash surplus to be allocated
Total Internal	5,989	5,401	6,062	17,452	

External					
Developer Contributions - General	22	570	609	1,201	Combine
Developer Contributions - Water	40	142	915	1,097	Combine
Developer Contributions - Sewer	23	-	457	480	Combine
Unexpended Grants	255	613	463	1,331	Combine
Water Supply	2,289	4,226	3,484	9,999	Combine
Sewerage Services	2,315	5,227	4,945	12,487	Combine
					Combine
					Separate Non Domestic Waste Management for
Domestic Waste Management	92	2,853	468	3,413	Bombala & Cooma
Aged Care Accommodation Bonds		1,602	432	2,034	Combine
Crown Land Reserves			30	30	
Jindabyne Beautification Special Levy			248	248	
Crown Lands - Holiday Parks			788	788	
Emergency Service Special Levy			14	14	
Other			8	8	
Home & Community Care Vehicle Replacement	292			292	
Boco Rock Community Fund		34		34	
Kamoto-Cooma Friendship Scholarship Fund		38		38	
				-	
Total External	5,328	15,305	12,861	33,494	
Unrestricted	-	-	-	-	
Total Cash & Investments	11,317	20,706	18,923	50,946	

**Financial Statements
12 May 2016**

All figures are in thousands ('000)

Internal

	Former Council Financial Statements			Balance 12 May 2016	Recommendation (if not Retain in 12/5/2016 Former Council Balances Total)
	Bombala	Cooma	Snowy		
Employee Leave Entitlement	650	1,418	890	2,958	Combine. Each Former Council contributed between 49% - 50% of Liability
Plant & Vehicle Replacement	266	1,229	1,245	2,740	Combine. Each Former Council contributed between 14% - 51% of Liability
Property Development			415	415	
Jindabyne Childcare Centre			14	14	
HACC Vehicle Replacement			197	197	Transfer to External Reserve
Parks & Gardens			26	26	
Quarry Operations		32	33	65	Combine
Infrastructure & Facilities	550	28	472	1,050	
Uncompleted Works	1,355	40	378	1,773	Combine
Regional Bridges Replacement			-	-	
Council Elections		80	17	97	
ICT Hardware & Software			-	-	
Green Team Revolving Energy			34	34	
Rural Fire Service	20		31	51	
Waste Management			1,815	1,815	Separate Bombala & Cooma from DWM
Jindabyne Holiday Park Property			260	260	
Other			230	230	
Bombala Caravan Park	-			-	
Bundian Way Infrastructure	100			100	
Delegate Caravan Park	-			-	
Delegate Main Street Upgrade	179			179	
Bombala Pool Complex	300			300	

Seal Racecourse Road	250			250	
Town & Villages Drainage	200			200	
Town & Villages Shared Pathways	103			103	
Town & Villages Urban Reseals	300			300	
Sport & Recreation Facilities	140			140	
Saleyards Infrastructure	100	53		153	
Community Development	15			15	
Delegate Disadvantaged Units	38			38	
Deposits, Retentions & Bonds	76			76	Combine & Expand to include Cooma & Snowy
Economic Development	80			80	
Bombala CBD	300			300	
Bombala River Park	150			150	
Community Buildings	57			57	
Endeavour Reserve Viewing Platform	40			40	
Cemetery		173		173	
Development		329		329	
Building Renewal		-		-	
Business Incentive Scheme		49		49	
Community Services Building		79		79	
Risk Management		113		113	
Yallambee Lodge Building & Equipment		1,632		1,632	
Yallambee Lodge ELE		135		135	
Total Internal	5,269	5,390	6,057	16,716	

External				
Developer Contributions - General	22	570	609	1,201
Developer Contributions - Water	40	142	915	1,097
Developer Contributions - Sewer	23	-	457	480
Unexpended Grants	255	613	463	1,331
Water Supply	2,289	4,226	3,484	9,999
Sewerage Services	2,315	5,227	4,945	12,487
				Combine
				Separate Non Domestic Waste Management for Bombala & Cooma and transfer to Internal Reserves in 2017.
Domestic Waste Management	92	2,853	468	3,413
Aged Care Accommodation Bonds		1,602	432	2,034
Crown Land Reserves			30	30
Jindabyne Beautification Special Levy			248	248
Crown Lands - Holiday Parks			788	788
Emergency Service Special Levy			14	14
Other			8	8
Home & Community Care	292			292
ELE - Water Supplies				- Part of Water Supply Reserve
ELE - Sewer Services				- Part of Sewerage Services Reserve
ELE - Waste				- Part of DWM Reserve
Boco Rock Community Fund		34		34
				Update name to Yamaga-Cooma Sister City Fund and transfer to Internal Reserves in 2017
Kamoto-Cooma Friendship Scholarship Fund		38		38
Total External	5,328	15,305	12,861	33,494
Unrestricted	720	11	5	736
Total Cash & Investments	11,317	20,706	18,923	50,946

Allocate Balance as 12/5/2016 to Former Council Internal Reserve

