



AGENDA

Ordinary Council Meeting

Date: Monday, 22 April 2024

Time: 5 pm

**Location: Cowra Council Chambers
116 Kendal Street, Cowra**

**Paul Devery
General Manager**

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I INTRODUCTION

I.1 Recording & Publishing

In accordance with the Local Government Act (1993), Cowra Council is recording this meeting and will upload the recording to Council's website. By speaking at this meeting, you agree to being recorded and having that recording published in the public domain. Please ensure that when you speak at Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

I.2 Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we gather, the Wiradjuri people, and pay our respects to elders both past and present.

I.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

I.4 Disclosures of Interest

Councillors and staff please indicate in relation to any interests you need to declare:

- a. What report/item you are declaring an interest in?
- b. Whether the interest is pecuniary or non-pecuniary?
- c. What is the nature of the interest?

1.5 Presentations**1.6 First Order of Business - Election of a Chairperson**

File Number: D24/614

Author: Graham Apthorpe, Acting Director - Corporate Services

As the Mayor and Deputy Mayor are both absent, the first order of business is to elect a Chairperson who will preside over the meeting.

Council's Code of Meeting practice provides as follows:

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the 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.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) 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.
- 6.6 For the purposes of clause 6.5, 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 so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

ATTACHMENTS

Nil

I.7 Public Forum

I invite any member of the public wishing to speak on an item in the agenda to please come to the lectern, introduce yourself, state the item you wish to speak on and allow time for any councillor or member of staff if they have declared an interest in the item to manage that conflict which may include them leaving the chamber during your presentation.

2 CONFIRMATION OF MINUTES

Confirmation of Minutes of Ordinary Council Meeting held on 25 March 2024



MINUTES

Ordinary Council Meeting Monday, 25 March 2024

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**MINUTES OF COWRA COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 25 MARCH 2024 AT 5 PM**

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Judi Smith, Cr Erin Watt, Cr Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Paul Devery (General Manager), Mr Michael Jones (Director - Corporate Services), Mr Dirk Wymer (Director-Infrastructure & Operations)

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Apologies

RESOLUTION 41/24

Moved: Cr Bill West

Seconded: Cr Cheryl Downing

That the apologies received from Cr Nikki Kiss OAM and Mrs Larissa Hackett (Director-Environmental Services) be accepted and leave of absence granted.

CARRIED

1.4 Disclosures of Interest

Cr Judi Smith declared a non-pecuniary interest in relation to item 9.2 Community Grants - Round 2 2023/2024 Allocation of Funds due to her involvement with the Woodstock Progress Association.

Cr Erin Watt declared a non-pecuniary interest in relation to item 4.6 Development Application No. 137/2021, Lot 1 DP 519943, Campbell Street Cowra, general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products), lodged by Westcast Pty Ltd due to a family member's involvement in the application and will leave the Chambers during consideration of this item.

1.5 Presentations

Nil

1.6 Public Forum

Mr Scott Vickary address Council speaking on item 5.3- Recycling Service.

2 CONFIRMATION OF MINUTES**RESOLUTION 42/24**

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

That the minutes of Ordinary Council Meeting held on 26 February 2024 be confirmed.

CARRIED

RESOLUTION 43/24

Moved: Cr Paul Smith

Seconded: Cr Judi Smith

That the minutes of Extraordinary Council Meeting held on 11 March 2024 be confirmed.

CARRIED

RESOLUTION 44/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Erin Watt

That the minutes of Extraordinary Council Meeting held on 18 March 2024 be confirmed.

CARRIED

3 MAYORAL MINUTES3.1 Mayoral Minute - Central NSW Joint Organisation Board Meeting 29 February 2024**RESOLUTION 45/24**

Moved: Cr Ruth Fagan

Seconded: Cr Judi Smith

That Council note the Mayoral Minute regarding the Central NSW Joint Organisation Board meeting held on 29 February 2024.

CARRIED

4 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 11 MARCH 2024**DIRECTOR-CORPORATE SERVICES REPORT****4.1 Donation - Wyangala Fireworks Committee - Commercial Waste Event Bin Hire charges****RESOLUTION 46/24**

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

That Council provides a 50% donation in the sum of \$200 for Commercial Waste Event Bin Hire charges to Wyangala Country Club Fireworks Committee for the annual bonfire and fireworks event to be held on 9 June 2024.

CARRIED

4.2 Investments**RESOLUTION 47/24**

Moved: Cr Bill West

Seconded: Cr Paul Smith

That Council note the Investments and Financial Report for February 2024.

CARRIED

4.3 Section 355 Committee Draft Minutes - Cowra Regional Art Gallery Advisory Committee**RESOLUTION 48/24**

Moved: Cr Sharon D'Elboux

Seconded: Cr Peter Wright

That the draft Minutes of the Cowra Regional Art Gallery Advisory Committee meetings held on 8 November and 13 December 2023 be noted.

CARRIED

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT**4.4 Committee Minutes - Traffic Committee****RESOLUTION 49/24**

Moved: Cr Paul Smith

Seconded: Cr Cheryl Downing

- 1. That the minutes of the Traffic Committee meeting held on 19 February 2024 be noted.**
- 2. That Council approves the route of the Class 2 special event to be held as**

part of the ANZAC Day Parade on 25 April 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.

3. That Council approves the Class 3 special event, to be held on 27-28 April 2024 as the “Bumbaldry @ Woodstock Endurance Ride”, subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That Mulyan Street from Redfern Street to Nangar Street, and Nangar Street from Mulyan Street to 17 Nangar Street, be approved for Tier 1, PBS Level 2B, 30m “A- Double” access at Higher Mass Limits (HML).

CARRIED

4.5 Section 355 Committee Minutes - Saleyards Committee

RESOLUTION 50/24

Moved: Cr Bill West

Seconded: Cr Judi Smith

1. That the minutes of the Saleyards Committee meeting held on 9 November 2023 be noted.
2. That the minutes of the Saleyards Committee meeting held on 22 February 2024 be noted.

CARRIED

At 5.28 pm, Cr Erin Watt left the meeting.

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 4.6 Development Application No. 137/2021, Lot 1 DP 519943, Campbell Street Cowra, general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products), lodged by Westcast Pty Ltd

RESOLUTION 51/24

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and 3 submissions were received; and
2. That Development Application No. 137/2021, for a general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) on Lot 1 DP 519943, Campbell Street Cowra be subject to the following conditions:

PLANS & DOCUMENTATION

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Diagram Sheet A000 E Rev E	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Shed/Site Plan Sheet A001 N Rev I	Vision Town Planning Consultants 30 August 2023	Received 4 September 2023 Stamped No. DA 137/2021(C)
Extent of Subject DA Sheet A003 B Rev B	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Existing Shed/Site Plan Sheet EX001 C Rev C	Vision Town Planning Consultants 9 May 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Car Parking Plan Sheet I Version I	Vision Town Planning Consultants 24 April 2023	Received 23 May 2023 Stamped No. DA 137/2021
Proposed Screening Wall Version I Amendment B	Vision Town Planning Consultants 31/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Proposed Screening Wall – Line of Sight Plan Sheet No.2 Version I	Vision Town Planning Consultants 29/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Proposed Security Lighting Sheet No.4 Version I	Vision Town Planning Consultants 30/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Tree Inspection Report	JG Arbor 29/05/2023	Received 6 December 2023

		Stamped No. DA 137/2021(C)
Washout Pit Layout Drawing No. WC-IH- 002 Rev B Sheets 1 to 5	Civilcast Pty Ltd 16/12/2022	Received 23 May 2023 Stamped No. DA 137/2021(B)
Conceptual Stormwater Management Plan Rev P4	Calare Civil 11/08/2023	Received 4 September 2023 Stamped No. DA 137/2021(B)
Traffic Impact Assessment Version 07	Traffix August 2023	Received 14 September 2023 Stamped No. DA 137/2021(C)
Air Quality Assessment Rev 03	Vipac 29 August 2023	Received 4 September 2023 Stamped No. DA 137/2021(C)
Acoustic Report Revision R011	Acoustic Works 30/08/2023	Received 4 September 2023 Stamped No. DA 137/2021(D)
Preliminary Contamination Investigation Rev 1 Report No. R13508c1	Envirowest Consulting Pty Ltd 26/8/2021	Received 10 December 2021 Stamped No. DA 137/2021
Contamination Investigation around former AST Rev 0 Report No. R13508c2	Envirowest Consulting Pty Ltd 2/3/2022	Received 30 May 2023 Stamped No. DA 137/2021
Validation Report Rev 0 Report No. R13508val	Envirowest Consulting Pty Ltd 6/7/2023	Received 1 August 2023 Stamped No. DA 137/2021
Smart Tank ST033 Spec Sheet & Drawings Rev A	DURO TANK 8/3/2019	Received 23 May 2023 Stamped No. DA 137/2021
Environmental	Vision Town Planning	Received

Impact Statement Version 6	Consultants 31/08/2023	4 September 2023 Stamped No. DA 137/2021(D)
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021* (see attached Advisory Note).
3. The Environmental Management Plan required under the EPA's General Terms of Approval must include the management of the remediated area (as per report no. R13508emp prepared by Envirowest Consulting Pty Ltd dated 19/07/2023).

NSW EPA GENERAL TERMS OF APPROVAL

4. Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by Cowra Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority (EPA), works and activities must be carried out in accordance with the proposal contained in:
 - i. the Development Application 10.2021.137.10 submitted to Cowra Council; and
 - ii. any other additional information provided to Council and uploaded to the NSW Planning Portal (Agency Concurrence and Referral Portal).
5. Should any conflict exist between the aforementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force Environment Protection Licence issued by the EPA.
6. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:
 - i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004);
 - ii. Air quality (dust) management measures;
 - iii. Waste handling measures;
 - iv. Noise management measures; and.

- v. Reference all air, water, noise, waste mitigation measures identified in the Environmental Impact Statement (Section G and specialist appendices).

7. Hours of Operation:

Concrete panel production activities related to the Proposal may only be undertaken during the following hours:

- 7:00 am to 6:00 pm, Monday to Fridays;
- 8:00 am to 1:00 pm, Saturdays, and
- at no time on Sundays or Public Holidays.

Truck movements and equipment maintenance relating to the Proposal may only be undertaken during the following hours:

- 7:00 am to 10:00 pm, Monday to Fridays;
- 8:00 am to 1:00 pm, Saturdays, and
- at no time on Sundays or Public Holidays.

- 8. Trucks entering and leaving the premises that are carrying potentially dust generating loads on public roads must be covered at all times, except during loading and unloading.
- 9. All internal roads must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
- 10. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
- 11. The Proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the Proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.

TRANSPORT FOR NSW CONDITIONS

- 12. The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <https://www.transport.nsw.gov.au/industry/asset-standards-authority/find-a-standard/airspace-and-external-developments-1>) and Development Near Rail Corridors and Busy Roads- Interim Guidelines (Link development-near-rail-corridors-and-busy-roads-interimguideline-2008.ashx (nsw.gov.au)). Please note that State Environmental Planning Policy (Infrastructure) 2007 referred in the above documents has been superseded by State Environmental Planning Policy (Transport and

Infrastructure) 2021.

13. If required, the applicant must submit an application to UGLRL for approval of TAHE prior to any use of cranes and equipment in the air space over the rail corridor. The use of Equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.

ESSENTIAL ENERGY CONDITIONS

14. Required distances from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) are listed below to ensure that there is no safety risk.

- High Voltage 66000 Volt power line = 30 metres
- High Voltage 11000 volt power line = 25 metres
- High Voltage pad mounted distribution transformer = 3 metres minimum to any structure - 6 Metres from containers containing Flammables - 6 metres from Air Filtration/conditioning/ventilation units.

15. Underground assets:

- Pillars/Pits must be clear of any obstruction be a minimum of 500mm, including fences, vegetation, driveways, garden beds etc.
- Fences or bollards on the boundary of a padmount substation must comply with the following:
 - i. The fence is segregated by an insulating panel to prevent transfer of earth voltage rise under fault conditions
 - ii. That portion of the fence or bollards adjacent to the substation must be earthed to Essential Energy standards
 - iii. Any fence posts or bollards must be clear of cable routes
 - iv. Access is always maintained.
- The ground surface within the clearance zone of a padmount substation must be either grass or woodchip, any other surface treatment must be approved by Essential Energy, this includes any increase of ground levels or excavation.
- Vegetation must remain clear of clearance zones for underground cables.
- Structures must not be placed over the top of cables unless approved by Essential Energy.

- **High Voltage 11000 volt underground cable = 1 metre from the located/and potholed by approved means centre line.**
 - **Low Voltage 415 volt Underground Cables = 500mm from the located/and potholed by approved means centre line.**
- 16. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.**
- Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.
- 17. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.**
- 18. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.**
- 19. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.**

GENERAL CONDITIONS

- 20. The demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the Work Health and Safety Act 2011.**
- 21. No advertising sign and/or structure other than that which is permitted under this development approval or permissible without consent (exempt development) is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.**
- 22. All traffic movements in and out of the development are to be in a**

forward direction.

23. The emission of noise from the premises must be in accordance with the recommendations of the Noise and Vibration Impact Assessment prepared by Spectrum Acoustics Pty Ltd and the Noise Policy for Industry published by the NSW Environment Protection Authority (2017).
24. Liquid trade waste material is not to be discharged into the sewerage system without first obtaining the approval of Cowra Shire Council. An approval is needed if liquid trade waste is being discharged into the sewer. A liquid trade waste notification is required if it is produced, but not discharged into Council's sewer system.
25. Disabled access and parking are to be afforded to the site in accordance with the provisions of Part D3 Access for people with a disability – BCA Volume I.
26. Council's responsibility for the 200mm Asbestos Cement Reticulation main ends at the first join south of the water meter. As a result, Westcast Pty Ltd shall be responsible for all water infrastructure south of this point.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

27. Prior to the issue of a Construction Certificate, a detailed Stormwater Management Plan shall be submitted to Council's Director – Infrastructure & Operations for approval. The plan is to demonstrate that:
 1. Adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council. Plans must also state control measures for erosion and sedimentation.
 2. An 80% reduction in Total Suspended Solids, 60% reduction in Total Phosphorous and 45% reduction in Total Nitrogen can be achieved.
28. Prior to the issue of a Construction Certificate, a detailed Landscape Plan is to be submitted to Council's Director – Environmental Services for approval. The plan is to detail the proposed landscape screening works including a maintenance schedule.
29. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$510,000.00	1%	\$5,100.00	30 June 2024
Notes ¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application ² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au				

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

30. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Cowra Shire Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
31. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
32. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with the approved Stormwater Management Plan and Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

33. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
34. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

35. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
36. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
37. Car parking facilities, including all internal parking and manoeuvring areas are to be constructed and sealed in accordance with Australian Standard 2890.1 Off-Street Car Parking, Australian Standard 2890.2 Commercial Vehicle Facilities and Australian Standard 2890.6 Off-street parking for people with disabilities. They are to include all necessary line marking, directional arrows and signage to delineate parking spaces, traffic flow and traffic priority. All costs associated with the construction of the parking area shall be borne by the Applicant.
38. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
39. The applicant must obtain any approvals required under Section 68 of the Local Government Act 1993 for water supply work, sewerage and stormwater drainage work or the disposal of liquid waste into Council's sewer.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

40. The Applicant must obtain a Whole or Partial Occupation Certificate from the Principal Certifier appointed for the subject development.
41. Prior to the issue of any Occupation Certificate, landscaping is to be installed and maintained in accordance with the approved plans.
42. Prior to the issue of any Occupation Certificate, the visual screening wall is to be constructed in accordance with the approved plans.
43. Prior to the issue of any Occupation Certificate, security lighting is to be installed in accordance with the approved plans.

44. Prior to the issue of any Occupation Certificate, carparking is to be constructed and line-marked in accordance with the approved plans.
45. Prior to the issue of any Occupation Certificate stormwater construction is to conform to the approved plans. A “Works as Executed” plan of the plumbing and drainage work is to be provided to and approved by Council at the completion of the work.
46. The Applicant is to prepare and implement a Traffic Management Plan and Driver Code of Conduct for the task of transporting materials on public roads. The TMP will also apply to any haulage undertaken via contractors. The plan is to be submitted and concurred to by Council as the consent and roads authority. The plan should include consideration of (but is not limited to) the following issues:
- Restricting haulage operations during local school bus pick up/drop off times. Relevant consultation with local schools and local school bus operators should be undertaken and demonstrated.
 - Policies and procedures for addressing any concerns raised by the community on project related matters.
 - Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
 - Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
 - Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.
47. A Fire Safety Certificate completed by a competent fire safety practitioner shall be furnished to the Principle Certifier for all the Essential Fire Safety Measures specified in the current fire safety schedule for the building, prior to the issue of any Occupation Certificate. The Fire Safety Certificate must be issued using the standard template form published by the NSW Government. A copy of the Fire Safety Certificate must be predominately displayed in the building and a copy submitted to Council by the Principle Certifier with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.au
48. An Annual Fire Safety Statement completed by a competent fire safety practitioner for all the Essential Fire Safety Measures applicable to the building must be given to Council and a copy forwarded to the Fire Commissioner via the dedicated email address afss@fire.nsw.gov.au:
- (i) within 12 months after the date on which an annual fire safety

statement was previously given, or

- (ii) if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, whichever is the later.

An Annual Fire Safety Statement must be issued using the standard template form published by the NSW Government. A copy of the Annual Fire Safety Statement (together with a copy of the current fire safety schedule) must also be prominently displayed in the building.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Judi Smith, Bill West and Peter Wright

Against: Nil

CARRIED 7/0

At 5.31 pm, Cr Erin Watt returned to the meeting.

5 GENERAL MANAGER

5.1 Acting General Manager

RESOLUTION 52/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

That the Director – Infrastructure & Operations, Mr Dirk Wymer, be appointed Acting General Manager for the period 10 -15 April 2024 inclusive due to the General Manager's absence on leave.

CARRIED

5.2 Section 355 Committee Draft Minutes - CBD Committee

RESOLUTION 53/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

That the draft minutes of the CBD Committee meetings held on 29 February 2024 and 6 March 2024 and the inaccuracies regarding Mr Ian Docker's attendance and reference to Ashlea Field in a General Business item be noted.

CARRIED

5.3 Recycling Service

Moved: Cr Bill West

Seconded: Cr Paul Smith

1. That Council acknowledge the failure to process kerbside recycling collected between January 2018 and May 2019;
2. That Council commit to taking appropriate measures to ensure kerbside recycling processing is maximised in the future.

AMENDMENT

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

1. That Council acknowledge the failure to process kerbside recycling collected between January 2018 and May 2019;
2. That Council commit to taking appropriate measures to ensure kerbside recycling processing is maximised in the future.
3. That an options paper be prepared and presented back to council with the following scenarios (including the LTFP impacts on council's financial position):
 - Status quo
 - Full refund
 - No recycling charge for the upcoming FY 2025
4. Council's ARIC identify all areas of future risk management including the operations of the MRF and update Council's risk register.
5. The updated Risk Register to be presented to Council for adoption
6. Council executive staff to be allocated a standing section in the ARIC meeting agenda to report on the activities of each directorship at each meeting.

THE AMENDMENT WAS PUT AND LOST

AMENDMENT

Moved: Cr Peter Wright

1. That Council defers recommendations 1 and 2 of the original motion.
2. That Council looks at the LTFP for the MRF and recycling facility to ensure capacity to accommodate all recycling material that are received.

LAPSED FOR THE WANT OF A SECONDER

AMENDMENT

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

1. That Council acknowledge the failure to process kerbside recycling collected between January 2018 and May 2019;
2. That Council commit to taking appropriate measures to ensure kerbside recycling processing is maximised in the future.
3. That Council conducts further wider ranging discussions in the lead up to the FY24/25 Budget to look at options to resolve this matter going forward.

CARRIED

RESOLUTION 54/24

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

1. That Council acknowledge the failure to process kerbside recycling collected between January 2018 and May 2019.
2. That Council commit to taking appropriate measures to ensure kerbside recycling processing is maximised in the future.
3. That Council conducts further wider ranging discussions in the lead up to the FY24/25 Budget to look at options to resolve this matter going forward.

CARRIED

6 DIRECTOR-CORPORATE SERVICES**6.1 Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee - 7 March 2024****RESOLUTION 55/24**

Moved: Cr Paul Smith

Seconded: Cr Bill West

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 7 March 2024 be noted.

CARRIED

7 DIRECTOR-INFRASTRUCTURE & OPERATIONS**7.1 Section 355 Committee Minutes - Tidy Towns Committee****RESOLUTION 56/24**

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

- 1. That the minutes of the Extraordinary Tidy Towns & Urban Landcare Committee meeting held on 14 February 2024 be noted.**
- 2. That due to the current challenges of the Committee, the Tidy Towns Committee be dissolved.**
- 3. That any current funds of the Tidy Towns Committee being held by Council be used for education in sustainability.**

CARRIED

RESOLUTION 57/24

Moved: Cr Bill West

Seconded: Cr Erin Watt

That Council formally acknowledge the contribution of the Tidy Towns Committee and Cr Judi Smith and write to all members of the Committee and Cr Judi Smith acknowledging their contributions over a substantial length of time.

CARRIED

RESOLUTION 58/24

Moved: Cr Peter Wright

Seconded: Cr Erin Watt

That Management provide to Council details on the process of nominating villages or towns for the Tidy Towns Awards going forward.

CARRIED

8 DIRECTOR-ENVIRONMENTAL SERVICES**8.1** Section 355 Committee Draft minutes - Access Committee meeting held 26 February 2024**RESOLUTION 59/24**

Moved: Cr Erin Watt

Seconded: Cr Bill West

- 1. That Council note the draft minutes of the Access Committee meeting held on 26 February 2024.**
- 2. That Council appoint Robyn Ambachtsheer to the Cowra Access Committee as an Attendee.**

CARRIED

8.2 Section 355 Committee Draft minutes - Cowra Natural Resource Management Advisory Committee meetings held 13 December 2023 and 21 February 2024**RESOLUTION 60/24**

Moved: Cr Peter Wright

Seconded: Cr Judi Smith

- 1. That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 13 December 2023.**
- 2. That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 21 February 2024.**

CARRIED

9 LATE REPORTS**9.1** IPART Review of NSW Council Financial Model**RESOLUTION 61/24**

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

- 1. That Council note the NSW Government's withdrawal of the referral to IPART to investigate and report on the financial model for NSW councils;**
- 2. That Council note the matter will now be considered by the NSW Parliament's Standing Committee on State Development.**

CARRIED

9.2 Community Grants - Round 2 2023/2024 Allocation of Funds**RESOLUTION 62/24**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That Council allocate funding under Round 2 of the 2023/2024 Cowra Community Grants Program to the following groups:

Category: Arts and Culture	Project	Funding Recommendation
Woodstock and District Progress Association	Assist complete the Woodstock CBD ghost signage project.	\$1,000.00
		\$1,000.00
Category: Building and Facility Development		
Cowra Masonic Hall Ltd	Update security at the Cowra Masonic Hall following break-in.	\$1,800.00
Cowra Junior Rugby League	Assist painting of outside of Junior League Changing Shed at River Park.	\$2,000.00
Morongla Creek Showground Land Manager	Assist fund improvement of lighting in Morongla Hall.	\$2,000.00
Gooloogong Log Cabin Inc	Assist install six metal stirrup posts to base of existing posts under hall entrance & construct slab for new kitchen water tank.	\$1,980.00
Cowra Uniting Church Food Hall	Assist purchase lockage storage units for storing volunteer's personal items.	\$1,226.50
		\$9,006.50
Category: Sport and Recreation		
Cowra Pistol Club Inc.	Assist purchase laptop computer for Cowra Pistol Club Treasurer.	\$429.00
Cowra Amateur Swimming Club	Assist purchase new Apple iPad for use with new professional swim timing system.	\$909.00
Cowra Junior Squash	Assist purchase media wall and advertising decals.	\$1,000.00
Cowra Little Athletics	Assist purchase an additional 11 junior hurdles to supplement existing hurdles.	\$1,000.00
Cowra Senior Soccer Club	Assist purchase portable training equipment to accommodate change of	\$500.00

	training venue as required.	
		\$3,838.00
Category: New Community Events		
Category: Small Capital Equipment		
Cowra U3A Inc.	Assist purchase 58" TV for U3A presentations.	\$779.00
Lachlan Valley Railway Society Co-Op Ltd	Assist purchase two extreme heavy-duty batteries for reactivated Rail Motor No.25 and two batteries for Planet diesel locomotive.	\$1,000.00
Cowra Uniting Church Food Hall	Assist purchase new signage to make Food Hall more visible for potential participants.	\$750.00
Cowra Uniting Church Food Hall	Assist purchase new computer to allow all Food Hall registrations to be processed on-line.	\$1,000.00
		\$3,529.00
Total Funds Allocated	15 applications	\$17,373.50

CARRIED

10 CONFIDENTIAL MATTERS**RESOLUTION 63/24**

Moved: Cr Bill West

Seconded: Cr Cheryl Downing

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

11 CONFIDENTIAL GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 11 MARCH 2024**11.1 Carpark Lease - 74 Kendal Street Cowra**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 8 APRIL 2024

File Number: D24/573

Author: Michael Jones, Director - Corporate Services

The Committee refers the following recommendations to Council:

DIRECTOR-CORPORATE SERVICES REPORT

3.1 Section 355 Committee Minutes – Cowra Sport & Recreation Council

RECOMMENDATION

1. That the Draft Minutes of the Cowra Sport & Recreation Committee's Annual General meeting held on 27 September 2023 be noted.
2. That the Minutes of the Cowra Sport & Recreation Committee's Ordinary meeting held on 27 September 2023 be noted.
3. That the Draft Minutes of the Cowra Sport & Recreation Committee's Ordinary meeting held on 28 February 2024 be noted.
4. That Council considers the allocation of funds in the 2024-25 financial year budget for the preparation of a Precinct Master Plan for West Cowra Recreation Ground.
5. That Council appoint the following persons to the Sport and Recreation Committee;
 - Marc McLeish (Chair)
 - Lee Wilson
 - Tom Perfect
 - David Porter
 - Krisha Tysoe (Deputy Chair)
 - Jason Munday
6. That Council applies for Play Your Way grant to improve facilities at West Cowra Recreation Ground.

3.2 Donation Request - Cowra Eisteddfod Inc.

RECOMMENDATION

1. That Council provide a donation to ensure that Cowra Eisteddfod Inc. for its 2024 event, only pays \$12,000 excluding GST for hire of the Cowra Civic Centre and that the final donation amount is deducted from the Section 356 expenses budget.
2. That Council increases the S356 budget to accommodate the donation request when known.

3.3 Australian Chapter of the World Peace Bell Association - Section 355 Committee**RECOMMENDATION**

- 1. That the Minutes of the Australian Chapter of the World Peace Bell Committee's Ordinary meeting held on 6 February 2024 be noted.**
- 2. That the Draft Minutes of the Australian Chapter of the World Peace Bell Committee's Ordinary meeting held on 26 March 2024 be noted.**
- 3. That Council endorse the Australian Chapter of the World Peace Bell Committee's recommendations for the use of \$18,565 from the bequest from the Estate of the late Margaret Weir for the following 2024 activities:-**
 - Promotional / Educational videos of the Cowra Peace Bell; and**
 - World Peace Day in Cowra – Guest Speaker.**

3.4 Section 355 Audit, Risk & Improvement Committee - Legislative Changes**RECOMMENDATION**

- 1. That Council notes the report from the Director – Corporate Services on the legislative changes relating to the Audit, Risk & Improvement Committee.**
- 2. That Council defer consideration of the draft “Terms of Reference” document for Cowra Council's Audit, Risk and Improvement Committee for discussion at the April Information Meeting.**
- 3. That consideration of the draft “Terms of Reference” document for Cowra Council's Audit, Risk and Improvement Committee be presented to the April Council Meeting.**

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT**3.5 Proposed Introduction of Dam Safety Levy****RECOMMENDATION**

That Council receive and note the information provided on the submission to the Independent Pricing and Regulatory Tribunal ‘Dams Safety NSW Levy Review’.

3.6 Review of Asset Management Policy**RECOMMENDATION**

That Council defer adoption of the Asset Management Policy until such time as Council has had an opportunity to fully discuss the policy.

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 3.7 Development Application No. 14/2024, Lot 363 DP 752948, 14 Shelley Street Cowra, carport, lodged by D. Steward of Currajong Pty Ltd. The property owner is K. Wilson.**

RECOMMENDATION

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and one submission was received; and**
- 2. That Development Application No. 14/2024, for the construction of a carport on Lot 363 DP 752948, 14 Shelley Street Cowra be approved subject to the following conditions:**

GENERAL CONDITIONS

- 1. Development is to be in accordance with approved plans.**

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Proposed Site Plan	Currajong Drawn 02/02/24 REV A	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Engineering Certification Letter to Kate Wilson	Calare Civil Pty Ltd 2 February 2024	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Foundation Plan Sheet 1 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Elevations Sheet 2 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1

Statement of Environmental Effects (Pro-forma Template)	Kate Wilson N.D.	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - Plan View	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (9am – 11am)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (12pm – 2pm)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (3pm – 4pm)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000 (see attached Advisory Note).

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

5. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
6. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
7. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

8. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
9. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
10. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
11. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
12. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
13. All roofed and paved areas are to be properly drained and discharged to Council's stormwater management system in Shelley Street.

14. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
- (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
 - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

15. The Applicant must not commence occupation or use of the carport until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
16. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Shelley Street in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

- 3.8 Development Application No. 120/2023, Lot 1 DP 362387, 21 Bartlett Avenue Cowra, Shed, lodged on 14 February 2024 by the owner S D Smith.

RECOMMENDATION

- I. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and

Assessment Act 1979. The variation to Sections E.4.3.4.b. and E.3.5.4.l of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no objections were received; and

2. That Council approves variations to Section E.4.3.4.b. and E.3.5.4.l of Part E of Council's Development Control Plan 2021 for this development to allow a maximum building height of 6.37m and external colour of Monolith; and
3. That Development Application No. 120/2023, for the construction of a shed on Lot 1 DP 362387, 21 Bartlett Avenue Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

- I. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan Sheet 01 of 2 Rev A	Currajong 6/10/23	Received 14 February 2024 Stamped No. 10.2023.120.1
Typical Site Section Sheet 02 of 2 Rev A	Currajong 6/10/23	Received 14 February 2024 Stamped No. 10.2023.120.1
Architectural Drawings DWGQPI Ref: 3306221	Tilmac -	Received 14 February 2024 Stamped No. 10.2023.120.1
Statement of Environmental Effects Revision C	Currajong 20/02/2024.	Received 20 February 2024 Stamped No. 10.2023.120.1(A)

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021* (see attached Advisory Note).

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. All costs associated with the repair of any damages caused by the driveway construction shall be borne by the Applicant and at no cost to Council.
4. Prior to the issue of a Construction Certificate, the Applicant must submit a Stormwater Management Plan for the approval of the Principal Certifier. The Plan must provide details of the proposed management of surface water from the proposed driveway to ensure that overflow does not impact on downslope properties.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

5. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
6. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
7. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
8. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

9. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of

construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the *Local Government Act 1993*.
12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
13. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
14. All roofed and paved areas are to be properly drained and discharged to Council's stormwater management system in Bartlett Avenue.
15. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
 - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

16. The Applicant must not commence occupation or use of the garage until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.

17. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Bartlett Avenue in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

4 GENERAL MANAGER**4.1 Section 355 Committee Draft Minutes - CBD Committee**

File Number: D24/556

Author: Paul Devery, General Manager

RECOMMENDATION

That the draft minutes of the CBD Committee meeting held on 19 March 2024 be noted.

INTRODUCTION

The draft Minutes of the Cowra Council Section 355 CBD Committee are presented for information and noting.

BACKGROUND

Attached for the information of Councillors are the draft minutes from the Section 355 Committee – CBD Committee meeting held on 19 March 2024.

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

- I. Draft Minutes - CBD Committee 19 March 2024 [↓](#)



MINUTES

CBD Committee Meeting 19 March 2024

CBD COMMITTEE MEETING MINUTES**19 MARCH 2024****Order Of Business**

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CBD COMMITTEE MEETING MINUTES**19 MARCH 2024**

**MINUTES OF COWRA COUNCIL
CBD COMMITTEE MEETING HELD AT THE NGULUWAY ROOM, DARLING
STREET, COWRA
ON 19 MARCH 2024 AT 6PM**

PRESENT: Cr Sharon D'Elboux (Chair), Cr Bill West, Cr Erin Watt, Cr Paul Smith (Deputy Mayor), Phillip Beer, Ashlea Field, Jesse Murphy, Kurt Overzet, Amy Gormly, Stassi Austin

IN ATTENDANCE: Nil

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was presented by Cr Erin Watt.

2 APOLOGIES

Ponie De Wet (Cowra Business Officer), Zachary Jones, Christine Muddle, Marc McLeish, Cr Cheryl Downing (arrived 6.06pm), Mr Paul Devery (General Manager) (arrived 6.18pm), Martina Lindsay (arrived 6.30pm)

3 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of CBD Committee Meeting held on 29 February 2024 be confirmed with removal of Ian Docker from attendees.

Moved – Jesse Murphy

Seconded – Amy Gormly

That the minutes of CBD Committee Meeting held on 6 March 2024 be confirmed with amendment to remove Ian Docker from attendees and to add Ashlea Field to list of volunteers liaising with local businesses.

Moved – Cr Erin Watt

Seconded – Jesse Murphy

4 GENERAL BUSINESS

4.1 Follow-Up: Can Do Cowra Workshop

Cr Sharon D'Elboux offered the following information:

- 18 attendees were invited
- Second list of names require follow-up with Village Well
- Jesse Murphy to investigate further the placement of planter boxes in front of CBD shops, and to meet with the Cowra Men's Shed
 - Cowra Garden Club has been approached to assist

CBD COMMITTEE MEETING MINUTES**19 MARCH 2024**

- Jesse presented a slideshow on Parkes' and Forbes' Main Street upgrades
- Other items since the Workshop that require further investigation are:
 - The condition of Coles carpark
 - Suggestion of A-frame signs in front of businesses
 - Greenery, seating and shade areas
 - Overhead greenery
 - Signage
 - The Committee noted that travellers go through Cowra to get to most locations in the Central West

4.2 Debrief - Village Well Workshop

- The summary document from the Can Do Cowra workshop was distributed to committee members
- Some ideas that have come forward include:
 - Placement of community clock next to bridge garden
 - Close off Macquarie Street
- Cr D'Elboux will arrange for the survey distribution.

4.3 CBD Workshop Summary

The draft CBD Workshop Summary document was tabled at the meeting, and will be sent to all Committee Members with the Minutes of this meeting.

5 NEXT MEETING DATE

The next meeting will be held on 16 April 2024 at 6pm in the Nguluway Room.

6 MEETING CLOSE

The Meeting closed at 7.05pm.

.....
CHAIRPERSON

5 DIRECTOR-CORPORATE SERVICES

5.1 Investments

File Number: D24/484

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That Council note the Investments and Financial Report for March 2024.

INTRODUCTION

The purpose of this report is to provide Councillors with useful and timely information on Council's investments, rate collections, loans and estimated financial position.

BACKGROUND

The Local Government (General) Regulation 2021 (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, as per the Minister's Order of 12 January 2011 published in the Government Gazette on 11 February 2011. The Responsible Officer must also include in the report a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policies. This certificate appears below the table of investments

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Investments Report – March 2024 [↓](#)

ATTACHMENT**Investments and Financial Report**

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Investments

I. Investments Portfolio as at 31 March 2024

Council's investments are as listed below in lodgement date order:

Funding Institution	S&P Rating	Date Lodged	Term (Days)	%	Date Due	Principal \$
ING BANK	A-2	5/09/2023	217	4.80%	9/04/2024	1,000,000.00
ING BANK	A-2	14/09/2023	215	4.07%	16/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
SUNCORP-METWAY LTD	A-1	26/09/2023	245	5.15%	28/05/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	3/10/2023	210	5.07%	30/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/10/2023	264	5.10%	25/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	10/10/2023	182	5.13%	9/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	24/10/2023	245	5.15%	25/06/2024	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	31/10/2023	182	5.30%	30/04/2024	1,000,000.00
ING BANK(Wyangala Sewer Handover)	A-2	31/10/2023	273	5.17%	30/07/2024	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-1+	31/10/2023	273	5.30%	30/07/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	7/11/2023	182	5.20%	7/05/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	21/11/2023	210	5.20%	18/06/2024	1,000,000.00
IMB LTD	A-2	5/12/2023	126	5.10%	9/04/2024	250,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/12/2023	182	5.15%	4/06/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	12/12/2023	182	4.93%	11/06/2024	500,000.00
ING BANK	A-2	12/12/2023	161	4.81%	21/05/2024	500,000.00
ING BANK	A-2	12/12/2023	217	5.00%	16/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	12/12/2023	154	5.13%	14/05/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/12/2023	154	4.88%	21/05/2024	500,000.00
ST GEORGE BANK	A-1+	19/12/2023	126	4.16%	23/04/2024	500,000.00
SUNCORP-METWAY LTD	A-1	19/12/2023	182	5.11%	18/06/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	9/01/2024	210	4.90%	6/08/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	9/01/2024	224	5.10%	20/08/2024	500,000.00
SUNCORP-METWAY LTD	A-1	9/01/2024	217	5.10%	13/08/2024	500,000.00
ING BANK	A-2	16/01/2024	224	4.89%	27/08/2024	500,000.00
ST GEORGE BANK	A-1+	16/01/2024	231	4.40%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	23/01/2024	182	4.90%	23/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	23/01/2024	300	5.20%	18/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	25/01/2024	159	4.91%	2/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	175	5.02%	23/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	231	5.04%	17/09/2024	500,000.00
ING BANK	A-2	30/01/2024	300	5.10%	25/11/2024	500,000.00
ING BANK	A-2	30/01/2024	365	5.17%	29/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	30/01/2024	161	5.10%	9/07/2024	500,000.00
ST GEORGE BANK	A-1+	30/01/2024	245	4.88%	1/10/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/01/2024	224	5.12%	10/09/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/02/2024	217	5.05%	10/09/2024	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	6/02/2024	231	5.10%	24/09/2024	500,000.00
SUNCORP-METWAY LTD	A-1	6/02/2024	210	5.07%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	13/02/2024	231	5.06%	1/10/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	20/02/2024	245	4.94%	22/10/2024	500,000.00
ING BANK	A-2	22/02/2024	229	4.85%	8/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	250	4.88%	29/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	257	4.88%	5/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	259	5.10%	12/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	266	5.10%	19/11/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/03/2024	181	4.85%	3/09/2024	500,000.00
IMB LTD	A-2	6/03/2024	181	4.95%	3/09/2024	500,000.00
ST GEORGE BANK	A-1+	6/03/2024	244	4.88%	5/11/2024	500,000.00
BANK OF QUEENSLAND	A-2	12/03/2024	182	5.17%	10/09/2024	500,000.00
IMB LTD	A-2	12/03/2024	182	4.90%	10/09/2024	600,000.00
SUNCORP-METWAY LTD	A-1	12/03/2024	245	5.05%	12/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/03/2024	273	5.03%	17/12/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/03/2024	182	4.86%	17/09/2024	500,000.00
IMB LTD	A-2	19/03/2024	182	4.95%	17/09/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/03/2024	90	5.05%	25/06/2024	500,000.00
Total						34,270,914.23

I hereby certify that all of the above investments have been placed in accordance with the Act, the Regulations and Council's Investment Policy.

Scott Ellison

Manager – Finance

16/4/24

2. Interest Rate

The average interest rate for Council's investments held is 4.99%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 March 2024:

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
4.35%	4.49%	4.75%	4.85%	4.91%	4.96%	4.96%	4.98%

3. General Fund Balance

As at 31 March 2024 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$	'000
General Fund bank account	\$	45
On-Call account balance	\$	5,000
Cash in hand	\$	4
TOTAL	\$	5,049

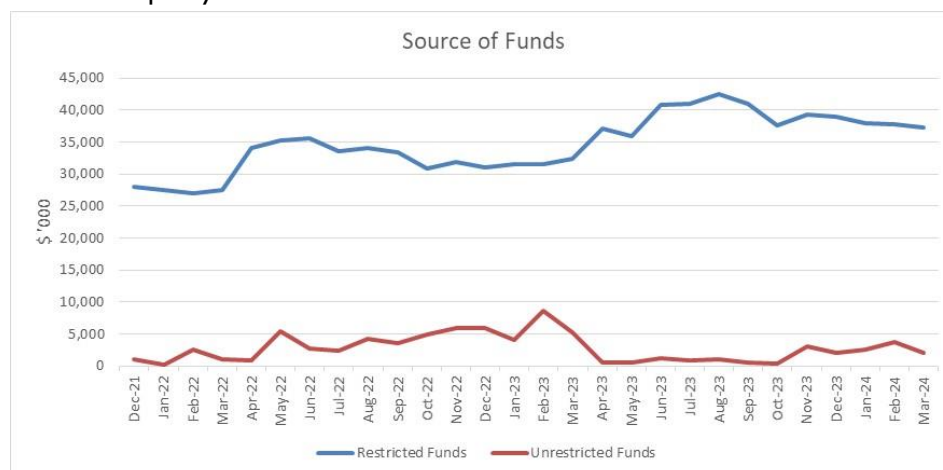
The General Fund bank account is monitored on a daily basis to ensure investments are maximised and that sufficient funds are available for day to day operations.

The table and graph below show Council's source of funds with the split between Restricted and Unrestricted. The unrestricted funds representing the operating capital available to Council at any given time.

Source of Funds	\$	'000
Investment Portfolio	\$	34,271
Cash and Cash Equivalents - General Ledger	\$	5,049
TOTAL	\$	39,320
Represented By:		
Restricted Funds	\$	37,312
Unrestricted Funds	\$	2,008
TOTAL	\$	39,320

4. Council's Investments – Mix of Investment Ratings

Council's investments are made in accordance with its investment policy and in particular are subject to Section 6 of that policy as follows:



“6. Approved Investments

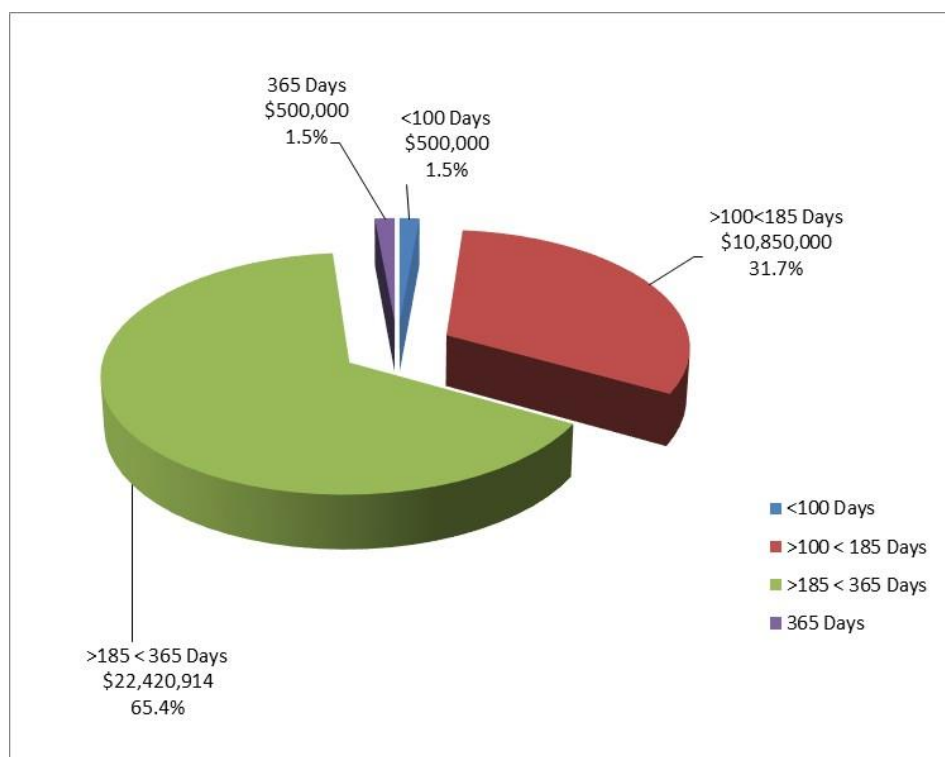
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

All investments must be denominated in Australian Dollars. Authorised new investments as from 12 January 2011 are limited to the following, as per the attached Ministerial Investment Order.

- a. *Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory.*
- b. *Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW)).*
- c. *Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit - taking institution (as defined in the Banking Act 1959(Cwth)), but excluding subordinated debt obligations.*
- d. *Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority.*
- e. *A deposit with the New South Wales Treasury Corporation or investments in an Hour - Glass Investment Facility of the New South Wales Treasury Corporation.”*

It should be noted that 100% of Council's investments are as per (c) above.

The following pie-chart shows Council's mix of investments for the period detailing the various classes of investments as per the Moody's and Standard and Poor's classifications.

**Rating Types as per Council's Investment Policy and the Department of Local Government Guidelines**

Any securities which are issued by a body or company (or controlled parent entity either immediate or ultimate) with a Moody's Investors Service, Inc. credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1" or "A2" or a Standard & Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", or "A"

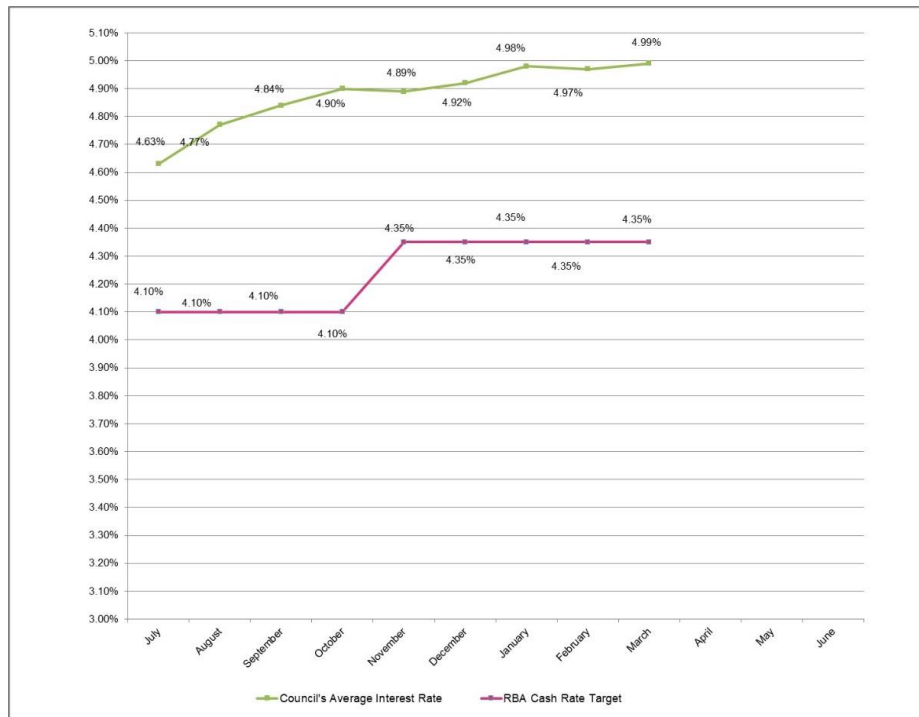
Any securities which are given a Moody's Investors Service Inc credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1", "A2" or "Prime-I" or a Standard and Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", "A", "A1+" or "A1"

5. Interest on Investment Income

2023/2024 estimated interest on investments amount is \$1,112,082 and has been included in the Budget. Performance of investments is monitored monthly.

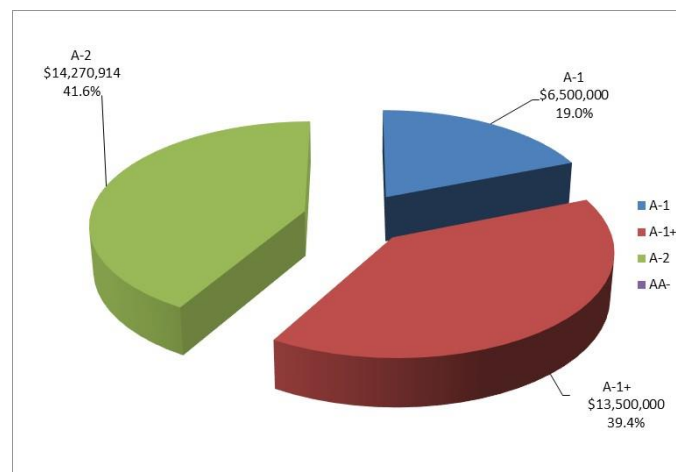
6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

The following graph compares the average monthly interest rate secured by Council to the RBA Cash Rate Target. Monetary policy decisions by the RBA are expressed in terms of a target for the cash rate, which is the overnight money market interest rate.



7. Maturity Profile of Council's Investments

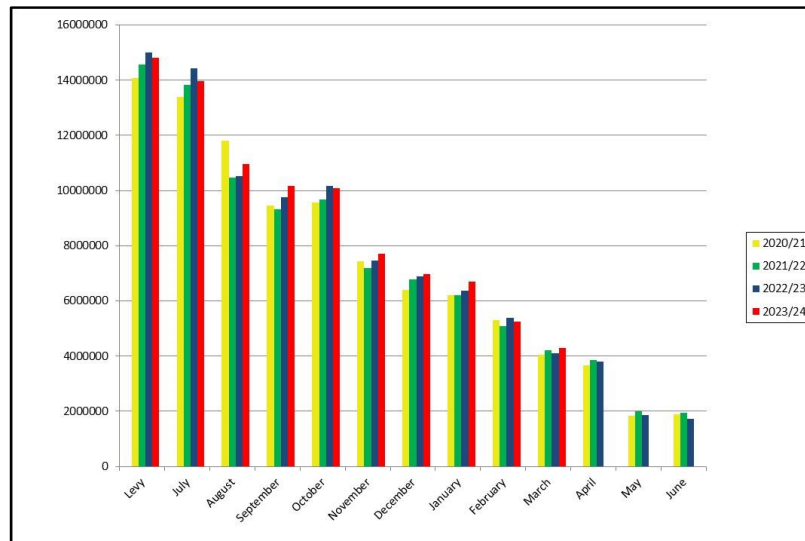
The following pie-chart shows the mix of Council investments for the month by maturity type.



Rates

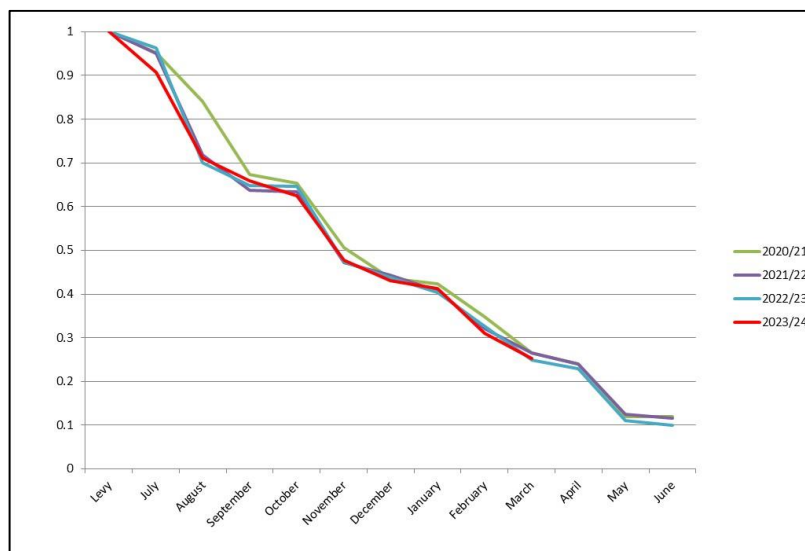
8. Comparison of Rate Collection Progress for 2023/24 to prior years

The following graph shows the total rate levy and arrears carried forward at the time of the rate levy in July 2024. Council's debt collection policy has the objective of having no more than 10% of rates outstanding by the end of each financial year.



9. Council Rate Levy - % Comparison

As the levy varies each year, the following graph shows the total percentage of rates and arrears outstanding each month based on 100% being total levy plus total arrears in each year.



10. Council Rate Levy – Arrears and Recovery Action

At the 30 June each year, the total rate arrears figure consists of the unpaid rates from the year just ended together with outstanding balances from previous years.

Arrears at 30 June 2023		\$		1,732,428
Collected – Year to Date (as per last month's report)	\$	715,212		
Collected in March 2024	\$	64,381	\$	779,593
Balance as at 2 April 2024			\$	952,835
Rates – Currently under legal proceedings	\$	123,274		
Arrangements (Repayment Schedules)	\$	829,561		
	\$	952,835		

11. Indicative Position of General Fund for the Current Year to 30 June 2024

The following table shows Council's budget result based on the budget set as per Council's Operational Plan for 2023/2024.

BUDGET INCOME STATEMENT - 2023/2024						BUDGET CASH AT END OF YEAR - 2023/2024					
		OPERATING RESULT - BEFORE CAPITAL GRANTS & CONTRIBUTIONS									
Resolution	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000	Resoluti on
	Adopted Budget	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
	End of 1st Quarter - Prior to Review	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
	1st Quarter Budget Review	11,810	8,878	3,371	(535)	96	32,621	14,520	7,157	8,699	2,245
263/23	Growing Regions Application	(40)	(40)				(40)	(40)			
269/23	Dam Safety Management Plans: Cowra Stormwater Basins	(70)	(70)				(70)	(70)			
	End of 2nd Quarter - Prior to Review	11,700	8,768	3,371	(535)	96	32,511	14,410	7,157	8,699	2,245
	2nd Quarter Budget Review	13,601	11,529	2,472	(847)	447	41,467	23,457	6,086	9,212	2,711
		13,601	11,529	2,472	(847)	447	41,467	23,457	6,086	9,212	2,711

Loans

12. Interest Rate

The average interest rate for Council's current loans is 5.62%. Weighted Average Interest Rate (based on principal outstanding) is 6.54%.

13. Loan Summary

Summary of Current Loans and Purpose as at 31 March 2024.

Loan No	Lender	Date Obtained	Due Date	Principal	Interest Rate %	Principal \$ o/s 31/3/2024
<u>GENERAL</u>						
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	36,349
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	109,054
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	65,488
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	872,381
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	103,978
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	30,541
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	96,110
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	99,385
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	367,445
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	62,096
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	433,780
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,218,113
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	423,610
						3,918,330
<u>WASTE</u>						
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	73,096
						73,096
<u>WATER</u>						
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	439,887
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	825,428
242A	COMMONWEALTH BANK (ICI ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	886,368
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	737,107
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	122,456
						3,011,246
<u>SEWERAGE</u>						
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT)	6/05/2010	04/05/2040	7,213,230	8.13	5,814,670
						5,814,670
	GRAND TOTAL					12,817,343

5.2 Audit, Risk & Improvement Committee - Legislative Changes

File Number: D24/592

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That Council adopt the draft “Cowra Shire Council Audit, Risk and Improvement Committee Terms of Reference” document for Cowra Council’s Audit, Risk and Improvement Committee.

INTRODUCTION

The intent of the report is twofold.

Firstly, to inform Councillors about the legislative changes regarding Council’s Audit, Risk and Improvement Committee that come into effect from 1 July 2024.

Secondly, to seek Council’s endorsement of a draft “Terms of Reference” (**TOR**) document which will enable Council staff and the Committee to act in meeting the legislative requirements.

BACKGROUND

Councillors will recall that this report was presented to the 8 April 2024 General Committee meeting and at the request of Councillors, the “Terms of Reference” document for Cowra Council’s Audit, Risk and Improvement Committee was further discussed at the April Information Meeting.

The report is now presented to Council for adoption.

Over the past 5 years the Office of Local Government has been drafting and redrafting new guidelines for Council’s requirements for local government Audit, Risk and Improvements Committees (ARIC). In November 2023 these requirements were legislated and will come into effect on 1 July 2024.

A copy of the guidelines is enclosed.

KEY REQUIREMENTS

The key changes are summarised under 5 functional areas.

Requirement 1 – Membership of ARIC’s

- Increase the number of independent members from 2 to 3. One of which will be the chair.
- Reduction of the number of Councillors from 2 to 1 and removal of voting rights. Councils may appoint one councillor (who must not be the Mayor) as a non-voting member of the ARIC. Note - the Mayor and other Councillors can attend the meeting as “invitees”. Additionally, the Councillor must meet the skills and experience requirements as per the guidelines.

- Review the existing members to ensure compliance under the new guidelines / issuing of new letters of engagement.
- ARIC chairpersons and members are to be appointed for a term of no more than 4 years. They may be re-appointed if eligible but must not be a member of the ARIC for more than 8 years in any 10-year period.
- Councils may pay remuneration to the chairperson and independent members of the ARIC. Noting also the inclusion of superannuation for independent members.

Requirement 2 – Operations of ARIC's

- Increase in the number of meetings per year from 3 to 4.
- The chairperson may decide the procedure for calling meetings and their conduct.
- Councils must adopt **terms of reference (TOR)** for the ARIC by resolution. In doing so, they must consider the model terms of reference approved by OLG. (Enclosed)
- ARICs must exercise their functions in accordance with the adopted terms of reference.
- General managers of councils must ensure that the ARIC has the resources necessary to properly exercise its functions and is readily able to access the staff, information and records the ARIC considers necessary to exercise those functions.
- ARICs are to keep under the review the council's internal audit functions.

Requirement 3 – Internal Audit

- Councils must adopt an internal audit charter by resolution. In doing so, they must consider the model internal audit charter approved by OLG
- Councils must exercise their internal audit functions in accordance with the adopted internal audit charter.
- General managers of councils must appoint a member of staff (who may be an existing staff member) to be the internal audit coordinator for the council or joint organisation (NB, this role was previously referred to as the “head of the internal audit function” in the draft Guidelines).
- Councils may enter into an arrangement with another council to share that council's internal audit coordinator. Where a council enters into such an arrangement with another council, they are not required to appoint their own internal audit coordinator.
- The internal audit coordinator must report to and comply with directions of the ARIC in relation to the exercise of internal audit functions. The internal audit coordinator is not to be subject to direction by the council or a member of staff of the council in relation to the exercise of internal audit functions.
- The General Manager of a council must consult with the chairperson of the ARIC about a proposed decision affecting the employment of the internal audit coordinator.
- General Managers of councils must ensure the internal audit coordinator has the resources necessary to properly exercise their functions and is readily able to access the staff, information, and records necessary to exercise those functions and is able to access the ARIC.
- The ARIC must oversee internal audit activities.
- The ARIC must review the performance and efficacy of internal audit activities over each period of 4 years and prepare a report for the governing body which may include recommendations.

Requirement 4 – Risk Management

- Councils must adopt and implement a system for managing risk (NB, councils are required under section 23A of the Local Government Act 1993, to consider OLG's Guidelines when doing so).
- The ARIC must monitor and review the implementation of the system for managing risk and report to the governing body on its operation and efficacy.

Requirement 5 – Attestation

- From 2024/25, councils must publish in their annual reports, an attestation signed by the general manager that specifies whether the council has complied with the Regulation.
- In preparing an attestation, the General Manager must give the chairperson of the ARIC an opportunity to comment on it. If the chairperson of the ARIC is not satisfied with the attestation, they may prepare an alternative attestation and provide it to OLG.

TIMELINE

The following timeline shows the actions required between now and the first ARIC meeting under the new requirements.

- 1) Council to endorse the draft Terms of Reference ("TOR") [April 2024]
- 2) Review of independent member fees.
 - a. As per previous ARIC minutes, Director – Corporate Services (DCS) to prepare paper and make recommendation(s) for Council to adjust the existing Independent Member Fees in line with current market needs/expectations. [April 2024]
- 3) Recruitment of a 3rd Independent member.
 - a. DCS to draft an EOI for the appointment of a 3rd Independent Member onto the ARIC, meeting the required 'eligibility criteria', and including the proposed fee from #2, to be appointed for up to 4 years with the first meeting scheduled for 8th August 2024. [April/May]
 - b. Publish EOI with closing date 2-3 weeks from publication [April/May 2024]
 - c. With Chair's involvement, review and shortlist appropriate EOI candidates, along with interviews as necessary [May/June 2024]
- 4) Present to Council for endorsement - including:
 - a. Selection and appointment of a 'non-voting councillor member' (and alternate) for the 8th August 2024 ARIC meeting;
 - b. If needed, selection and appointment of an alternate for the Mayor for the 8th August 2024 ARIC meeting should the Mayor be unavailable; and
 - c. Impact to FY25 budget for additional Independent Member and an increase in meetings from 3 to 4 per annum. [May/June 2024]
- 5) Presentation to Council's June meeting: [June 2024]
 - a. Recommendation for the appointment of 3rd Independent Member; and
 - b. Recommendation for the appointment of one of the Independent Members as the Chair.
 - c. That DCS reviews the existing independent members appointments and if needed seeks Council endorsement for reappointment with new 4-year terms.
- 6) Notify respective Independent Member(s) of Council appointments/reappointments [pre-30 June 2024]
- 7) [8 August 2024] First ARIC meeting under new TOR and committee structure, and will need to:

- a. GM to advise ARIC of appointed 'Executive Audit Officer';
 - b. Endorse an Internal Audit Charter that reflects the decided/most likely Internal Audit Function of Council;
 - c. Develop and approve a 4 Year Internal Audit Plan based on risk registers, council strategy, and management input; and
 - d. Chair/committee to develop the required 4 Year ARIC Workplan to ensure all areas of responsibility (i.e. TOR's Schedule 1) are reviewed each council term.
- 8) [August 2024] If possible, prior to caretaker mode, present for Council adoption the ARIC endorsed Internal Audit Charter, as well as present the ARIC approved 4 Year Internal Audit Plan for endorsement by Council – if neither is possible, present at the next available Council meeting

Terms of Reference Document

The terms of reference document outline the purpose, scope, roles and responsibilities and process for the committee. It is used to provide guidance and clarity to those involved as well as to set the expectations and standards for the work to be undertaken and reported.

The legislative changes detailed above are captured in the OLG's recommended TOR document.

The attached document has been reviewed and slight amendments made.

These amendments include;

1. Expanded "Executive Officer" to "Executive Audit Officer" to reduce any potential/unintended confusion.
2. Inclusion of the "Mayor (or their delegate)" as an 'invitee' as this change/allowance in the final guidelines was originally missed. This also addresses the recommendation from the ARIC meeting to insert a 'permanent councillor invitee' onto the ARIC (should the Mayor of the day not wish to attend the ARIC, they can delegate to another councillor not already appointed as the 'non-voting councillor').
3. Amended the Mayor, GM and Executive Audit Officer to be 'invitees' rather than 'observers' so that there is a clear differentiation between these types.

The document attached show these changes tracked.

BUDGETARY IMPLICATIONS

The budgetary impact of these changes is not yet fully costed; however, it is estimated that Council's ARIC costs will climb from \$25k pa to \$50k pa. This increase is due the following factors.

- An increase in the number of paid independent members from 2 to 3
- An increase in the number of meetings per year from 3 to 4
- A review and potential increase in independent member's sitting fees
- The paying of superannuation to independent members
- The establishment of an internal audit function of Council
- Greater administrative costs associated with all of the above

An amount of \$50,000 has been included in the draft LTFP for FY2025 for these estimates. This is up on the current year (FY2024) amount of \$28,028.

ATTACHMENTS

1. OLG Circular 23-15 [↓](#)
2. Guidelines for Risk Management and Internal Audit updated November 2023 [↓](#)
3. Local Government General Amendment Audit Risk and Improvement Committees Regulation 2023 [↓](#)
4. DRAFT ARIC TOR 2024 (OLG Legislation Revision) - updated (tracked) [↓](#)



Office of
Local Government

Circular to Councils

Circular Details	23-15 / 4 December 2023 / A860774
Previous Circular	22-41 <i>Update on the Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>
Who should read this	General Managers / Councillors / Council governance staff / Audit, risk and improvement committee members and internal audit personnel
Contact	Council Governance Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Regulation amendments prescribing requirements for audit risk and improvement committees, internal audit and risk management

What's new or changing

- As foreshadowed in circular 22-41, the Local Government (General) Regulation 2022 (the Regulation) has been amended to give statutory force to key elements of the Office of Local Government's (OLG) Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines).
- The Amendment Regulation, which is attached to this circular, commences on 1 July 2024 to give councils and joint organisations time to implement the new requirements.
- The Guidelines have been updated to reflect the Regulation amendments as drafted.

What this will mean for your council

- The requirements prescribed under the Regulation are largely the same as those set out in the draft Guidelines issued in December last year.
- Some minor modifications have been made for legal reasons, but these largely give effect to the same outcomes set out in the draft Guidelines issued in December last year.
- An overview of the amendments and any modifications are set out in the attachment to this circular.

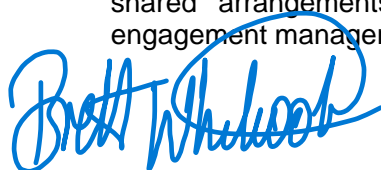
Key points

- The amendments do not take effect until 1 July 2024 to allow councils and joint organisations time to implement them.
- Councils and joint organisations will be required to report on their compliance with the Regulation in their annual reports from 2024/25.
- Councils and joint organisations are exempt from compliance with the Regulation in certain circumstances subject to their reporting their non-compliance, the reasons for their non-compliance and the alternative steps taken to achieve the same outcomes prescribed by the Regulation to OLG and in their annual reports.

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Where to go for further information

- The Amendment Regulation is attached to this circular.
- An overview of the Amendment Regulation is set out in the attachment to this circular.
- An updated version of the Guidelines has been published on OLG's website [here](#).
- The model terms of reference for audit risk and improvement committees, an example risk management policy and the model internal audit charter are available in Word format for use by councils and joint organisations on OLG's website [here](#).
- Templates for the attestation and non-compliance statements required to be published in councils' and joint organisations' annual reports from 2024/25 is available in Word format for use by councils and joint organisations on OLG's website [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.
- If councils or joint organisations require assistance in establishing an ARIC or shared arrangements for an ARIC, they should contact their council engagement manager at OLG.



Brett Whitworth
Deputy Secretary, Local Government

1 December 2023

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ATTACHMENT

Membership of audit risk and improvement committees (ARICs)

- The Amendment Regulation prescribes the membership of councils' and joint organisations' ARICs.
- As foreshadowed in circular 22-21 and the draft Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines), ARICs must comprise of an independent chairperson and at least two independent members.
- Councils and joint organisations may appoint one councillor (who must not be the Mayor) as a non-voting member of the ARIC.
- Members of ARICs must be appointed by resolution.
- The Amendment Regulation prescribes the same eligibility criteria and independence requirements for chairpersons and independent members of ARICs previously set out in circular 22-21 and the draft Guidelines.
- As previously foreshadowed, council staff may serve as independent members of another council's or joint organisation's ARIC if they satisfy the eligibility criteria and independence requirements but not as chairperson.
- Council staff cannot be appointed as an independent member of another council's or joint organisation's ARIC where the ARIC is shared by the council or joint organisation that employs that person. However, staff may now be appointed as an independent member of another councils' or joint organisation's ARIC where that council or joint organisation shares an internal audit function with the council or joint organisation that employs that person (NB, this softens a restriction previously foreshadowed in circular 22-21 and the draft Guidelines).
- ARIC chairpersons and members are to be appointed for a term of no more than 4 years. They may be re-appointed if eligible but must not be a member of the ARIC for more than 8 years in any 10-year period.
- Councils and joint organisations may remove chairpersons and independent members of the ARIC at any time but must notify OLG within 28 days of doing so.
- Councils may pay remuneration to the chairperson and independent members of the ARIC.

Operations of ARICs

- ARICs must meet at least quarterly.
- The chairperson may decide the procedure for calling meetings and their conduct (NB, guidance on ARIC meetings is provided in the Guidelines).
- Councils and joint organisations must adopt terms of reference for the ARIC by resolution. In doing so, they must consider the model terms of reference approved by OLG (NB, these are provided in the Guidelines and are available on OLG's website in Word format for use by councils and joint organisations).
- ARICs must exercise their functions in accordance with the adopted terms of reference.

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- General managers of councils and executive officers of joint organisations must ensure that the ARIC has the resources necessary to properly exercise its functions and is readily able to access the staff, information and records the ARIC considers necessary to exercise those functions.
- ARICs are to keep under the review the council's or joint organisations internal audit functions.

Internal audit

- Councils and joint organisations must adopt an internal audit charter by resolution. In doing so, they must consider the model internal audit charter approved by OLG (NB, this is provided in the Guidelines and is available on OLG's website in Word format for use by councils and joint organisations).
- Councils and joint organisations must exercise their internal audit functions in accordance with the adopted internal audit charter.
- General managers of councils and executive officers of joint organisations must appoint a member of staff (who may be an existing staff member) to be the internal audit coordinator for the council or joint organisation (NB, this role was previously referred to as the "head of the internal audit function" in the draft Guidelines).
- Councils and joint organisations may enter into an arrangement with another council or joint organisation to share that council's or joint organisation's internal audit coordinator. Where a council or joint organisation enters into such an arrangement with another council or joint organisation, they are not required to appoint their own internal audit coordinator.
- The internal audit coordinator must report to and comply with directions of the ARIC in relation to the exercise of internal audit functions. The internal audit coordinator is not to be subject to direction by the council or a member of staff of the council in relation to the exercise of internal audit functions.
- The general manager of a council or executive officer of a joint organisation must consult with the chairperson of the ARIC about a proposed decision affecting the employment of the internal audit coordinator.
- General managers of councils and executive officers of joint organisations must ensure the internal audit coordinator has the resources necessary to properly exercise their functions and is readily able to access the staff, information, and records necessary to exercise those functions and is able to access the ARIC.
- The ARIC must oversee internal audit activities.
- The ARIC must review the performance and efficacy of internal audit activities over each period of 4 years and prepare a report for the governing body which may include recommendations.

Risk management

- Councils and joint organisations must adopt and implement a system for managing risk (NB, councils and joint organisations are required under section 23A of the *Local Government Act 1993*, to consider OLG's Guidelines when doing so).

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- The ARIC must monitor and review the implementation of the system for managing risk and report to the governing body on its operation and efficacy.

Attestation

- From 2024/25, councils and joint organisations must publish in their annual reports, an attestation signed by the general manager or the executive officer in the case of a joint organisation, that specifies whether the council or joint organisation has complied with the Regulation (NB, a template for the attestation is provided in the Guidelines and is available on OLG's website in Word format for use by councils and joint organisations).
- In preparing an attestation, the general manager or executive officer must give the chairperson of the ARIC an opportunity to comment on it. If the chairperson of the ARIC is not satisfied with the attestation, they may prepare an alternative attestation and provide it to OLG.

Exemption

- A council or joint organisation is not required to comply with a requirement under the Regulation where:
 - the council or joint organisation cannot comply with the requirement because of temporary extenuating circumstances or resourcing constraints that will significantly impact the council's or joint organisation's budget, **and**
 - the council or joint organisation cannot enter into an agreement with another council or joint organisation to share the performance of activities necessary to satisfy the requirement, **and**
 - current or proposed alternative arrangements will achieve outcomes equivalent to the requirement under the Regulation, **and**
 - the council or joint organisation notifies OLG of the failure to comply with the Regulation within 28 days, **and**
 - the council or joint organisation publishes a statement in its annual report about the non-compliance that includes details of the above matters (NB, a template for this statement is provided in the Guidelines and is available on OLG's website in Word format for use by councils and joint organisations).
- Councils and joint organisations are no longer required to seek the prior approval of OLG to be exempt as previously foreshadowed in the draft Guidelines. They will automatically be exempt if they satisfy all the above requirements.

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RISK MANAGEMENT AND INTERNAL AUDIT for local government in NSW

Guidelines

November 2023



GUIDELINES FOR RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT IN NSW

2022

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Background

Background

The *Local Government Act 1993* and the *Local Government (General) Regulation 2021* and these Guidelines require each council in NSW to have an audit, risk and improvement committee, a robust risk management framework, and an effective internal audit function

Background

The *Local Government Act 1993* ('Local Government Act'), the *Local Government (General) Regulation 2021* ('Local Government Regulation') and these Guidelines require each council in NSW to have:

- an audit, risk and improvement committee that continuously reviews and provides independent advice to the council on how it is functioning and managing risk
- a robust risk management framework that accurately identifies and mitigates the risks facing the council and its operations, and
- an effective internal audit function that provides independent advice as to whether the council is functioning effectively and the council's internal controls to manage risk are working.

These three mandatory governance mechanisms are key to ensuring that councils are doing things the best way they can for their communities and are on track to delivering their community's goals and objectives.

Communities themselves will ultimately be the greatest beneficiaries.

If implemented effectively, audit, risk and improvement committees, risk management and internal audit will lead to councils:

- achieving their strategic objectives in the most efficient, effective and economical manner
- having better and more efficient levels of service delivery
- having increased accountability and transparency
- achieving better decision-making and having the confidence to make difficult decisions
- having increased financial stability
- achieving and maintaining compliance with all laws, regulations, internal policies and procedures, and
- better safeguarding their public assets.

Purpose

These guidelines have been developed to assist councils, county councils and joint organisations to comply with statutory requirements under the Local Government Act and Local Government Regulation.

They also seek to strengthen risk management and internal audit practices in NSW councils by setting a minimum standard that reflects a 'best practice' approach.

The Guidelines have been issued under section 23A of the Local Government Act which confers on the "Departmental Chief Executive" of the Office of Local Government the power to prepare, adopt or vary guidelines relating to the exercise by a council of any of its functions.

Councils are required to consider these Guidelines when implementing the requirements prescribed under the Act and the Regulation relating to audit, risk and improvement committees, risk management and internal audit.

These Guidelines replace the NSW Government's *Internal Audit Guidelines for Local Government in NSW* issued in 2010.

The three core requirements outlined in the Guidelines reflect international standards and the recommendations and opinions of internal audit practitioners, councils, councillors, audit, risk and improvement committee members, risk management practitioners, government agencies, experts and community members.

They are also informed by practices in other Australian jurisdictions and give effect to the recommendations of the:

- Independent Commission Against Corruption in its inquiries into Burwood Council (2011) and Botany Bay Council (2017)
- Local Government Acts Taskforce in its review of the *Local Government Act 1993* (2013)
- Independent Local Government Review Panel in its *Revitalising Local Government inquiry* (2013), and
- various performance audits and other reviews conducted by the NSW Auditor-General since 2010.

Based on these recommendations:

- the core requirements outlined in the Guidelines relating to the operation of a council's audit, risk and improvement committee have been modelled on the *Internal Audit and Risk Management Policy for the General Government Sector (TPP 20-08)* developed by NSW Treasury and best practice in the public and private sectors
- the core requirements relating to risk management have been modelled on the current Australian risk management standard, *AS/NZS ISO 31000:2018 Risk Management – Guidelines*, and
- the core requirements relating to a council's internal audit function have been modelled on the Institute of Internal Auditors (IIA) *International Standards for the Professional Practice of Internal Auditing* (the 'International Professional Practices Framework') and best practice in the public and private sectors.

The framework balances these professional standards and best practice approaches with the unique structure, needs and operating environments of metropolitan, regional and rural councils, county councils and joint organisations across NSW.

The release of these Guidelines follows an extensive consultation process. The Office of Local Government thanks all the individuals, councils and bodies involved in the development of these Guidelines and the risk management and internal audit regulatory framework.

Further resources

There has been a wide range of information and guidance developed in recent times by government agencies, experts, practitioners and other bodies to help organisations establish effective audit, risk and improvement committees, risk management frameworks and internal audit functions.

As a starting point, a list of further resources has been included at the end of each core requirement. These resources provide practical information and tools such as examples, templates, checklists and sample documents that councils may find useful when implementing these Guidelines.

Terminology

When a joint organisation is applying these Guidelines, it should substitute the term "council" for "joint organisation", "governing body" for "board", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager" and "annual report" for "annual performance statement", where appropriate.

Where a county council is applying these guidelines, it should substitute the terms "county council" for "council", "chairperson" for "mayor", and "member" for "councillor", where appropriate.

References to the "Departmental Chief Executive" in these Guidelines refers to the person exercising the functions of the Departmental Chief Executive of the Office of Local Government under the Local Government Act or the "Secretary" under the Regulation.

Statutory framework

The Local Government Act and Local Government Regulation provide the statutory foundations and prescribe the desired outcomes for councils' audit, risk and improvement committees, risk management frameworks and internal audit functions.

Relevant provisions of the Local Government Act and Local Government Regulation are detailed below.

Guiding principles of local government

The guiding principles of the Local Government Act (sections 8A, 8B and 8C) require each council to carry out its functions in a way that provides the best possible value for residents and ratepayers.

The guiding principles also specify that councils are to:

- spend money responsibly and sustainably, and align general revenue and expenses

- invest in responsible and sustainable infrastructure for the benefit of the local community
- effectively manage their finances and assets and have sound policies and processes for performance management and reporting, asset maintenance and enhancement, funding decisions, and risk management practices
- ensure the current generation funds the cost of its services and achieves intergenerational equity, and
- manage risks to the local community, area or council effectively and proactively.

Role of the governing body

To achieve these guiding principles, the Local Government Act (section 223) provides that the role and responsibilities of the governing body include:

- directing and controlling the affairs of the council in accordance with the Local Government Act
- ensuring, as far as possible, the financial sustainability of the council
- ensuring, as far as possible, that the council complies with the guiding principles of the Local Government Act
- keeping the performance of the council under review
- making the decisions necessary to ensure the council properly exercises its regulatory functions, and
- being responsible for ensuring that the council acts honestly, efficiently and appropriately.

Role of the general manager

The Local Government Act (section 335) provides that the general manager is responsible for:

- conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council – this includes establishing the council's organisational structure and appointing and dismissing council staff (section 332)

- implementing, without undue delay, the lawful decisions of the council
- advising the governing body on the development and implementation of the council's plans, programs, strategies and policies, and
- ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions.

The Local Government Regulation (section 209) also requires the general manager to ensure that:

- the council complies with all legal financial obligations, including the keeping of accounting records
- effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the council's administration
- authorised and recorded procedures are established to provide effective control over the council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, and
- lines of authority and the responsibilities of members of the council's staff for related tasks are clearly defined.

Role of a joint organisation

The Local Government Act establishes joint organisations as a strategic regional body of councils.

The role and responsibilities of a joint organisation under the Local Government Act (section 400R) are to:

- establish regional priorities for the joint organisation area and strategies and plans to deliver these priorities
- provide regional leadership for the joint organisation area and advocate for strategic regional priorities, and
- identify and take-up opportunities for intergovernmental cooperation.

Joint organisations also deliver services and provide assistance to, or on behalf of, councils, and councils are able to delegate certain functions to their joint organisation (sections 355, 379 and 400S).

The Local Government Act (section 400Y) provides that the executive officer of a joint organisation is to:

- conduct the day-to-day management of the joint organisation in accordance with the strategic regional priorities and other plans, programs, strategies and policies of the organisation, and
- appoint, direct and dismiss staff.

Audit, risk and improvement committee

The Local Government Act (section 428A) requires each council to establish an audit, risk and improvement committee to continuously review and provide independent advice to the general manager and the governing body of the council on:

- whether the council is complying with all necessary legislation, regulations and other legal requirements
- the adequacy and effectiveness of the council's risk management framework, fraud and corruption prevention activities, financial management processes, and the council's financial position and performance
- the council's governance arrangements
- the achievement by the council of the goals set out in the council's community strategic plan, delivery program, operational plan and other strategies
- how the council delivers local services and how it could improve the performance of its functions more generally
- the collection of performance measurement data by the council, and
- any other matters prescribed by the Local Government Regulation (including internal audit).

The Local Government Act (section 428B) allows councils to establish a joint audit, risk and improvement committee with other councils including through joint or regional

organisations of councils to function as a shared committee.

The requirements for shared committees in these Guidelines are detailed in core requirement 1.

The Local Government Regulation prescribes the following requirements in relation to the membership and operations of councils' audit, risk and improvement committees:

- Councils must by resolution appoint an audit, risk and improvement committee comprising of a chairperson and at least two or more other persons as voting members of the committee (section 216C).
- Commencing 1 July 2024, the chairperson and other voting members of a council's audit, risk and improvement committee must satisfy the independence and eligibility criteria prescribed by the Regulation (sections 216D, 216E and 216F). The criteria are also set out in these Guidelines. Councils must not appoint a person to be the chairperson or a voting member of the council's audit, risk and improvement committee unless they satisfy the independence and eligibility criteria prescribed by the Regulation and specified in these Guidelines.
- Councils may appoint one councillor as a non-voting member of its audit risk and improvement committee (section 216C). Councillors appointed as a non-voting member of an audit, risk and improvement committee should satisfy the eligibility criteria for councillor members of committees specified in these Guidelines.
- For the purposes of section 428A(2)(i) of the Local Government Act, councils' audit, risk and improvement committees are to keep under review internal audit activities (section 216M).
- The Departmental Chief Executive may approve model terms of reference for councils' audit, risk and improvement committees (section 216K). The model terms of reference approved by the Departmental Chief Executive are provided in Appendix 3 of these Guidelines.

- Councils must adopt by resolution, terms of reference for their audit, risk and improvement committees and must consider the model terms of reference for committees approved by the Departmental Chief Executive contained in these Guidelines when doing so (section 216K).
- A council's audit, risk and improvement committee must exercise its functions in accordance with the terms of reference adopted by the council (section 216K).
- Councils must provide their audit, risk and improvement committee with such access to the general manager and other senior management staff of the council, and any information and resources of the council as may be necessary for the committee to exercise its functions (section 216L).

The requirements for audit, risk and improvement committees in these Guidelines are detailed in core requirement 1.

Risk management

The Local Government Regulation prescribes the following requirements in relation to risk management:

- Commencing on 1 July 2024, councils must adopt and implement a framework for identifying and managing risk (section 216S). Councils must consider these Guidelines when doing so.
- A council's audit, risk and improvement committee must keep the implementation of the council's risk management framework under review and provide advice to the council on its operation and efficacy (section 216S).

The requirements for risk management in these Guidelines are detailed in core requirement 2.

Internal audit

The Local Government Regulation prescribes the following requirements in relation to internal audit:

- Commencing 1 July 2024, councils must have an internal audit function to keep under review the council's operations and

risk management and control activities (section 216O).

- The Departmental Chief Executive may approve a model internal audit charter for councils to guide the performance of their internal audit function (section 216O). The model internal audit charter approved by the Departmental Chief Executive is provided in Appendix 5 of these Guidelines.
- Councils must adopt by resolution, an internal audit charter and must consider the model internal audit charter approved by the Departmental Chief Executive contained in these Guidelines when doing so (section 216O).
- A council's internal audit function must be undertaken in accordance with the internal audit charter adopted by the council (section 216O).
- Commencing 1 July 2024, councils' general managers must appoint a member of staff of the council (the internal audit coordinator) to direct and coordinate internal audit activities for the council (section 216P).
- Councils are not required to appoint a member of staff to direct and coordinate their internal audit activities if the council has entered into an agreement with other councils to share the internal audit function and one of the participating councils has appointed a member of staff to direct and coordinate internal audit activities on behalf of all the participating councils (section 216P).
- A council's internal audit activities are to be undertaken under the oversight and direction of the council's audit, risk and improvement committee (sections 216M, 216P and 216R).
- The member of staff appointed by the general manager to direct and coordinate internal audit activities is to report to the audit, risk and improvement committee on those activities (section 216P).
- The member of staff of a council appointed to direct and coordinate internal audit activities is not to be subject to direction in the performance of internal audit activities by anyone other than the audit, risk and improvement committee (section 216P).

- All internal audit personnel must have direct and unrestricted access to council staff, the audit, risk and improvement committee and council information and resources necessary to undertake their role and responsibilities (section 216Q).
- The general manager must consult with the chairperson of the council's audit, risk and improvement committee on any decision affecting the employment of the staff member appointed to direct and coordinate the council's internal audit activities and must consider the chairperson's views before making the decision (section 216P).
- The audit, risk and improvement committee must review the performance and efficacy of the council's internal audit activities once every 4 years and report to the governing body of the council on the outcome of its review and make recommendations (section 216R).
- The general manager must consult with the chairperson of the council's audit, risk and improvement committee on the content of the attestation statement and must consider the chairperson's views when preparing the statement (section 216T).
- If the committee chairperson disagrees with the content of the attestation statement prepared by the general manager, they may prepare their own attestation statement and submit this to the Departmental Chief Executive (section 216T).

The requirements for internal audit in these Guidelines are detailed in core requirement 3.

Annual attestation

Commencing with the 2024-2025 annual report, general managers will be required under the Local Government Regulation to publish an attestation statement each year in the council's annual report indicating whether, during the preceding financial year, the council's audit, risk and improvement committee, risk management framework and internal audit function complied with the requirements prescribed in the Regulation.

The Local Government Regulation prescribes the following requirements in relation to attestation:

- Commencing with the 2024-2025 annual report, councils' annual reports must contain an attestation statement signed by the general manager on the council's compliance with the requirements prescribed in the Regulation relating to the membership and operations of its audit, risk and improvement committee, its risk management framework and internal audit function (section 216T).

An attestation certificate template is provided at Appendix 1 and attestation requirements are highlighted with this symbol throughout these Guidelines.



The details of each member of the council's audit, risk and improvement committee should also be included in the attestation statement.

Attestation operates to ensure that the council takes independent assurance and risk management seriously and is accountable to the community for how it has implemented these requirements.

As noted above, the council's compliance status is to be self-assessed by the general manager, in consultation with the audit, risk and improvement committee.

The general manager must consider the views of the chairperson of the council's audit risk and improvement committee on the content of the attestation statement when preparing the statement.

If the chairperson disagrees with the content of the attestation statement prepared by the general manager, they may prepare their own statement and submit this to the Departmental Chief Executive.

Exemptions

There may be times where a council may not be able to comply with all requirements relating to the audit, risk and improvement committee, risk management framework or internal audit function.

The Local Government Regulation exempts councils from compliance with a requirement under the Regulation in certain circumstances.

The Regulation provides that a council is not required to comply with a requirement under the Regulation where:

- the council cannot comply with the requirement because of temporary extenuating circumstances or resourcing constraints that will significantly impact the council's budget, **and**
- the council cannot enter into an agreement with another council or joint organisation to share the performance of activities necessary to satisfy the requirement, **and**
- current or proposed alternative arrangements will achieve outcomes equivalent to the requirement under the Regulation, **and**
- the council notifies the Departmental Chief Executive of the failure to comply with the Regulation within 28 days, **and**

- the council publishes a statement in its annual report about the non-compliance that includes details of the above matters. A template for this statement is provided in Appendix 1 of these Guidelines.

Monitoring

Councils' compliance with the core requirements of the Local Government Act, Local Government Regulation and these Guidelines will be monitored by the Office of Local Government.

The NSW Auditor-General may also undertake an assurance role in monitoring councils' compliance. This may include conducting sector-wide performance audits, or compliance audits of individual councils and undertaking reviews of exemptions granted by the Departmental Chief Executive.

Core requirement 1:

Audit, risk and improvement committee

- Each council and joint organisation has an audit, risk and improvement committee that reviews the matters referred to in section 428A of the Local Government Act

Guiding principles for audit, risk and improvement committees

- ❖ The audit, risk and improvement committee is independent of the council.
- ❖ The committee is equipped with the relevant expertise and has access to the council resources and information necessary to fulfil its role and responsibilities effectively.
- ❖ Each council receives relevant and timely advice and assurance from the committee on the matters listed in section 428A of the Local Government Act.
- ❖ The work of the committee is thoroughly planned and executed, risk-based and linked to the council's strategic goals.
- ❖ The committee adds value to the council and is accountable to the governing body for its performance.
- ❖ The council is accountable to the community for complying with statutory requirements and these Guidelines relating to the committee.

Role and functions

Under section 428A of the Local Government Act, each council (including county councils and joint organisations) must have an audit, risk and improvement committee to independently review and advise on the following aspects of the council's operations:

- (a) compliance
- (b) risk management
- (c) fraud control
- (d) financial management
- (e) governance
- (f) implementation of the strategic plan, delivery program and strategies
- (g) service reviews

- (h) collection of performance measurement data by the council, and
- (i) any other matters prescribed by the regulation.

The committee must also provide information to the council for the purpose of improving the council's performance of its functions.

The Local Government Regulation (section 216M) also requires a council's audit, risk and improvement committee to review and provide advice on the council's internal audit activities.

The audit, risk and improvement committee's role also extends to any entities established by or operated by the council.

The exact nature of each audit, risk and improvement committee's role and the specific activities it reviews on behalf of a council under section 428A of the Local Government Act will vary depending on the council's needs, risks and business functions.

These activities are to be agreed between the audit, risk and improvement committee and the council during the development of the committee's terms of reference. Suggested activities are provided in **Appendix 2**.

Level of assurance

Audit, risk and improvement committees are to have an advisory and assurance role only. They are to exercise no administrative functions, delegated financial responsibilities or any management functions for a council.

It is expected that each audit, risk and improvement committee will provide independent advice to the council that is informed by the council's internal audit and risk management activities and information and advice provided by council staff, relevant external bodies and other subject matter experts.

Terms of Reference

It is important that each audit, risk and improvement committee has clear guidance on how it should serve the council, and that the

council has input into how the committee will operate given its investment.

This will ensure clarity in the relationship between the council and the audit, risk and improvement committee, and that the council can measure the committee's performance.

The Local Government Regulation (section 216K) requires a council's audit, risk and improvement committee to operate according to terms of reference.



The terms of reference are to be approved by resolution of the governing body and reviewed annually by the audit, risk and improvement committee, and once each council term (i.e. four years) by the governing body.

Councils must consider the model terms of reference approved by the Departmental Chief Executive contained in Appendix 3 of these Guidelines before adopting terms of reference.

Structure

Each council will have different audit, risk and improvement committee requirements depending on the council's size, needs, budget and the complexity of its operations.

For this reason, councils can either:

- establish an audit, risk and improvement committee for their exclusive use, or
- share their committee with another council, county council or joint organisation under section 428B of the Local Government Act.

When deciding the most appropriate way to structure a council's audit, risk and improvement committee, the council should consider the viability and capacity of a shared committee to achieve its terms of reference given the:

- size of the council in terms of both staffing levels and budget
- geographical and functional distribution of the council's operations
- complexity of the council's core business
- risk profile of the council

- expectations of stakeholders, and
- likely demands placed on the committee by other councils in the shared arrangement.

Shared committees

As noted above, under the Local Government Act (section 428B) councils can share an audit, risk and improvement committee. Councils can:

- share their committee with another council/s, county council/s and/or joint organisation/s as part of an independent shared arrangement
- utilise a committee established by their joint organisation that is shared with all member councils
- for county councils - share their committee with a member council where possible or another council
- for joint organisations - share their committee with a member council where possible or another council or joint organisation.

These options allow councils to establish and operate their audit, risk and improvement committee in a more cost-effective way.

For all shared audit, risk and improvement committees:

- the committee must operate as an individual committee for each council in any shared arrangement and exercise their functions for each council individually
- a shared committee should only be established and utilised by councils where the committee can maintain a strong understanding of each participating council's assurance needs and is able to meet these needs
- a shared committee should only be established and utilised by councils where the committee can maintain an effective working and reporting relationship with the general manager and governing body of each participating council
- councils that share their internal audit function can, but are not required to, also share their committee

- councils that share their committee can, but are not required to, also share the committee's secretariat, and
- councils should develop and sign a formal agreement with the other councils in the shared arrangement which outlines how the shared arrangement will operate and costs shared.

Where a joint organisation establishes an audit, risk and improvement committee to serve its member councils, it is at each member council's discretion whether they utilise the shared committee.

Shared councillor members

It is important to note that where an audit, risk and improvement committee is shared between councils as part of an independently established shared arrangement, or an arrangement established by a joint organisation, and the councils elect to have a councillor member on the committee, the councillor member will not be shared by councils.

To maintain the confidentiality of the business of each council in the shared arrangement considered by the shared committee:

- the governing body of each council is to appoint one councillor member to serve on the audit, risk and improvement committee for that council only
- the councillor member is to only attend committee meetings for their council, and
- the councillor member is to receive information pertaining to their council only.

For joint organisations, the elected councillor member will be a voting representative of the board.

Shared independent members

Unlike councillor members, the independent chairperson and members of shared audit, risk and improvement committees will serve all councils participating in the shared arrangement.

For audit, risk and improvement committees appointed as part of an independent shared arrangement, the councils in the shared arrangement are to mutually agree to the independent members that will be appointed to these roles, and each council is to confirm their appointment by resolution.

For audit, risk and improvement committees appointed as part of an arrangement established by a joint organisation by its member councils, the board of the joint organisation will appoint the chairperson and independent members of the committee by resolution on behalf of member councils under delegation from the member councils.

Size and composition

Each council, county council and joint organisation is required to have an audit, risk and improvement committee that is appropriate for the council's size, risk profile, operational complexity, resources, and its ability to attract suitably qualified committee members.

Each council is required to appoint an audit, risk and improvement committee that comprises of an independent chairperson and at least two independent members that meet the independence and eligibility criteria prescribed by the Local Government Regulation and set out in these Guidelines.



At a minimum, audit risk and improvement committees **must** comprise of the following:

- **an independent chairperson** who meets the independence criteria **and** the eligibility criteria for committee chairpersons set out below, **and**
- **at least two independent members** who meet the independence criteria **and** the eligibility criteria for independent committee members set out below

Councils also have the option of appointing one non-voting councillor member to their committee who meets the eligibility criteria for councillor members of committees set out

below. **The mayor cannot be appointed as a councillor member of a council's audit, risk and improvement committee.**

The size and composition requirements of a committee are the same whether the committee is established by a council for its exclusive use or as part of a shared arrangement.

Councils can establish larger committees and appoint more committee members than the minimum required should they choose to do so but may only appoint one non-voting councillor member.

The governing body is to determine the exact size of the audit, risk and improvement committee in consultation with the chairperson of the committee and general manager, taking into account the needs and risk profile of the council, and likely workload of the committee.

County councils

Whilst a county council can establish an audit, risk and improvement committee for its own exclusive use, for administrative and cost efficiency, it is recommended that county councils utilise the committee of a member council/s under an independent shared arrangement (see above).

Joint organisations

Where a joint organisation has not established an audit, risk and improvement committee for its member councils as part of a joint organisation led shared arrangement, for administrative and cost efficiency, it is recommended that, where possible, a joint organisation utilise a committee established by one of its member councils as part of an independent shared arrangement (see above).

To ensure the audit, risk and improvement committee has an understanding of the interrelationships and needs of the joint organisation and its member councils, and of wider regional priorities, ideally joint organisations should enter into an independent shared arrangement with a member council/s. If this is not possible, it is open to joint organisations to enter into a shared arrangement with another joint

organisation or a council from outside of its area.

Roles of committee members

Chairperson

The position of the chairperson of an audit, risk and improvement committee is pivotal to the committee's effectiveness and is the focal point for the committee's relationship with the council, the internal audit function and external auditor.

The chairperson acts as the interface between the audit, risk and improvement committee and the general manager and other staff, the governing body, the external auditor, and the internal audit function.

Any individual audit, risk and improvement committee member who wishes to meet with the general manager or governing body of the council to discuss any issues relating to the committee's responsibilities is to do so through the chairperson of the committee, and vice versa.

To be successful in their role, a chairperson must:

- have strong leadership qualities
- have the personal courage to raise and deal with tough issues and express opinions frankly, and to support other committee members to do the same
- be able to recommend the appointment of committee members to the governing body
- maintain effective working relationships between committee members and with the council
- keep the governing body and general manager informed and brief them on the strategic and technical aspects of internal audits and risk and control issues
- lead effective committee meetings including:
 - planning for and setting agendas for meetings, ensuring committee

members are adequately informed of matters to be considered prior to meetings and allowing sufficient time for discussion of those matters at the meeting

- ensuring the meeting runs smoothly and that the views of members are heard
 - focus the committee's deliberations on the most important issues
 - seek the input of advisers, observers and other experts to maximise committee deliberations
 - summarise discussion outcomes and actions, including assigning responsibility and timeframes for actions
- maintain an effective working relationship with the council's external auditor
 - oversee the internal audit function and be alert to external accountability and internal audit concerns
 - arrange for all committee members to maintain an up-to-date knowledge of the council and its activities, including any financial or regulatory developments, and
 - know the strengths and weaknesses of the committee, and individual committee members and how this may affect the opinions of the committee.

Independent members

Independent audit, risk and improvement committee members are expected to be able to assess information provided to them about the council and to identify and assess key risks and issues.

Each member should be capable of making a valuable contribution to the committee.

To be successful in their role, a member must:

- take a professional approach to their responsibilities, including an appropriate commitment of time and effort
- know the business, culture and values of the council and take the time to understand changes that affect how the council operates and its risks
- have sufficient understanding of the council's financial reporting responsibilities

to be able to contribute to the committee's consideration of the annual financial statements

- understand the role of the committee and the expectations of the council
- act in the best interests of the council
- take a professional approach
- be a good communicator and build effective relationships with the council and other committee members, and
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry.

Councillor members

Councillor members of audit, risk and improvement committees are non-voting members of committees. This is to ensure that decision making by the committee is independent of the council.

Councillor members of committees act as an important link between the governing body and the committee.

Their role is to:

- relay to the committee any concerns the governing body may have regarding the council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee each council term.

Issues or information councillors members raise with or provide the audit, risk and improvement committee must relate to the matters listed in section 428A of the Local Government Act, the committee's terms of reference and issues being considered by the committee.

Councillor members of audit, risk and improvement committees are not entitled to receive information about audit, risk and improvement committee activities outside of established reporting requirements.

Councillor members of audit, risk and improvement committees must conduct themselves in a non-partisan and professional manner.

Councillor members of committees must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

Where a councillor member of an audit, risk and improvement committees engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson may recommend to the council, that the councillor member be removed from membership of the committee.

Where the council does not agree to the chairperson's recommendation, it must give reasons for its decision in writing to the chairperson.

Independence criteria for committee chairpersons and independent members

The chairperson and all independent voting members of audit, risk and improvement committees must be independent to ensure they have no real or perceived bias or conflicts of interest that may interfere with their ability to act independently and can provide the council with robust, objective and unbiased advice about how the council is functioning.

Each council must ensure that the chairperson and independent members of the council's audit, risk and improvement committee meet the following independence criteria.



The chairperson and independent voting committee members **must not**:

- currently be a councillor of any NSW council
- be a non-voting representative of the board of the joint organisation
- be a candidate at the last election of the council
- be a person who has held office in the council during its previous term
- be currently employed by the council or joint organisation, or been employed during the last 12 months
- conduct audits of the council on behalf of the Audit Office of NSW
- have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest
- currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee
- be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or
- currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.

Current staff of councils may serve as an independent member of another council's audit, risk and improvement committee but not as its chairperson. Current council staff may only serve on another council's audit, risk and improvement committee if they meet the independence and eligibility criteria for membership of the committee and their employer is not participating in a shared arrangement with the other council in relation to the audit, risk and improvement committee.

General managers will require the approval of their council under section 353 of the Local Government Act before they can serve as an independent member of another council's audit, risk and improvement committee. Other council staff will require the approval of their general manager.

Both the governing body of the council and the general manager must ensure that adequate procedures are in place to preserve the independence of the chairperson and members of the audit, risk and improvement committee.

Likewise, the chairperson and members must notify the governing body and/or general manager if a real or perceived threat to their independence arises.

Eligibility criteria for committee chairpersons and members

The persons appointed as a chairperson or a member of an audit, risk and improvement committee must possess the skills, knowledge and experience necessary to undertake their roles on the committee effectively and to ensure the committee can operate appropriately and effectively to support the council.

A poorly skilled audit, risk and improvement committee may not be able to provide the assurance needed by the council and may lead to sub-optimal outcomes that jeopardise the council's capacity to achieve its strategic objectives.

The following eligibility criteria for audit, risk and improvement committee chairpersons and members reflect the minimum standards persons must meet to be appointed as the chairperson or member of a council's audit, risk and improvement committee. Councils may require audit, risk and improvement committee chairpersons and members to satisfy more onerous eligibility criteria if they choose to do so.

Councils must ensure that the chairperson and other members of the council's audit, risk and improvement committee meet the below minimum eligibility criteria.



Eligibility criteria for committee chairpersons

In addition to meeting the independence requirements specified above, the chairperson of an audit, risk and improvement committee must satisfy the following minimum eligibility criteria to be appointed as a chairperson. Ideally, they will also be able to demonstrate the desirable criteria.

Essential criteria

Audit, risk and improvement committee chairpersons must demonstrate the following:

- leadership qualities and the ability to promote effective working relationships in complex organisations
- an ability to communicate complex and sensitive assessments in a tactful manner to the council's internal audit coordinator, senior management and the mayor and councillors
- a sound understanding of:
 - the principles of good organisational governance and capacity to understand local government accountability, including financial reporting
 - the business of the council or the environment in which it operates
 - internal audit operations, including selection and review of the council's internal audit coordinator, and
 - risk management principles
- extensive senior level experience in governance and management of complex organisations, an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- functional knowledge in areas such as risk management, performance management, human resources management, internal

and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations

- a capacity to form independent judgements and a willingness to constructively challenge/question management practices and information, and
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of the chairperson of an audit, risk and improvement committee.

Desirable criteria

Possession of a relevant professional qualification or membership (e.g., Institute of Internal Auditors (IIA), CPA Australia (CPA) and Chartered Accountants Australia and New Zealand (CA)) is desirable.

Eligibility criteria for independent committee members

In addition to meeting the independence requirements specified above, independent members of an audit, risk and improvement committee must satisfy the following eligibility criteria to be appointed as an independent committee member. Ideally, they will also be able to demonstrate the desirable criteria.

Essential criteria

Independent members of audit, risk and improvement committee members must demonstrate the following:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls,

governance (including planning, reporting and oversight), or business operations

- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of an independent member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the independent member.

Desirable criteria

Ideally, independent members of audit, risk and improvement committees should also meet the following criteria, but these are not essential:

- extensive senior level experience in governance and management of complex organisations, and
- possession of a relevant professional qualification or membership (e.g., Institute of Internal Auditors (IIA), CPA Australia (CPA) and Chartered Accountants Australia and New Zealand (CA)).

Criminal record and financial status checks

Councils should undertake a criminal record and a financial status (bankruptcy) check of audit, risk and improvement committee chairpersons and independent members before their appointment.

Audit, risk and improvement committee chairpersons and independent members must not be undischarged bankrupts or have been charged with or convicted of a serious criminal offence.

Eligibility criteria for councillor members

To be appointed as a non-voting audit, risk and improvement committee member a councillor should demonstrate the following:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the councillor member.

The mayor cannot be appointed as a councillor member of a council's audit, risk and improvement committee.

Appointment

Audit, risk and improvement committee chairpersons and members are appointed by a resolution of the governing body of the council.

The governing body should first appoint the chairperson of the audit, risk and improvement

committee, who is to then assist in the selection and appointment of the other independent committee members.

Skills mix

When selecting individual audit, risk and improvement committee members, the council should ensure the committee has the appropriate mix of skills, knowledge and experience necessary to successfully implement its terms of reference and add value to the council.

The audit, risk and improvement committee should have:

- at least one member with financial expertise (for example, a qualified accountant or auditor or other financial professional with experience of financial and accounting matters), and
- a mix of skills and experience in:
 - business
 - financial and legal compliance
 - risk management, and
 - internal audit, and
 - any specialised business operations of the council, where the committee would benefit from having a member with skills or experience in this area (for example, IT skills or experience where IT systems have an important role in the council's business).

All audit, risk and improvement committee members should have sufficient understanding of the council's financial reporting responsibilities to be able to contribute to the committee's consideration of the annual financial statements.

Each committee member should also have sufficient time to devote to their responsibilities as an audit, risk and improvement committee member.

Where possible, the governing body should ensure that at least one other audit, risk and improvement committee member is also qualified to act as the chairperson if this is ever required.

Letter of appointment

The appointment of chairpersons and members of audit, risk and improvement committees should be formalised in an official letter of appointment signed by the mayor of the council.

The letter of appointment should set out the terms and conditions of the appointment including:

- duration of appointment
- role and responsibilities
- timing and location of meetings
- time commitment
- remuneration
- the management of conflicts of interest
- confidentiality
- performance appraisal, and
- termination of appointment.

Induction

Induction of all new audit, risk and improvement committee members is vital to ensure they 'hit the ground running' in their role.

The chairperson is to provide a thorough induction to each new member of the audit, risk and improvement committee to ensure they understand:

- the committee's role, responsibilities and terms of reference
- the business, operations, culture, risks and controls of the council, and
- the expectations of the council about their responsibilities and performance.

This will include providing new members with any background information or documentation necessary to ensure they understand the work of the audit, risk and improvement committee.

It may also be appropriate for more detailed information or presentations to be provided from various senior staff to assist the new member to understand the operations of the council and any key challenges.

New audit, risk and improvement committee members also have an obligation to ensure

that they have an appropriate understanding of the council, including its:

- operations, functions, service delivery
- key areas of risk
- internal controls, and
- financial reporting systems.

The mayor, general manager and existing chairperson (where appropriate) will induct a new chairperson.

Membership terms

Voting members

To ensure the audit, risk and improvement committee continues to offer new perspectives and remains independent, it is important that committee members are rotated periodically to maintain a fresh approach and avoid any perceptions of bias or conflicts of interest.

Councils must ensure that chairpersons and members serve the time-limited terms prescribed under section 216G of the Local Government Regulation to facilitate a rotation of knowledge and perspectives.



The initial term of membership on an audit, risk and improvement committee is to be no more than four-years.

Audit, risk and improvement committee members can be reappointed for a further term of up to four years but the total period of continuous membership on the committee cannot exceed eight years in any ten-year period (i.e. two terms). This includes any term as chairperson of the committee.

Chairpersons or members who have served an eight-year term must have a two-year break from serving on the same council's audit, risk and improvement committee before being eligible to be appointed to that council's committee again.

Care is to be taken to ensure that membership renewal dates are staggered so knowledge of the council's operations, financial reporting

structure and other important aspects are not lost to the audit, risk and improvement committee when members change.

Ideally, no more than one member should leave the committee because of rotation in any one year.

Exemptions

If a council is unable to replace the chairperson or members of its audit, risk and improvement committee when their maximum term limit has been reached, the council can seek the approval of the Departmental Chief Executive to extend their term or to reappoint the chairperson or committee member for a further term (see section 216G of the Local Government Regulation).

The council's request must:

- be in writing
- describe the efforts the council has made to appoint a different member, and
- explain why the council has been unsuccessful.

Exemptions will only be granted in exceptional circumstances.

Chairperson

To ensure that the committee maintains a fresh approach, the initial term of a chairperson of an audit, risk and improvement committee on any one audit, risk and improvement committee is to be no more than four-years.

The chairperson can be reappointed as chairperson for a further term of up to four years, but the total period served by a chairperson on the same committee cannot exceed eight years in any ten-year period (two terms).

Where the chairperson's term expires and another chairperson is appointed, it is the responsibility of the outgoing chairperson to ensure the incoming chairperson is fully briefed on the ongoing work of the audit, risk and improvement committee.

This includes advising the incoming chairperson of:

- any activity that may be relevant to the ongoing functioning of the committee, and
- any outstanding matters of high risk to the council and outstanding audit recommendations.

Councillor members

The initial term of a councillor member of an audit, risk and improvement committee is four years, coinciding with the term of the council.

The councillor member can be reappointed for another term (i.e. four-years), if re-elected at the council's next ordinary election, but the total period of continuous membership on the committee cannot exceed eight years (two council terms).

The councillor member is to be appointed by the governing body at the first meeting of the council after the ordinary election.

The councillor member's term ends at the end of the council term.

Reappointment

Prior to approving the reappointment or extension of the chairperson or an independent member's term, the governing body of the council must undertake an assessment of the chairperson's or committee member's performance.

The council may engage an external reviewer to undertake this assessment if they choose.

In undertaking the assessment, the council, or any person appointed to undertake the assessment on behalf of the council, must consult with and consider the views of the chairperson (in the case of the reappointment or extension of the term of a committee member other than the chairperson), the general manager and any councillor member of the committee.

The council, or any person appointed to undertake the assessment on behalf of the council, should also consider whether the person's skills, knowledge and experience align with the council's requirements, as set out in the committee's terms of reference and four-year strategic work plan (see below), to ensure

that they continue to add value to the committee.

The reappointment of the chairperson or a committee member is also subject to that person still meeting independence and eligibility requirements.

Resignation of committee members

Where the chairperson or a member of an audit, risk and improvement committee is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give sufficient notice to the chairperson (in the case of a committee member) and the governing body (in the case of the chairperson) prior to their resignation to enable the council to ensure a smooth transition to a new committee member or chairperson.

The notice period is to be agreed by the governing body of the council and the committee.

A member of an audit, risk and improvement committee should have the opportunity to have an exit meeting with the chairperson to discuss their reason for leaving and to provide feedback on their experience serving on the committee as well as any other issues.

Resigning chairpersons should have the opportunity to have an exit meeting with the mayor and general manager (if appropriate).

Dismissal of committee members

The governing body of a council can terminate the appointment of the chairperson and any member of the audit, risk and improvement committee by resolution before the expiry of their terms under certain circumstances.

The dismissal of the chairperson or an independent member of a committee must be reported to the Office of Local Government

within 28 days (see section 216H of the Local Government Regulation).

Dismissal criteria

The chairperson or an independent member of the audit, risk and improvement committee can be dismissed by the governing body before the expiry of their term where they have:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations
- declared, or are found to be in, a position of a conflict of interest with is unresolvable
- been declared bankrupt or are found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

Councillor members

The appointment of a councillor member to an audit, risk and improvement committee can be terminated at any time by the governing body by resolution.

Fees

The fees a council pays to the chairperson and independent members of its audit, risk and improvement committee are to be agreed between the council and the chairperson or member and reflect the time, commitment and responsibility involved in serving on the committee.

Chairpersons and members can serve on a committee on a voluntary basis if they choose to.

Superannuation

Councils are obliged under the *Superannuation Guarantee (Administration) Act 1992* to make compulsory superannuation guarantee contributions on behalf of audit, risk and improvement committee chairpersons and independent members where they are remunerated.

- the Australian Institute of Company Directors
- Chartered Accountants Australia and New Zealand
- The Actuaries Institute, and the
- Local Government Professionals Association.

Audit, risk and improvement chairpersons and members are also encouraged to serve on more than one local government committee to extend the breadth of their experience and understanding of councils and their operations and risks.

Insurance

Councils should determine whether professional indemnity and public liability insurance is required for the chairperson and independent members of their audit, risk and improvement committee.

In some cases, the chairperson or a member of an audit, risk and improvement committee may already be covered by the council's professional indemnity and public liability insurance policies or by their own insurance.

This will need to be ascertained by the council and chairperson or member on a case-by-case basis having regard to the terms of any relevant insurance policy.

Where a council determines that professional indemnity or public liability insurance may be required, the chairperson or member can obtain their own insurance, or the council can consider obtaining it on their behalf.

Conduct

Audit, risk and improvement committee members are required to observe the same ethical and behavioural standards as other council officials and must comply with the council's code of conduct.

As required under the council's code of conduct, audit, risk and improvement committee members must declare and appropriately manage any conflicts of interest they may have in matters being dealt with by the committee.

Declarations of conflicts of interest and the actions taken to manage them must be recorded in the minutes of meetings.

Councils should identify the chairperson and independent members of their audit risk and improvement committee as 'designated persons' for the purposes of the council's code of conduct and require them to complete and submit returns of interests.

Complaints of breaches of the council's code of conduct by audit, risk and improvement committee members are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

Under the Procedures, the general manager is responsible for managing code of conduct complaints about the chairperson and independent members of the audit, risk and improvement committee. However, as a

Learning and development

Audit, risk and improvement committee chairpersons and members are encouraged to keep informed of current developments and to maintain and develop the skills, knowledge and capabilities necessary to exercise their functions effectively.

Several professional development networks and programs are available, for example, through organisations such as:

- the Institute of Internal Auditors

safeguard, the general manager should consult with the governing body of the council before taking disciplinary action under the Procedures against the chairperson or an independent member of the council's audit, risk and improvement committee.

Meetings

The audit, risk and improvement committee must meet at least quarterly over the course of each year (see section 216J of the Local Government Regulation).

The chairperson of the audit, risk and improvement committee is to decide the frequency and timing of the committee's meetings and plan them annually in advance to ensure the availability of all members and observers.

Generally, meetings should correspond with major phases of the council's financial reporting, external audit and internal audit cycles.

For example, the audit, risk and improvement committee should meet to review the council's financial statements before they are certified by the council.

Audit, risk and improvement committee meetings should also correspond with meetings of the governing body, and allow sufficient time between audit, risk and improvement committee meetings and council meetings for the committee to action any items and prepare any reports that are to be provided to the governing body at the council meeting.

Special meetings may be held, if needed, to review the council's financial statements prior to them being submitted to the governing body of the council, or to consider the audit, risk and improvement committee's annual or four-yearly assessments (see below).

Audit, risk and improvement committee meetings can be held in person, by telephone or videoconference.

The audit, risk and improvement committee can hold additional meetings when significant

unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member or the general manager.

The governing body can also resolve to request the audit, risk and improvement committee to hold an additional meeting.

Where such a request is made, the chairperson can decide whether the additional meeting is required, taking into consideration the issues that the governing body has requested the audit, risk and improvement committee to consider at the meeting.

Proxies

As audit, risk and improvement committee members are appointed on the basis of their skills, knowledge and personal qualities, proxies are not permitted to attend meetings on behalf of members who are unable to attend.

Quorum and voting

A quorum consists of a majority of audit, risk and improvement committee independent voting members.

Where the vote is tied, the chairperson has the casting vote.

Agenda

Forward agenda

The chairperson should prepare a 12-month forward meeting agenda to ensure that the audit, risk and improvement committee covers all its responsibilities at the appropriate time of the year.

For example, the forward agenda will set out, at the appropriate meeting, the various internal and external audit reports and management responses to be tabled and discussed.

It will also allocate appropriate time for a review of the progress of the internal audit function against the annual work plan, and to follow-up the implementation of corrective actions.

Meeting agenda

The chairperson of the audit, risk and improvement committee is to determine the agenda for each committee meeting.

It is recommended that the chairperson consult with other committee members, the general manager, the internal audit coordinator and external auditor prior to setting the agenda so that any urgent issues or risks that arise can be included.

The chairperson of the audit, risk and improvement committee is to decide an appropriate timeframe for receiving the final agenda in the lead-up to the meeting.

exact time period is to be determined by the committee and the general manager.

The minutes must be confirmed as an accurate record of the meeting at the next meeting of the audit, risk and improvement committee.

If any important details have been incorrectly recorded or omitted, they can be discussed and the minutes amended, prior to confirmation at a subsequent meeting.

After the minutes are confirmed as an accurate record of the meeting, they must be signed by the chairperson.

All audit, risk and improvement committee members and observers should receive a copy of the minutes of all meetings.

Papers

The audit, risk and improvement committee is to decide in consultation with the general manager and the internal audit coordinator an appropriate timeframe for receiving papers and other necessary information to support agenda items to be considered at each committee meeting.

Minutes

Each audit, risk and improvement committee meeting must be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

Audit, risk and improvement committee meeting minutes must:

- include a record of attendance
- cover each agenda item and document the discussion held and the outcome of discussions, including any recommendations, action points and/or allocation of tasks to relevant people
- be approved by the chairperson before circulation
- be provided to committee members, the governing body of the council, the general manager, the internal audit coordinator and external auditor
- be provided soon after the meeting date to ensure relevant persons are made aware of any significant issues discussed at the meeting that need to be dealt with. The

Attendance of observers

Due to the potentially sensitive nature of the issues to be discussed, audit, risk and improvement committee meetings should not be open to the public.

In addition to audit, risk and improvement committee members, the mayor, general manager and the internal audit coordinator should attend committee meetings as non-voting observers.

The NSW Auditor-General, as council's external auditor, or their representative, is to be invited to each committee meeting as an independent non-voting observer and can choose whether to attend.

The chairperson of the audit, risk and improvement committee can request the following people to attend a committee meeting or to meet with the committee to provide additional information relevant to its role:

- council's chief financial officer (or equivalent) given their knowledge of, and responsibility for, council's financial management
- the head of the council's risk management function
- senior managers
- any councillor

- any employee or contractor of the council (with the general manager's permission), and/or
- any external independent expert or external party whose advice is needed (subject to confidentiality considerations).

These persons must attend meetings where requested and must, as far as is practicable, provide the information requested.

Observers have no voting rights at audit, risk and improvement committee meetings and can be excluded from a meeting by the chairperson of the committee at any time where necessary.

Private meetings

The audit, risk and improvement committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

In addition to attending audit, risk and improvement committee meetings, the committee can meet privately at any time with the internal audit coordinator and/or external auditor without the general manager present. At least one private meeting must occur annually.

Confidentiality

It is at the discretion of the council to decide whether audit, risk and improvement committee agendas, business papers, minutes and other reports are made publicly available.

Given its potential sensitivity, it is recommended that all information pertaining to the audit, risk and improvement committee and internal audit activities is treated as confidential unless otherwise determined by the committee or a resolution of the council.

Councils and audit, risk and improvement committees should also consider the guiding principles of the *Government Information (Public Access) Act 2009* and whether it is in the public interest to proactively disclose or release

information and whether there is an overriding public interest against doing so.

Secretariat

The general manager is to appoint a council staff member to provide secretariat support to the audit, risk and improvement committee.

The main functions of this role are:

- liaising with the chairperson to prepare agendas for audit, risk and improvement committee meetings
- ensure that committee papers are of an appropriate standard and provided with enough time to allow appropriate review and consideration
- recording minutes of meetings
- providing assistance to the chairperson in arranging meetings and council site visits
- supporting the chairperson to prepare reports for the council
- arranging appropriate meeting facilities and equipment
- keeping members informed of developments affecting the council that may relate to the work of the committee
- maintaining a record of when member's terms of appointment are due for renewal or termination
- ensuring new members receive appropriate induction, and
- managing expenditures relating to the committee.

Shared arrangements

If the audit, risk and improvement committee has been established by a joint organisation, the executive officer of the joint organisation is responsible for organising secretariat support.

Councils that share their audit, risk and improvement committee can also share their secretariat function if they choose to.

Key relationships

General manager

A key role of audit, risk and improvement committees is to act as an independent source of advice and opinion to both the governing body and the general manager, and to act as a forum for the resolution of any disagreements between the council and internal audit function.

The general manager, in turn, also has a key role in supporting the work and effectiveness of the audit, risk and improvement committee.

To be effective, audit, risk and improvement committees need to maintain a positive working relationship with the general manager (and vice versa) and view them as a valuable source of advice and information about the council and its operations.

Chairpersons of audit, risk and improvement committees should meet regularly with general managers to discuss key issues and review performance.

External audit

There are strong linkages between the work of councils' audit, risk and improvement committees and their external auditor and committees should actively engage with the external auditor.

Councils' external auditor can offer valuable insights on issues such as the effectiveness of the council's risk, controls, financial reporting, and compliance frameworks.

For the external auditor, communication with the audit, risk and improvement committee can in turn facilitate an effective and efficient audit and assist the communication of matters arising from the external audit to the council.

Audit, risk and improvement committees should:

- provide input on, and discuss, planned financial and performance audit coverage
- monitor councils' responses to financial statement management letters and

performance audit reports, including the implementation of audit recommendations

- provide advice to the council on action taken on significant issues raised in relevant external auditor reports or better practice guides, and
- have a voting-members only meeting with the external auditor at least once per year so that the committee can obtain the views of the external auditor without internal audit or management advisers being present.

Internal audit

The audit, risk and improvement committee should maintain a strong, positive relationship with the council's internal audit function and view it as a significant source of information about what is going on in the council.

The internal audit function can also assist the audit, risk and improvement committee to develop the annual work plan and four-year strategic work plan that will guide the committee's and internal audit function's work (see below).

The chairperson of the audit, risk and improvement committee should routinely meet with council staff undertaking internal audit activities to discuss key issues and review performance if needed.

At least one private meeting should be held each year and any potential compromises to the internal audit activity's independence reported.

More information about this is provided in core requirement 3.

Access to council, staff, resources and information

It is essential for the audit, risk and improvement committee to be able to access the staff and information about the council it needs to review the matters listed in section 428A of the Local Government Act and the

resources necessary to undertake its other responsibilities.

Council staff

A council's audit, risk and improvement committee must have direct and unrestricted access to the general manager and senior management of the council in order to fulfil its responsibilities.



Should the audit, risk and improvement committee need to meet with another council staff member or contractor to obtain information to undertake its role, the chairperson of the committee is to obtain permission from the general manager before inviting the staff member or contractor to meet with the committee.

Subject to the general manager's permission being given, the staff member or contractor must attend.

Any disputes between the general manager and audit, risk and improvement committee regarding access to council staff are to be resolved by the governing body.

Council resources and information

A council's audit, risk and improvement committee must have direct and unrestricted access to any council resources or information it needs to fulfil its responsibilities.



In its dealings with the council, the audit, risk and improvement committee should be mindful of the environment the council is operating in and the priorities that the general manager needs to manage.

The audit, risk and improvement committee should therefore keep to a minimum the demands it places on the council and utilise as far as is practicable, existing information to obtain the necessary level of assurance in relation to its responsibilities.

The audit, risk and improvement committee may only release council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the general manager, except when it is being provided to an external investigative, audit or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

After their engagement ends with a council, a chairperson or member of an audit, risk and improvement committee must not disclose or make use of any confidential information acquired in the course of their engagement with the council without the approval of the council.

External advice

The audit, risk and improvement committee can obtain any external legal or other professional/expert advice it needs to exercise its responsibilities. For example, where a council has implemented a specialised IT system, the committee can seek the expert opinion of an IT specialist to assist its review of its implementation.

To minimise the potential costs to the council, the governing body and the chairperson of the audit, risk and improvement committee must agree at the start of each council term how costs are to be met, i.e.:

- the governing body will set a fixed budget at the start of each council term for external expenses, or
- the committee will seek the governing body's permission prior to engaging external advice.

Disputes

Members of an audit, risk and improvement committee should maintain an effective working relationship with each other and the council and try to resolve any differences they may have professionally.

In the event of a disagreement between the audit, risk and improvement committee and the general manager or other senior managers

(for example, about findings or recommendations of audits), the dispute is to be resolved by the governing body of the council.

Unresolved disputes regarding compliance with these Guidelines are to be referred to the Departmental Chief Executive in writing.

Workplans

Strategic work plan

It is essential that the work of the audit, risk and improvement committee is thoroughly planned and executed to ensure that no council activity or function is missed by the committee and that councils receive value for money from their assurance investment.

A council's audit, risk and improvement committee must develop a strategic work plan every four years to ensure that all the matters listed in section 428A of the Local Government Act are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits.



The plan must be developed by the audit, risk and improvement committee in consultation with the governing body, general manager, the internal audit coordinator and senior managers (where appropriate) and adopted by the governing body of the council at the start of the council term.

To maintain the independence of the audit, risk and improvement committee, the governing body of the council must be careful when adopting the strategic work plan not to direct the committee's work over the council term.

Content

The nature of the strategic work plan will be commensurate with the size and operational complexity of the council and its risk profile, and consistent with the requirements of the International Professional Practices Framework.

At a minimum, it should document:

- the goals and expected outcomes of the audit, risk and improvement committee for the council term
- key organisational issues and risks faced by the council and how the committee will review these, and
- key performance indicators to measure progress across the council term.

When developing the council's strategic work plan, the audit, risk and improvement committee should consider at a minimum:

- the council's strategic objectives
- risks facing the council
- the work of other review activities or functions (for example, external and performance audits, and reviews or audits by other government agencies)
- an assurance map of the council's assurance activities which may assist to determine where the committee's and internal audit function's work should focus, and
- stakeholder expectations.

There should also be sufficient flexibility in the strategic work plan to accommodate the need for additional audits on emerging risks from time to time.

The audit, risk and improvement committee may, in consultation with the council's governing body, vary the strategic work plan at any time to address new or emerging risks.

The governing body of the council may also, by resolution, request the committee to approve a variation to the strategic work plan. However, any decision to vary the strategic work plan will rest with the committee.

When considering whether to vary the strategic work plan, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the strategic work plan.

Review

The audit, risk and improvement committee must review the four-year strategic plan at least annually to ensure that it is dynamic,

relevant and aligns with the council's risk profile.

This will also ensure that the council remains on track with its audits and any delay in progress can be quickly addressed.

Annual work plan

A council's audit, risk and improvement committee must develop an annual work plan to guide its work over the forward year.



The annual work plan must be developed by the audit, risk and improvement committee in consultation with the governing body, general manager, the internal audit coordinator and senior managers (where appropriate).

The annual work plan must be consistent with the requirements of the International Professional Practices Framework and identify:

- the internal audits that will be carried out during the year to support the work of the audit, risk and improvement committee
- the key goals, objectives and scope of the proposed audits
- the resources needed for each audit (for example, staffing, budget, technology), and
- key performance indicators to measure annual progress against.

The annual work plan must be flexible enough to allow it to be reviewed and adjusted as necessary throughout the year in response to any changes to the council's risks or operations.

The audit, risk and improvement committee may, in consultation with the council's governing body vary the annual work plan to address new or emerging risks.

The governing body of the council may also, by resolution, request the committee to approve a variation to the annual work plan. However, any decision to vary the annual work plan will rest with the committee.

When considering whether to vary the annual work plan, the committee must consider the impact of the variation on the internal audit function's existing workload and the

completion of pre-existing priorities and activities identified under the annual work plan.

Performance measurement

The performance of each council's audit, risk and improvement committee and internal audit function must be able to be assessed to measure progress and improvement.

The audit, risk and improvement committee must establish key performance indicators for the council's four-year strategic work plan and annual work plan to allow the council to gauge the:

- performance of the committee and internal audit function and the value they are providing to the council, and
- council's performance regarding the matters listed in s428A so that the council can assess whether it is improving each council term in these areas.

These key performance indicators are to be reviewed and refreshed by the audit, risk and improvement committee for each annual work plan and four-year strategic work plan to ensure they reflect the changing needs of the council and the increased capacity of the committee and internal audit function as they mature.

The general manager, in consultation with the audit, risk and improvement committee, must ensure that a data collection or performance management system is established and maintained to collect the data needed to measure progress against these key performance indicators.

Providing advice to the governing body

Quarterly updates

Ongoing reporting by the audit, risk and improvement committee to the governing body (and general manager) is essential for accountability and will ensure that the governing body is kept informed of matters considered by the committee and any

emerging issues that may influence the strategic direction of the council or the achievement of the council's goals and objectives.

It will also ensure strong linkages between the audit, risk and improvement committee, the governing body and the general manager and lead to a better functioning assurance mechanism.

The audit, risk and improvement committee must provide an update to the governing body of the council of its activities and opinions after every committee meeting.

The audit, risk and improvement committee must also provide its quarterly update to the general manager to ensure they are kept informed of issues raised and can answer any questions the governing body may have about the committee's opinions and recommendations.

The mayor can request to meet with the chairperson of the audit, risk and improvement committee at any time to discuss any issues relating to the work of the committee during the quarter.

The chairperson of the audit, risk and improvement committee can also request to meet with the mayor at any time.

Content

The nature and content of the audit, risk and improvement committee's quarterly updates is to be determined by the governing body and the committee.

It could simply be providing a copy of the audit, risk and improvement committee's meeting minutes to the governing body if appropriate, or something more formal such as a report for noting by the governing body, or a face-to-face meeting between the committee, governing body and general manager to discuss important issues that have been identified.

Whatever the nature and form the update takes, the governing body and general manager must be advised, at a minimum, of:

- any formal resolutions of the audit, risk and improvement committee

- the committee's assessment of any audits conducted, including any breaches or deficiencies in controls that require an immediate response from the council
- progress on the implementation of corrective actions
- opportunities for longer-term improvement, and
- any key opinions or 'take-outs' from the committee's meeting.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act.

Individual councillors are not entitled to request or receive information from the committee.

Annual assessment

A council's audit, risk and improvement committee must provide an annual assessment to the governing body each year.



This will ensure that the governing body of the council is fully informed of the audit, risk and improvement committee's work and its opinion on how council is performing.

The annual assessment must include:

- a summary and assessment of the work the audit, risk and improvement committee performed to discharge its responsibilities during the preceding year
- an overview and assessment of the work of the internal audit function
- progress against key performance indicators
- advice on the appropriateness of the committee's terms of reference
- an independent assessment by the committee and advice on the matters considered by the committee during the year that, in the committee's opinion, and

based on the level of risk facing the council, the governing body should be informed of, and

- other views or opinions on the council that the committee wishes to share.

Before providing their annual assessment to the governing body, the audit, risk and improvement committee must provide a copy of its annual assessment report to the general manager to allow them to develop an action plan to address any issues identified.

Both the audit, risk and improvement committee's annual assessment and the general manager's action plan can then be considered jointly by the governing body at an annual assurance meeting with the committee and the general manager.

Annual assurance meeting

It would be beneficial for the audit, risk and improvement committee, the governing body and general manager to come together annually to discuss the committee's annual assessment of the council, how the council proposes to respond to the committee's recommendations for corrective actions and other important internal audit and risk management matters.

The governing body may wish to hold an extraordinary or additional meeting each year for this purpose.

The annual assurance meeting should also discuss:

- the audit, risk and improvement committee's annual plan and review priorities for the upcoming year, for the approval by resolution of the governing body
- any resourcing issues for the internal audit or risk management functions that the committee considers the governing body should be informed of
- any updated committee terms of reference, for approval by resolution by the governing body, and
- the general manager's annual assessment of the council's risk management function (see core requirement 2).

The mayor, chairperson of the audit, risk and improvement committee and general manager can invite observers or other participants to the meeting where appropriate.

Strategic assessment

A council's audit, risk and improvement committee must provide to the governing body of the council a comprehensive independent assessment every council term (i.e. four years) of all the matters listed in section 428A of the Local Government Act that have been reviewed during the council term.



This will ensure that the governing body of the council is fully informed of the council's performance in relation to the matters specified in section 428A of the Local Government Act and what corrective actions are required to address any issues identified.

It will also provide the governing body with essential information that will assist with strategic decision-making and resource allocation during the next council term.

Before providing its strategic assessment to the governing body, the audit, risk and improvement committee must provide a copy of its report to the general manager to allow the general manager to develop an action plan to address any issues identified during the next council term.

Given the audit, risk and improvement committee's functional responsibility for the internal audit function of the council, the committee must also develop an action plan for the governing body to address any internal audit issues identified by the committee.

The audit, risk and improvement committee's strategic assessment and the action plans can be considered jointly by the governing body at a strategic assurance meeting held every four years.

Strategic assurance meeting

It would be beneficial for the audit, risk and improvement committee, the governing body and general manager to come together at the

close of the council term or commencement of the new council term to discuss the committee's strategic assessment of the council, how the council proposes to respond to the committee's recommendations during the next council term and any other important internal audit and risk management issues.

This discussion can also inform the strategic plans to be made through the integrated planning and reporting process for the next council term.

The governing body may wish to hold an extraordinary or additional meeting for this purpose.

The four-yearly assessment meeting could also discuss:

- the audit, risk and improvement committee's four-year strategic work plan for the upcoming council term for approval by resolution of the governing body
- a four-yearly review of the committee's terms of reference, for noting by the governing body and where applicable, an updated terms of reference for approval by resolution
- the governing body's four-yearly review of the committee's performance and action plan to address any issues identified, for approval by resolution of the governing body (see below).

Review of committee performance

It is important that the work of the audit, risk and improvement committee is regularly assessed, and that the committee is accountable for its performance.

This will ensure that the audit, risk and improvement committee is making a valuable contribution to the council and allow the governing body to determine whether any changes to the committee's terms of reference or membership are required.

At least once each council term (i.e. four years) the governing body of the council is to conduct



a review of the effectiveness of the audit, risk and improvement committee in conformance with the International Professional Practice Framework.

This will ensure that audit, risk and improvement committees are assessed consistently across all councils and allow councils to have confidence in the work of their committees.

To conduct the review, the governing body can:

- engage a suitably qualified external assessor or peer to undertake the review, or
- undertake the review itself and engage an external assessor or peer to conduct an independent evaluation of the findings.

The external assessor or peer should have specific skills relevant to the major risks of the council and a strong understanding of what constitutes best practice in relation to the operations and performance of audit, risk and improvement committees.

Review criteria

The review of the audit, risk and improvement committee's performance must consider:

- the appropriateness of the committee's terms of reference and whether these have been complied with
- the processes and procedures undertaken by the committee
- the collective performance of the committee – for example:
 - the quality and timeliness of assurance and advice provided by the committee to the governing body and general manager
 - the effectiveness of the committee in meeting its responsibilities
 - the relationship and quality of communication with the council and other stakeholders
- the individual performance of each member – for example, their:
 - understanding of the council, its key risks and internal controls

- ability to act objectively and independently
- preparation for committee meetings
- contribution to the work of the committee through their participation in discussion and decision-making, skills and experience
- the performance of the chairperson, including whether the chairperson has (in addition to their performance as a member of the committee):
 - demonstrated positive leadership
 - maintained effective working relationships among audit, risk and improvement committee members and with the council, council's external auditor and the internal audit function
 - ensured the governing body and general manager was well informed and briefed on the strategic and technical aspects of internal audits and risk and control issues, and
 - lead effective committee meetings.
- the way the committee, external auditor, council and internal audit function work together to manage risk and support the council and how effective this is
- whether the committee has effectively reviewed the matters identified in section 428A of the Local Government Act and contributed to an improvement in these areas, and
- whether the composition of the committee is appropriate.

When conducting the review, the governing body is to consider feedback on each member's performance by the chairperson and councillor member of the committee and the general manager.

Self-assessments by the chairperson and members of the audit, risk and improvement committee can also be used.

The governing body of council can also request the chairperson of the committee to address the council and answer any questions about the operations of the committee.

The chairperson of the audit, risk and improvement committee is to develop an action plan for the governing body of the

council to address any issues identified in the performance review and present it to the governing body at the four-yearly assessment meeting.

Annual attestation

It is important that councils are accountable to their communities for the efficacy of their internal controls and assurance mechanisms and the operations of their audit, risk and improvement committees.

Commencing with the 2024-2025 annual report, the general manager will be required under the Local Government Regulation to attest each year in the council's annual report whether the council has complied with the requirements prescribed under the Regulation in relation to its audit, risk and improvement committee.

A template for the attestation is provided in Appendix 1 of these Guidelines.

Further resources

The following resources may be useful to councils seeking more information about the establishment and operation of their audit, risk and improvement committee.

This is not an exhaustive list but provides a useful starting point for councils that seek to better understand what audit, risk and improvement committees do, and how they can be supported to add maximum value to councils.

[Audit Committees – A Guide to Good Practice \(3rd edition\)](#) – Auditing and Assurance Standards Board, Australian Institute of Company Directors and The Institute of Internal Auditors-Australia (2017)

Provides a checklist to assess the performance of audit, risk and improvement committees and members.

[Audit Committees – A Guide to Good Practice for Local Government](#) – Victorian Government, Department of Planning and Community Development (2011)

Provides detailed information on the activities audit, risk and improvement committees can perform in relation to external audit, financial management, risk management and internal audit.

[Audit Committee Guidelines – Improving Accountability and Performance](#) – The State of Queensland (Queensland Treasury and Trade) (2012)

Provides sample:

- letter of appointment for audit, risk and improvement committee members
- self-assessment questionnaire for committee members, external peer review checklist and management feedback questionnaire when assessing committee performance, and
- committee meeting agenda.

[Audit Committees \(RM-G2\)](#) – Australian Government, Department of Finance

Provides a list of professional peak bodies councils could contact to source audit, risk and improvement committee members.

[Chairing an Audit Committee](#) – KPMG

Provides information about the role of audit, risk and improvement committee chairpersons, particularly in relation to:

- leadership, and
- managing the work of audit, risk and improvement committee members.

[Dealing with Corruption, Fraud and the ICAC: the role of public sector Audit and Risk Committees](#) – Independent Commission Against Corruption (2020)

Provides information about the role of audit, risk and improvement committees and risk management in relation to fraud and corruption.

[Establishing a skills-based audit committee](#) – Institute of Internal Auditors-Australia (2020)

Provides an analysis matrix template to assess the skills mix of an audit, risk and improvement committee when appointing committee members.

[Guide for Audit & Risk Committees: Understanding Financial Statements](#) – NSW Treasury (2017)

Provides information on activities audit, risk and improvement committee can undertake when reviewing financial statements.

[How can audit committee members add value?](#) – PriceWaterhouseCoopers (2011)

Provides a checklist for measuring the performance of audit, risk and improvement committees.

Internal Audit and Risk Management Policy for the General Government Sector (TPP-20-08) – NSW Treasury (2020)

Provides information on the NSW public sector risk management and internal audit policy, including:

- the operation of shared audit, risk and improvement committees in the NSW public sector
- matters to consider when deciding whether to enter into a shared arrangement, and
- recommended content for shared use agreements.

Public Sector Audit Committees: Independent assurance and advice for Accountable Authorities – Australian National Audit Office (2015)

Provides information about the role and functions of audit, risk and improvement committees, including:

- member roles and responsibilities
- how to foster good relationships between the council and committee, and
- checklists for:
 - secretariat actions
 - planning forward meeting agendas, and
 - assessing the performance of members.

Service Delivery Review: A how to manual for local government (second edition) – Australian Centre of Excellence for Local Government (2015)

Outlines the factors councils and audit, risk and improvement committees may consider when reviewing service delivery by the council.

Setting up the Audit Committee – PriceWaterhouseCoopers (2011)

Provides information on:

- how a council might assess the financial literacy of an audit, risk and improvement committee member, and
- best practice for inducting new committee members.

The Role of the Audit Committee Chair – KPMG (2019)

Provides information on the role of audit, risk and improvement committee chairpersons, particularly in relation to:

- running committee meetings, and
- overseeing risk management.

Core requirement 2:

Risk management

- Each council and joint organisation must implement a risk management framework that is consistent with current Australian standards for risk management

Guiding principles for risk management

- ❖ Each council must accept responsibility and accountability for risk management in the council.
- ❖ Each council has a risk management framework that is appropriate for that council and is consistent with the accepted Australian risk management standard.
- ❖ Risk management is an integral part of all council management, operations, functions and activities and it is clear who is responsible for managing each risk.
- ❖ Each council supports the development of a positive risk culture.
- ❖ Councils regularly review their risk management framework and can flexibly adapt their risk management activities to suit their operations and risk profiles.
- ❖ Each council is accountable to the community for complying with its statutory obligation to adopt and maintain a risk management framework.

Standards

Each council must manage its strategic and operational risks and implement a risk management framework that is consistent with the current Australian risk management standard, and appropriate for the council's risks.



It is recognised that each council will have different risk management requirements depending on its size, needs, budget, operational complexity and risk management maturity.

Councils have the flexibility under the Australian risk management standard to adapt the size, scope and delivery of their risk management framework provided it reflects the principles, key elements and processes set out in the standard for managing risks in any sized council or organisation.

Councils can adopt additional requirements that supplement those in the standard provided they do not conflict with the standard.

The current risk management standard at the time of the release of these Guidelines is *AS ISO 31000:2018 Risk Management – Guidelines*.

Under current licensing and copyright requirements, each council will need to purchase an individually licensed copy of *AS ISO 31000:2018* from Standards Australia to obtain a full copy of the standard.

The following is a summary of the definitions, principles, key elements and process of *AS ISO 31000:2018*.

Definitions

The definition of 'risk' and 'risk management' adopted by councils as part of their risk management framework should be the same as that adopted in the current Australian risk management standard.

At the time of printing, *AS ISO 31000:2018* defines:

- risk as the "effect of uncertainty on objectives, where an effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats", and
- risk management as "coordinated activities to direct and control an organisation with regard to risk".

Principles

In summary, *AS ISO 31000:2018* requires a council's approach to risk management to be based on the following eight specific principles to ensure it is effective:

- **integrated** – risk management is integrated into all council activities and decision-making processes
- **structured and comprehensive** – risk management is a structured and comprehensive process that achieves consistent and comparable results

- **customised** – the risk management framework and process are customised to the council
- **inclusive** – risk management is inclusive of all stakeholders and enables their knowledge, views and perceptions to be considered
- **dynamic** – risk management is dynamic and able to respond to changes and events in an appropriate and timely manner
- **best available information** – risk management decisions are based on the best available information and take into account any limitations and uncertainties
- **human and cultural factors** – risk management takes into account human and cultural factors, and
- **continual improvement** – risk management is continuously and periodically evaluated and improved through learning and experience.

Key elements

To achieve these principles, *AS ISO 31000:2018* requires each council to ensure its risk management framework demonstrates the following six elements:

Leadership and commitment

AS ISO 31000:2018 requires risk management to be supported by a positive culture that promotes and communicates risk management as part of everyday activities and decision-making.

The standard states that this culture can only exist when management (i.e. the governing body, general manager and senior staff) demonstrate strong leadership and commitment to risk management.

Practical measures the governing body and/or general manager can take under *AS ISO 31000:2018* to exhibit strong leadership in risk management are set out further below.

Integration

AS ISO 31000:2018 requires that risk management is fully integrated within a council and made part of the council's

purpose, governance, leadership, strategy, objectives and operations.

Risk is to be managed in every part of the council's organisational structure and every council employee is to be responsible for managing risk.

Design

AS ISO 31000:2018 requires that the design of a council's risk management framework:

- is based on the unique needs, characteristics and risks of the council, and its external and internal context
- demonstrates the council's continual commitment to risk management
- assigns risk management roles, responsibilities and accountabilities within the council
- allocates appropriate council resources for risk management, and
- effectively documents and communicates risk management across the council.

Implementation

AS ISO 31000:2018 requires that each council implements its risk management framework by:

- developing a risk management plan that provides structure for how the council will implement its risk management policy and conducts its risk management activities, and
- ensuring the council's risk management activities are clearly understood and practiced.

The plan should identify decision makers for risk within the council and ensure risk management processes and arrangements are well understood by the council and practiced.

Evaluation

AS ISO 31000:2018 requires that each council regularly evaluates the effectiveness of its risk management framework and determines whether it remains suitable.

Improvement

AS ISO 31000:2018 requires that each council continually adapts and improves the design of its risk management framework and how it is integrated throughout the council to help the council move to a higher level of risk maturity.

Process

AS ISO 31000:2018 provides each council with a systematic process to identify, assess and prioritise risks, decide how they will be managed, and document and communicate them across the council.

The process defined in AS ISO 31000:2018 consists of the following steps:

- defining the scope of the council's risk management activities to assist in planning the council's risk management approach
- establishing the internal and external context to ensure that the council understands the internal and external environment it operates in and how risk management will impact, and be impacted by these
- deciding the performance indicators that the council will use to measure the effectiveness of its risk management framework and identify gaps between its actual and desired performance
- defining the council's risk criteria/appetite – that is, the amount and type of risk that the governing body is willing to take, or not take, in order to achieve its strategic plan and objectives
- conducting risk assessments to determine what risks need to be managed
- deciding risk treatment options
- developing risk treatment plans that document how controls will be implemented, and
- writing risk reports that will document and communicate the risk management framework to all staff and be used by the council to regularly review the risk management framework.

County councils and joint organisations

County councils and joint organisations have a lower risk profile than larger and more operationally complex general-purpose councils.

However, they are still responsible for the expenditure of public money, providing services (in the case of county councils), and delivering outcomes on behalf of their member councils and regions (in the case of joint organisations), and need to identify and manage risks appropriately.

Given their lower risk profiles, county councils and joint organisations can share the administration of their risk management framework with another council to reduce costs.

Alternatively, joint organisations can undertake the coordination and administration of their member councils' risk management frameworks on behalf of the councils.

Any shared risk management function must operate as an individual resource for each council in the shared arrangement and implement the requirements in these Guidelines for each council individually.

A shared risk management function should only be established and utilised by a county council or joint organisation where the shared function can maintain a high level of understanding and fulfilment of each council's risk management needs, as well as effective working and reporting relationships with the general manager and senior staff of each council in the shared arrangement.

Councils that establish a shared risk management function should develop and sign a formal agreement with the other councils in the shared arrangement which outlines how the shared arrangement will operate and costs are shared.

Resourcing

AS ISO 31000:2018 requires each council to ensure sufficient resources are allocated to implement the council's risk management framework and deliver the internal controls needed to ensure the council's risks are appropriately managed.

In practice, this responsibility will fall to the governing body and/or general manager of the council.

These resources include the necessary:

- human resources (with appropriate skills and experience)
- technology, equipment, tools and information management systems for managing risk
- documented processes and procedures, and
- professional development and training for staff to ensure they can fulfil their risk management responsibilities.

To ensure that the governing body and/or general manager makes informed budgeting decisions, the audit, risk and improvement committee is to advise of the resources it considers that the council needs to effectively implement its risk management framework, having regard to any budgetary constraints facing the council and the council's operational environment.

Roles and responsibilities

AS ISO 31000:2018 requires that each council assign risk management roles and responsibilities to all relevant roles within the council.

To ensure effective implementation, the standard also requires each council to demonstrate strong leadership and commitment to risk management.

In practice, this will see the general manager, governing body and council staff take on the following responsibilities:

Governing body – strategic leadership

Consistent with the governing body's strategic leadership role under section 223 of the Local Government Act, the governing body is responsible for establishing the foundational elements of the council's risk management framework and setting the 'tone at the top'.

This includes approving by resolution the council's risk criteria/appetite – a statement that conveys how much risk will be tolerated by the governing body in the pursuit of the strategic objectives for the council, and how risk is to be managed and decisions made within this context.

The council's risk criteria/appetite is to be approved in consultation with the audit, risk and improvement committee.

General manager – operational leadership

Consistent with the general manager's role under section 335 of the Local Government Act to conduct the day-to-day management of the council, the general manager has ultimate responsibility and accountability for risk management in the council.

A council's general manager is responsible for implementation of the council's risk management framework. This includes:

- overseeing the council's risk management framework and ensuring it is effectively communicated, implemented and reviewed regularly
- approving the council's risk management policy, plans and risk reports (where applicable)
- promoting and championing a positive risk culture
- assigning authority and accountability for risk management at appropriate levels and to appropriate staff in the council, and ensuring they are held accountable for these responsibilities
- annually attesting that the council's risk management framework complies with these Guidelines (see below), and

- approving the council's implementation of corrective actions recommended by the council's internal audit function, external audit and audit, risk and improvement committee.

Depending on the council's needs, resources and organisational structure, and to assist the integration of risk management across the council, the general manager may wish to delegate responsibility for key aspects of the council's risk management framework to a senior manager or group of senior managers established for this purpose.

The delegate would report to the general manager on risk management issues.

An example risk management policy is provided at **Appendix 4**.

Risk management function – oversight and facilitation

Each council is to establish a risk management function responsible for the day-to-day activities required to implement the council's risk management framework and provide specialist risk management skills and knowledge.

The council's risk management function is a key support to the general manager in meeting their risk management responsibilities and reports directly to the general manager or their delegate.

Each council will have the flexibility to establish its risk management function based on its structure, resourcing, risk management needs and risk management maturity.

Regardless of its structure and composition, the role and responsibilities of the risk management function should include:

- supporting the general manager by coordinating and providing clear and concise risk information, advice and/or reports that can be used in planning and decision-making
- coordinating the various activities relating to risk management within the council
- helping to build a risk management culture within the council, including facilitating and driving risk management at the

strategic and operational level within the council and ensuring consistency in practice

- ensuring there are easily accessible systems and processes in place to enable all staff to conveniently undertake risk management in their day-to-day work
- ensuring risk management processes are applied consistently across the council
- organising appropriate staff risk management training and development
- developing and maintaining a risk reporting framework to enable regular advising/reporting of key risks, and the management of those risks, to the general manager or their delegate
- supporting council staff with their risk management obligations and providing staff with advice and tools to ensure risk management compliance
- implementing effective risk management communication mechanisms and information system/s
- establishing and maintaining an ongoing monitoring system to track the risk management activities undertaken within the council and assessing the need for further action
- assessing risk management information for completeness, accuracy and consistency (for example, risk registers, risk treatment plans), and
- preparing advice or reports for the audit, risk and improvement committee and attending committee meetings (where requested).

In order to fulfil its role, the risk management function needs to:

- have a well-developed understanding of the council and its operations
- have the skills, knowledge and leadership qualities required to support and drive risk management
- have sufficient authority to intervene in instances where risk management efforts are being hampered by a lack of cooperation or through lack of risk management capability or maturity, and
- be able to add value to the risk management process by providing guidance and support in managing difficult

risk, or risks spread across a number of the council's business units or operational areas.

Dual responsibilities

It is important that the risk management function is independent of line management to reduce the potential for management influence on the risks that are reported on, and to ensure independence.

Where risk management oversight or facilitation activities are performed by council staff with other council responsibilities, the council must put safeguards in place to limit any cognitive bias (which can lead to faulty risk assessments and decision-making errors).

Depending on the specific needs and circumstances of the council, these safeguards could include:

- the audit, risk and improvement committee being informed of the other council responsibilities the risk management function has, including reporting lines, responsibilities and expectations related to the role/s
- any potential issues or conflicts of interest arising from these other roles being formally documented and communicated to the committee
- risk management staff being prohibited from undertaking risk management evaluations and reviews in relation to the council operations they are responsible for, and/or
- the committee regularly assessing that the safeguards put in place are effective.

Internal audit function – review and assurance

Councils' internal audit function is responsible for reviewing and providing advice to the audit, risk and improvement committee and the council on the effectiveness of the council's risk management framework.

Given the need to maintain the independence and objectivity of the internal audit function, the following boundaries are to apply with respect to the role of the internal audit

function in relation to the council's risk management framework:

- it is to be clear that council management remains responsible for risk management
- the internal audit function is to provide advice and challenge and support management's decision-making, as opposed to taking risk management decisions themselves
- the internal audit function should not:
 - manage any of the risks on behalf of the council
 - set the council's risk criteria/appetite
 - impose risk management processes
 - decide or implement risk responses, or
 - be held accountable for risk management activities.

Audit, risk and improvement committee – advice and assurance

An audit, risk and improvement committee's role in relation to risk management is to support the governing body and general manager and to ensure that the council's risk management framework is appropriate and operationally effective.

The breadth and depth of this assurance role is to be determined by the council and the audit, risk and improvement committee and could include:

- assessing whether risks at all levels are identified, assessed and reviewed regularly by the council
- being involved in the regular review of the council's risk register
- reviewing the integration of risk management into business planning and program implementation activities, and/or
- providing assurance in relation to the management of risk or governance arrangements on individual projects, programs or activities.

Appendix 3 provides further examples of the activities the audit, risk and improvement committee could perform in relation to risk management.

Review and reporting

Quarterly reporting

Each council should ensure its risk management framework is regularly monitored and reviewed to ensure it is relevant, effective and complies with the current Australian risk management standard.

Each council should base its ongoing monitoring and review process on its own needs. However, this should include at a minimum, providing quarterly advice from the risk management function to the general manager or their delegate.

This will ensure that risks are being correctly identified, prioritised and treated, and any emerging problems are known and rectified quickly.

Annual assessment

Each council's risk management function is to conduct an annual self-assessment of the council's risk management framework.

The annual self-assessment is to report to the general manager whether the council's risk management framework:

- complies with these Guidelines
- is sufficiently resourced
- operates effectively, this includes whether:
 - the internal control framework appropriately reflects the council's risk criteria/appetite
 - risks are formally considered when developing and implementing all council policies, programs, projects and other activities, including procurement
 - risk management covers all relevant risk categories including strategic, operational, compliance, reputational and reporting risks
 - major risks have been identified and assessed by the council and appropriate risk treatments have been implemented that reflect the council's risk criteria

- the council's internal controls are effective and appropriate
- the council's risk register and risk profile are current and appropriate
- risk information is captured and communicated in a timely manner across the council, enabling management and staff to carry out their responsibilities, and
- the council's risk management policies, procedures and plans are being complied with.

The general manager should discuss the annual assessment of the council's risk management function with the governing body and audit, risk and improvement committee at the council's strategic assurance meeting held each council term.

Strategic assessment

The Local Government Regulation (section 216S) requires councils' audit, risk and improvement committees to keep the implementation of a council's risk management framework under review and provide advice to the council on its implementation.

A council's audit, risk and improvement committee must provide an assessment of the effectiveness of the council's risk management framework to the governing body each council term, as part of the committee's four-yearly strategic assessment.



As part of the audit, risk and improvement committee's assessment of the council's risk management function, it should consider whether:

- the council is providing sufficient resources for risk management
- the council's risk management framework complies with these Guidelines, and
- the council's risk management framework operates effectively, is being complied with and supports the achievement of the council's strategic goals and objectives.

The general manager is to develop an action plan for the governing body to address any risk management issues identified by the committee.

The audit, risk and improvement committee and general manager should discuss the strategic assessment and action plan with the governing body at the council's strategic assurance meeting held each council term (see above).

Performance measures

To ensure the effectiveness of the council's risk management activities can be regularly monitored and reviewed, each council must ensure that it:

- assigns performance targets to risk management activities that can be measured against goals and objectives, and
- can obtain the data needed to measure the impact of the council's risk management framework.

Annual attestation

Commencing with the 2024-2025 annual report, the general manager will be required under the Local Government Regulation to attest each year in the council's annual report whether the council has complied with the requirements prescribed under the Regulation in relation to its risk management activities:

A template for the attestation is provided in Appendix 1 of these Guidelines.

Further resources

The following resources may be useful to councils seeking more information about the establishment and operation of their risk management framework. They provide examples, checklists, samples, templates and other practical tools councils could use.

This is not an exhaustive list but provides a useful starting point for councils that seek further information.

[A Guide to Risk Management – The State of Queensland \(Queensland Treasury\) \(2020\)](#)

Provides guidance on how to apply the Australian risk management standard, including checklists for each stage of the risk management process.

[AS ISO 31000:2018 Risk Management – Guidelines – International Standards Organisation \(2018\)](#)

The current Australian risk management standard at the time of printing (for purchase from the International Standards Organisation)

[Audit Committee Guidelines – Improving Accountability and Performance – The State of Queensland \(Queensland Treasury and Trade\) \(2012\)](#)

Provides checklists of the matters audit, risk and improvement committees are to consider when reviewing a council's risk management framework and internal controls.

[Dealing with Corruption, Fraud and the ICAC: the role of public sector Audit and Risk Committees – Independent Commission Against Corruption \(2020\)](#)

Provides information about the role of risk management in relation to fraud and corruption.

[Risk Management Toolkit for Public Sector Agencies \(TPP 12-03\) – NSW Treasury \(2012\)](#)

Consists of three parts:

- Executive Guide (TPP 12-03a)

- Volume 1 – Guidance for Agencies (TPP 12-03b), and
- Volume 2 – Templates, Examples and Case Study (TPP 12-03c).

Provides detailed and practical advice on the various elements of the Australian risk management standards (ISO 31000), templates and worked examples.

[The Three Lines of Defense in Effective Risk Management and Control – Institute of Internal Auditors \(2013\)](#)

Outlines the three lines of defence approach to risk management and the role of management and internal audit in risk management.

[The Role of Internal Auditing in Enterprise-Wide Risk Management – Institute of Internal Auditors](#)

Outlines what enterprise risk management is, how it can be implemented and the role of internal audit in risk management.

[Victorian Government Risk Management Framework Practice Guide – Victorian Managed Insurance Agency](#)

Provides guidance on how to apply the Australian risk management standard, including examples of a risk appetite/criteria statement.

Core requirement 3:

Internal audit

- Each council and joint organisation must have an independent internal audit function that reports to the audit, risk and improvement committee and is consistent with current international standards for internal audit

Guiding principles for internal audit

- ❖ The internal audit function operates independently and with appropriate expertise in a manner that is appropriate for the council.
- ❖ The internal audit function has access to all council information necessary to fulfil its role and responsibilities.
- ❖ The internal audit function is appropriately positioned in the council's governance framework to ensure its work complements the work of other internal and external assurance providers.
- ❖ The internal audit function has a comprehensive work plan linked to the council's strategic objectives and current and emerging risks.
- ❖ The audit, risk and improvement committee receives relevant and timely advice from the internal audit function to ensure the committee can fulfil its role and responsibilities.
- ❖ The internal audit function operates in a manner consistent with accepted international standards.
- ❖ The work of the internal audit function is thoroughly planned and executed, risk-based, client-focused and linked to the council's strategic goals.
- ❖ The internal audit function adds value to the council and is held accountable by the committee and governing body for its performance.
- ❖ Each council is accountable to the community for the effective implementation of its internal audit function.

Independence

Each council in NSW, (including county councils and joint organisations) must have an internal audit function to provide an independent unbiased



assessment of the council's operations and risk and control activities.

Internal audit is defined in the International Professional Practices Framework issued by the Institute of Internal Auditors as '*an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objective by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes*'.

A council's internal audit function must operate independently of the council and internal audit activities cannot be subject to direction by the council.



To ensure that the internal audit function remains independent from council management it must have a dual reporting line that reports:



- **administratively to the general manager or a sufficiently senior role in the council to ensure the internal audit function fulfils its responsibilities, and**
- **functionally to the audit, risk and improvement committee.**

Resourcing

The governing body and general manager of the council must ensure that the council's internal audit function is sufficiently resourced to effectively carry out its work. The chairperson of the audit, risk and improvement committee should be consulted on the resourcing required.

The audit, risk and improvement committee's resourcing recommendations are to be minuted by the committee.

Internal audit charter

It is important that council's internal audit function has clear guidance on how it should support the audit, risk and improvement committee and the council, and that the committee and council has input into how the internal audit function will operate.

This will ensure there is clarity in the relationships between the audit, risk and improvement committee, the council and the internal audit function and that the performance of the internal audit function can be assessed.

The Local Government Regulation (section 216O) requires each council to adopt an internal audit charter to guide how internal audit will be undertaken by the council that is informed by the approved Model Internal Audit Charter provided at Appendix 5.



The internal audit charter is to be developed by the audit, risk and improvement committee in consultation with the general manager and the internal audit coordinator and approved by resolution by the governing body of the council.

Councils may include additional provisions in their internal audit charter so long as they are not inconsistent with the approved Model Internal Audit Charter.

The audit, risk and improvement committee is to review the council's internal audit charter annually in consultation with the general manager and the internal audit coordinator.

Role of the general manager

Consistent with their role under the Local Government Act (section 355) to conduct the day-to-day management of the council, the general manager has administrative responsibility for internal audit.

This means that the general manager is responsible for:

- advising the governing body on the resources required for the effective functioning of the internal audit function
- ensuring appropriate administrative support is provided to support the work of the internal audit function - for example, access to council's human resources networks, payroll, work health and safety, office facilities and resources, council information etc
- ensuring that the internal audit function is appropriately positioned within the council to work with external bodies and internal business units and to fulfil its role and responsibilities
- ensuring the internal audit function complies with the International Professional Practices Framework, and
- annually attesting, on behalf of the council, that the council is complying with the Regulation in relation to internal audit.

The general manager has no role in the performance of the internal audit function (e.g. the conduct of internal audits, the audit techniques used and the reporting of internal audit findings to the audit, risk and improvement committee).

Delegation

The general manager can, in consultation with the governing body of the council and the audit, risk and improvement committee, delegate their functions in relation to the oversight of the council's internal audit function to another role in the council that is sufficiently senior to ensure the internal audit function meets its responsibilities.

In making a delegation, consideration should be given to how the delegation will influence the internal audit function's ability to achieve the internal audit charter considering the:

- seniority and expertise of the delegate and demands placed on them by their other roles and responsibilities in the council
- support available to the delegate to successfully execute their delegation in relation to internal audit
- complexity of the council's core business

- risk profile of the council
- expectations of stakeholders, and
- likely demands placed on the internal audit function.

Role of the audit, risk and improvement committee

Under the Local Government Regulation (sections 216M, 216P and 216R), the audit, risk and improvement committee exercises functional oversight of a council's internal audit function to ensure it operates independently from the council.

This means that the audit, risk and improvement committee is responsible for:

- assisting the governing body to identify the resources necessary for the effective functioning of the internal audit function
- setting the annual and four-year strategic work plans for the internal audit function, including the audits that will be completed
- assessing the findings and recommendations of completed audits and providing the committee's advice and opinion on issues raised to the general manager and governing body of the council
- developing the internal audit charter that will guide the work of the internal audit function and how it operates, and
- reviewing the performance of the internal audit function.

Structure

Each council will have different internal audit requirements depending on the council's size, needs, budget and operational complexity and can either:

- establish an internal audit function for their own exclusive use, or
- share their internal audit function with another council, county council or joint organisation.

For cost and administrative efficiency, councils may also:

- establish an in-house internal audit function comprising of council staff (supplemented with contractors as may be required), and/or
- outsource their internal audit function to an external provider/s – for example, a private sector accounting firm, internal audit firm, internal audit contractor etc.

These options will assist councils, county councils and joint organisations:

- to establish their internal audit function in the most cost-effective way
- to source expert internal audit personnel in locations where it may be difficult to recruit staff with the necessary skill set
- to access a larger resource pool than would be available to a single council, and
- create efficiencies through common systems, shared knowledge and internal audit tools.

When deciding the most appropriate way to structure a council's internal audit function, the general manager should consider the viability and capacity of a shared internal audit function to achieve the council's internal audit charter given the:

- size of the council in terms of both staffing levels and budget
- geographical and functional distribution of the council's operations
- complexity of the council's core business
- risk profile of the council
- expectations of stakeholders, and
- likely demands placed on the internal audit function by other councils in the shared arrangement.

Whatever structure is adopted, the council's internal audit coordinator must:



- **be a council employee and cannot be outsourced, other than through a shared arrangement with another council, and**
- **meet the eligibility and independence criteria for the position.**

This is to ensure that the council retains strategic control of the internal audit function and can actively monitor its performance.

County councils

County councils may enter into a shared arrangement with one of their constituent councils or another council.

Joint organisations

Joint organisations that do not host a shared internal audit function for the use of their member councils can enter into a shared arrangement with a member council or, if this is not possible, with another council or joint organisation.

- specialist skills may not be available in-house
- reduced flexibility, and
- the need to provide council facilities and office space for internal audit personnel.

Councils that establish an in-house internal audit function are not limited to employing staff members and can supplement the internal audit team's work with audits undertaken by external providers where necessary.

Metropolitan and larger regional councils are encouraged to establish an in-house internal audit function given their:

- significant assets
- higher risk profiles
- higher levels of expenditure, and
- more complex transactions and operations.

In-house internal audit function

An in-house internal audit function is one where internal auditors and other staff (where required) are employed by the council to conduct the internal audits and other activities in the audit, risk and improvement committee's annual and four-year strategic work plans.

The advantages of establishing an in-house internal audit function may include:

- council retaining ownership of internal audit information
- confidentiality of sensitive information contained in audits
- stronger direction and oversight by the council of the internal audit function with more direct control over the quality of audits conducted
- internal auditors having council-specific knowledge and experience that delivers better audit results
- greater agility to respond quickly to emerging issues, and
- the retention of corporate knowledge within the council.

Disadvantages may include:

- challenges attracting and retaining suitable staff

Coordinator of an in-house internal audit function

Each council's internal audit function must be led by a staff member with sufficient skills, knowledge, experience and integrity to ensure it undertakes its role appropriately, fulfils its responsibilities to the audit, risk and improvement committee and makes a valuable contribution to the council.

The coordinator of an in-house internal audit function (described as the 'chief audit executive' in the International Professional Practices Framework) also needs to report to the general manager or a sufficiently senior role in the council that ensures the internal audit function fulfils its responsibilities.

For some councils with larger budgets and higher risks, the coordinator of an in-house internal audit function will require the support of a dedicated internal audit team to fulfil the internal audit charter.

For other smaller councils, their size and risk profile may not justify additional internal audit staff and the internal audit coordinator will be sufficient.

The internal audit coordinator may also have other council responsibilities outside of internal audit.

Role and responsibilities

For all in-house internal audit functions, regardless of size, the key responsibilities of the internal audit coordinator include:

- managing the day-to-day activities of the council's internal audit activities to ensure they add value to council
- managing the council's internal audit budget
- supporting the operation of the audit, risk and improvement committee
- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the audit, risk and improvement committee
- monitoring the council's implementation of corrective actions that arise from the findings of audits
- fulfilling the committee's annual and four-year strategic work plans
- ensuring the council's internal audit activities comply with the Local Government Regulation and these Guidelines
- managing internal audit personnel and ensuring that they have the skills necessary to fulfil the role and responsibilities of the internal audit function (where appropriate), and
- contract management and oversight of supplementary external providers (where appropriate).

Eligibility criteria

To fulfil these responsibilities, the internal audit coordinator:

- must be a council employee and cannot be outsourced, other than through a shared arrangement with another council – this is to ensure that the council retains strategic control of the internal audit function and is able to actively monitor the performance of the internal audit function
- must be independent, impartial, unbiased and objective when performing their work and free from conflicts of interest

→ should possess the following skills, knowledge and experience to effectively carry out their role:

- the credibility to ensure they can negotiate on a reasonably equal footing with the general manager (or their delegate), governing body and audit, risk and improvement committee
- the skills, knowledge and personal qualities necessary to lead credible and accepted internal audit activities in the council
- strong experience overseeing internal audit
- appropriate qualifications and professional certifications, and
- local government experience (preferred).

The internal audit coordinator must also operate and conduct the internal audit activities in accordance with the International Professional Practices Framework, including its Code of Ethics.

As a council employee, the internal audit coordinator must comply with all relevant council policies and procedures, including the council's code of conduct.

Independence

It is important that the coordinator of an in-house internal audit function has the functional independence necessary to independently assess and report on the way the council operates.

As a safeguard, the Local Government Regulation (section 216P(3)) requires the general manager to consult with the chairperson of the audit, risk and improvement committee on any decisions affecting the employment of the internal audit coordinator (including disciplinary measures).

Where the chairperson of the audit, risk and improvement committee has any concerns about the treatment of the internal audit coordinator, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body of the council.

The internal audit coordinator should confirm at least annually to the audit, risk and improvement committee the independence of internal audit activities from the council.

Access to council staff and information

All internal audit personnel, including the coordinator of an in-house internal audit function have direct and unrestricted access to council staff, the audit risk and improvement committee and council information and resources necessary to undertake their role and responsibilities.



All council staff and contractors should have unrestricted access to the internal audit coordinator to allow them to alert them to emerging risks or internal audit related issues.

Internal audit team

Any other staff members appointed to council's in-house internal audit function report directly to the internal audit coordinator.

As council employees, internal audit staff must comply with all relevant council policies and procedures including the council's code of conduct.

In-house internal auditors must also conduct internal audit activities in accordance with the International Professional Practices Framework.

Internal audit should be performed by professionals with an appropriate level of understanding of the council's culture, systems and processes to provide assurance that the internal controls in place are sufficient to mitigate risk, that governance processes are adequate, and that organisational goals and objectives are met.

In-house internal auditors should therefore possess the following skills, knowledge and experience to effectively carry out their role:

- the skills, knowledge and experience necessary to conduct internal audit activities in the council – for example:
 - accounting

- finance
- economics
- governance
- management
- law
- taxation
- fraud and corruption
- IT

- effective interpersonal and communication skills to ensure they can engage with council staff effectively and collaboratively
- honesty, integrity and due diligence, and
- appropriate qualifications and professional certifications.

Local government experience or expertise is also strongly preferred.

Dual responsibilities

To ensure the internal audit function's independence and objectivity, it is best practice that the coordinator of an in-house internal audit function and any other members of an in-house internal audit team have no other council responsibilities other than internal audit.

However, it is recognised that some councils may find it difficult to employ a stand-alone coordinator of an in-house internal audit function or other supporting internal auditors because of the cost involved, or because the council's location, size and risk profile may not warrant stand-alone employees.

Councils can combine the role of the internal audit coordinator and/or members of the internal audit team with other responsibilities provided there are adequate safeguards put in place by the council to limit any real or perceived bias or conflicts of interest that may lead to faulty decision-making and cognitive bias.

An internal audit role must not be combined with the role of the general manager, chief financial officer or risk management function as it will create conflicts of interest that cannot be resolved.

Councils can also share their internal audit coordinator with another council, county council or joint organisation as part of a shared arrangement.

Depending on the specific needs and circumstances of the council, safeguards could include:

- any potential issues or conflicts of interest arising from a dual role being formally documented in the council's internal audit charter
- the audit, risk and improvement committee, or another suitably qualified and independent party, reviewing internal audit briefs, findings and recommendations before they are finalised where they concern any key risks overseen by the internal audit coordinator or internal audit team member in another role
- the internal audit coordinator or an internal audit team member not having responsibility for managing any risks or implementing any audit recommendations or corrective actions in their other role/s, and/or
- the audit, risk and improvement committee including an assessment of the independence and objectivity (for internal audit purposes) of the internal audit coordinator or any internal audit team members exercising a dual role in their annual assessment report to the governing body.

The endorsement of the governing body, in consultation with the audit, risk and improvement committee should also be sought for any combined roles.

Where the internal audit coordinator has a dual role in a council, they are to remain independent and report functionally to the audit, risk and improvement committee on their internal audit responsibilities.

For other council responsibilities, the internal audit coordinator reports functionally through normal council reporting lines to the general manager.

Outsourced internal audit function

Where a council outsources its internal audit function, the internal audits programmed by the audit, risk and improvement committee are undertaken by an external provider such as an internal audit or accounting firm, or an individual practitioner.

Contract management is overseen by an employee within the council.

The advantages of using external providers for internal audit activities may include:

- flexibility
- access to a wide range of expertise and experience that the council may not otherwise have in-house
- provides a window to better practice methods for smaller councils they may otherwise find difficult to access
- the ability to purchase services as and when required
- can increase internal audit's independence from the council
- overcoming challenges recruiting a dedicated internal audit coordinator and internal audit staff, and
- potential to negotiate lower fee-for-service costs.

Disadvantages may include:

- increased costs
- potential loss of corporate knowledge from the council
- difficulty building and maintaining professional relationships between council management and external contractors
- reduced oversight and control of internal audit activities
- additional in-house staff time required to source and manage external providers and contracts
- the external provider lacking council-specific knowledge
- internal audit coordinator is unlikely to be audit trained and may not have the knowledge to ensure audit quality is maintained, and

- potential confidentiality breaches.

Given their size, resources, geographical isolation and risk profiles, rural and smaller regional councils are encouraged, at a minimum, to establish an outsourced internal audit function.

Coordinator of an outsourced internal audit function

Compared to the coordinator of an in-house internal audit function which directly conducts or supervises internal audits and provides opinions and recommendations to the audit, risk and improvement committee, the coordinator of an outsourced internal audit function will, in practice, primarily be a coordination and administrative role.

The key responsibilities of any council staff member assigned responsibility for leading an outsourced internal audit function include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the audit, risk and improvement committee's annual and four-year strategic work plans
- forwarding audit reports by the external provider to the audit, risk and improvement committee
- acting as a liaison between the external provider and the audit, risk and improvement committee
- monitoring the council's implementation of corrective actions that arise from the findings of audits and reporting progress to the audit, risk and improvement committee, and
- assisting the audit, risk and improvement committee to ensure the council's internal audit activities comply with the Local Government Regulation and these Guidelines.

To fulfil these responsibilities, the coordinator of an outsourced internal audit function:

- reports functionally to the audit, risk and improvement committee
- must be free from conflicts of interest

- must be a council employee and cannot be outsourced, other than through a shared arrangement with another council, county council or joint organisation – this is to ensure that the council retains control of the internal audit function and is able to actively monitor the performance of the external provider

- should possess the following skills, knowledge and experience to effectively carry out their role:

- a good understanding of the work of audit, risk and improvement committees and internal audit, and
- the skills, knowledge and personal qualities necessary to manage the council's contract with the external provider and liaise between the external provider and the audit, risk and improvement committee.

As a council employee, the coordinator of an outsourced internal audit function must comply with all relevant council policies and procedures, including the council's code of conduct.

Dual responsibilities

The coordinator of an outsourced internal audit function can be assigned other roles and responsibilities in the council.

Where the coordinator of an outsourced internal audit function has a dual role in a council, they are to remain independent and report functionally to the audit, risk and improvement committee in relation to their internal audit responsibilities.

For other council responsibilities, the coordinator of an outsourced internal audit function reports functionally through normal council reporting lines to the general manager.

Councils can combine the coordinator of an outsourced internal audit function's role with other responsibilities provided there are adequate safeguards put in place by the council to limit any real or perceived bias or conflicts of interest.

Depending on the specific needs and circumstances of the council, safeguards could include:

- any potential issues or conflicts of interest arising from a dual role being formally documented in the council's internal audit charter
- the audit, risk and improvement committee endorsing the dual roles
- the coordinator of the outsourced internal audit function not having responsibility for managing any risks or implementing any audit recommendations or corrective actions in their other role/s, and/or
- the committee including an assessment of the independence and objectivity (for internal audit purposes) of the coordinator of the outsourced internal audit function in their annual assessment report to the governing body.

External provider/s

It is important that any external provider engaged by a council is independent and can objectively assess and report on the way council operates.

To ensure the independence of an external provider, the coordinator of an outsourced internal audit function must ensure the external provider:

- does not conduct any audits on specific council operations or areas that they have worked on within the last two years
- is not the same auditor conducting the council's external audit
- is not the auditor of any contractors of the council that may be subject to the internal audit, and
- can satisfy the requirements in these Guidelines relating to internal audit.

The coordinator of the outsourced internal audit function must also consult with the audit, risk and improvement committee and general manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the council.

Chairperson of the audit, risk and improvement committee

The chairperson of an audit, risk and improvement committee overseeing an outsourced internal audit function is likely to have greater responsibilities than a chairperson overseeing an in-house internal audit function. Because the coordinator of an outsourced internal audit function is largely a coordination/administrative role, the chairperson and members of the audit, risk and improvement committee will do much of the 'heavy lifting' and will be the primary source of advice on the findings and recommendations of audits conducted by the external provider and assurance to the council.

Councils that establish an outsourced internal audit function must ensure that their audit, risk and improvement committee has the capacity and capability to undertake this enhanced role.

Shared internal audit function

Councils can:

- share an internal audit function with another council or joint organisation as part of an independent shared arrangement
- utilise the internal audit function established by their joint organisation that is shared by member councils
- for county councils – share an internal audit function with a constituent council where possible, or with another council
- for joint organisations – share an internal audit function with a member council where possible or with another council or joint organisation.

Councils can establish an in-house or outsourced internal audit function as part of a shared arrangement.

A shared internal audit function must operate as a standalone internal audit function for each participating council in the shared

arrangement and satisfy the requirements of the Local Government Regulation and these Guidelines for each participating council.

A shared internal audit function should only be established and utilised where all participating councils can be confident that the shared function can deliver a high level of understanding and fulfilment of each council's internal audit needs and maintain effective working and reporting relationships with each participating council in the shared arrangement.

Councils that establish a shared internal audit function should develop and sign a formal agreement with the other councils in the shared arrangement that outlines how the shared arrangement will operate and how costs will be shared.

Implementation

Given the administrative complexity of an internal audit function shared between and reporting to different councils, the following arrangements are recommended:

- the internal audit function is hosted by one of the councils, county councils or joint organisations in the shared arrangement
- the internal audit coordinator and any other internal audit team members are employees of the host council
- the internal audit coordinator reports administratively to the general manager (or their delegate) of the host council, and
- the general manager of the host council can only appoint or dismiss the internal audit coordinator in consultation with the general managers and audit, risk and improvement committees of each participating council.

For internal audit functions established by joint organisations and shared between member councils it is recommended that:

- the internal audit function is physically located at the offices of the joint organisation or a member council
- the internal audit coordinator reports administratively to the executive officer of the joint organisation

- the internal audit coordinator and any internal audit staff are employees of the joint organisation, and
- the executive officer of the joint organisation can only appoint or dismiss the internal audit coordinator in consultation with the general managers and audit, risk and improvement committees of each member council.

Coordinator of a shared internal audit function

In-house function

The coordinator of a shared in-house internal audit function needs to be able to:

- liaise with the governing body and general manager of each participating council about that council's internal audit activities
- implement the annual and four-year strategic work plans for each council
- conduct or oversee the individual audits of each council and monitor the implementation of corrective actions
- manage any contractual arrangements with external providers on behalf of each council (where required)
- attend the audit, risk and improvement committee meetings of each respective council on behalf of that council, and
- maintain separate and confidential information for each council.

Outsourced function

The coordinator of a shared outsourced internal audit function needs to be able to:

- manage contracts with external providers on behalf of all councils in the shared arrangement
- liaise with the audit, risk and improvement committee and general manager of each council
- coordinate the completion of audits by the external provider in line with each council's annual and four-year strategic work plans
- provide audit reports by the external provider to the relevant audit, risk and

- improvement committee and general manager and coordinate council responses
- monitor implementation by each council of corrective actions arising from the findings of audits and report progress to the audit, risk and improvement committee
 - assist each council's audit, risk and improvement committee to ensure the council's internal audit activities comply with the Local Government Regulation and these Guidelines, and
 - maintain separate and confidential information for each council.

Work plans

The work of each council's internal audit function will be guided by the four-year strategic work plan and annual work plan developed by the audit, risk and improvement committee (see core requirement 1).



Performing internal audits

It is essential that a council's internal audit function performs the council's internal audits to a high and consistent standard and that the findings and recommendations that arise from audits can be relied upon by the audit, risk and improvement committee and the council.

Each council's internal audits must be performed in accordance with the requirements of the International Professional Practices Framework.



The internal audit tools, techniques and methodologies used by the internal audit function must be approved by the audit, risk and improvement committee.

Where risk information or ratings are used during the internal audit process, they must be

developed and applied consistently with the current Australian risk management standard.

Audit reports

The internal audit coordinator must report the findings and recommendations of internal audits to the audit, risk and improvement committee when they are finalised.

The audit, risk and improvement committee will determine whether audit reports should be distributed to committee members out-of-session as they are completed, or at each quarterly meeting of the committee.

Each internal audit report must reflect the requirements of the International Professional Practices Framework.

This includes:

- necessary background information, including the objective and scope of the audit
- the audit processes and methodology used
- findings and recommendations based on the audit's objectives, prioritised according to their level of risk
- recommended remedial actions to address problems identified which have been prioritised according to risk, and
- a response or action plan from the general manager and/or responsible senior managers of the council.

Before reports are finalised, the internal audit coordinator must provide a draft of each report to the responsible senior manager/s for comment so that a response to each recommendation from each relevant business unit is included in the final report submitted to the audit, risk and improvement committee.

Timeframes for management responses to internal audit recommendations are to be agreed between the general manager and the internal audit coordinator and chairperson of the audit, risk and improvement committee.

Responsible senior managers may reject recommended corrective action/s on reasonable grounds but should discuss their position with the internal audit coordinator or the chairperson of the audit, risk and improvement committee before finalising the

council's position with the general manager. Reasons for rejecting the recommendation/s must be included in the final audit report.

For the recommendations that are accepted, responsible senior managers are required to ensure that:

- an action plan is prepared for each recommendation that assigns responsibility for implementation to a council staff member/s and timeframes for implementation
- all corrective actions are implemented within proposed timeframes, and
- the internal audit coordinator is provided regular updates in relation to the implementation of the internal audit action plan.

Where corrective actions are not implemented within agreed timeframes, the audit, risk and improvement committee can invite the responsible senior manager to explain why implementation has not occurred and how the resulting risk is being addressed in the interim.

The audit, risk and improvement committee can raise any concerns it may have about the council's response to internal audit reports with the general manager and in the committee's quarterly report to the governing body so that they are aware of the risks posed to the council.

Ongoing monitoring

The internal audit coordinator should establish an ongoing monitoring system to track the internal audits undertaken for the council and follow-up the council's progress in implementing corrective actions.

Key risks or emerging issues must be reported to the audit, risk and improvement committee and general manager to ensure they can be rectified quickly before their consequences escalate.

The audit, risk and improvement committee can raise any concerns it has that may arise between meetings with the governing body via an additional report where needed. The chairperson of the committee can also request to meet with the mayor.

This will ensure that the governing body is kept informed of significant emerging risks posed to the council.

Policies and procedures

The general manager, in consultation with the audit, risk and improvement committee, must develop and maintain policies and procedures to guide the operation of the council's internal audit function and the performance of internal audits.

These policies and procedures could include:

- the structure and resourcing of the internal audit function
- how internal audits will be conducted, reported, implemented and monitored
- audit methodology
- timeframes for reporting and the council's response to recommendations
- how any internal audit-related disputes are to be resolved
- the internal audit function's access to council staff, resources and information
- how the performance of the internal audit function will be reviewed
- communication between the audit, risk and improvement committee and internal audit function, and the internal audit function and the general manager, and
- information management including document retention, security and access to audit reports.

Providing advice to the audit, risk and improvement committee

Ongoing reporting to the audit, risk and improvement committee is essential to ensure that the committee is kept informed of matters considered by the internal audit function and any emerging issues that may require reporting to the governing body or general manager.

Quarterly updates

The internal audit coordinator is to ensure that the audit, risk and improvement committee is advised at each of the committee's quarterly meetings of

- the internal audits completed during that quarter
- progress in implementing the annual work plan, and
- progress made implementing corrective actions arising from any past internal audits.

The way this information is communicated is to be decided by the audit, risk and improvement committee in consultation with the internal audit coordinator.

Ongoing advice

The internal audit coordinator can meet with the chairperson of the audit, risk and improvement committee at any time, as necessary, between committee meetings.

This is particularly important to ensure that any urgent or emerging issues identified by the internal audit function can be quickly reported to the audit, risk and improvement committee for consideration and action before their consequences escalate.

Internal audit documents

Internal audit documentation includes any information or documents produced or obtained by a council's internal audit function that relates to the internal audit activities of the council.

All internal audit documents:

- are for internal use only, subject to the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act)
- are to remain the property of the audited council, including where internal audit services are performed by an external

provider – all rights reside with the audited council

- must be documented, retained and controlled in accordance with the International Professional Practices Framework and council policies
- can be accessed by the audit, risk and improvement committee and external auditor without restriction
- can be accessed by the governing body by resolution, subject to the approval of the chairperson of the audit, risk and improvement committee (any disputes can be referred to the Office of Local Government for resolution)
- subject to the GIPA Act, can only be released to an external party with the approval of the general manager and the chairperson of the audit, risk and improvement committee, except where the information is being provided to an external oversight or investigative body for the purposes of informing that agency of a matter that may warrant its attention.

Any internal audit documentation provided to any individual, including members of the governing body, should be treated as strictly confidential.

The chairperson of the audit, risk and improvement committee may refuse to provide access to internal audit documents or information to anyone who has previously released such information without authorisation.

Review of internal audit function performance

It is important that the work of each council's internal audit function is regularly assessed, and that internal auditors are accountable for their performance.

This will ensure that the internal audit function is making a valuable contribution to the council and allows the audit, risk and improvement committee and the council to understand how the council is performing in

relation to the matters listed in section 428A of the Local Government Act.

It will also ensure that the audit, risk and improvement committee and council can determine whether any changes to the internal audit function are required.

Annual assessment

The audit, risk and improvement committee must review the performance of the internal audit function each year and report its findings to the governing body as part of the committee's annual assessment.

The annual assessment is to ensure that any concerns regarding the operation of the internal audit function and compliance with the International Professional Practices Framework can be dealt with before they are identified in the four-yearly strategic review, by which time their consequences may have escalated.

An annual assessment will also encourage continuous improvement of the council's internal audit activities.

The audit, risk and improvement committee is to determine the nature of this assessment. It could be conducted, for example, via a self-assessment performed by the internal audit coordinator.

More information about the audit, risk and improvement committee's annual assessments is provided under core requirement 1.

Four-yearly strategic assessment

A council's audit, risk and improvement committee is to provide an assessment of the effectiveness of the council's internal audit function to the general manager and governing body in each term of the council, as part of the committee's four-yearly strategic assessment.



This assessment is to occur regardless of whether the council has established an in-house or outsourced internal audit function, as the assessment focuses on how the council has implemented its internal audit function.

As part of the audit, risk and improvement committee's assessment of the council's internal audit function, it should consider:

- the views of an independent external party with strong knowledge of internal audit operation
- the independence of the internal audit function
- whether resourcing is sufficient
- whether the internal audit function complies with the Local Government Regulation and these Guidelines and the International Professional Practices Framework
- the appropriateness of annual and strategic work plans based on the risks facing the council
- progress against key performance indicators
- whether the internal audit function adds value and delivers outcomes for the council, and
- the appropriateness of the internal audit charter.

To ensure the views of the external party consulted are robust, the external party should have:

- strong skills, knowledge and expertise in internal audit
- a working knowledge of the International Professional Practices Framework, and
- no conflicts of interest that may result in bias or a lack of objectivity.

The audit, risk and improvement committee, in consultation with the general manager, is to develop an action plan for the governing body to address any issues identified by the committee in relation to the performance of the internal audit function.

The audit, risk and improvement committee's strategic assessment and action plan is to be discussed with the governing body and general manager at the strategic assurance meeting held each council term.

More information about the audit, risk and improvement committee's strategic assessment is provided under core requirement 1.

Reporting concerns about councillors or council staff

Given the nature of internal audit, there may be times when the internal audit function identifies concerns about the conduct of council staff.

Where the internal audit coordinator has concerns regarding a staff member, they can:

- raise their concerns with the chairperson of the audit, risk and improvement committee (if it relates to the effectiveness of the internal audit function)
- report breaches of the council's code of conduct to the general manager, or by the general manager to the mayor, as required by the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
- report their concerns through the council's internal reporting policy, complaints handling policy or other associated protocols, and/or
- make a public interest disclosure under the *Public Interest Disclosures Act 2022* to the:
 - Independent Commission Against Corruption (concerning corrupt conduct)
 - NSW Ombudsman (concerning maladministration)
 - NSW Auditor General (concerning serious and substantial waste of public money)
 - Office of Local Government (concerning serious and substantial waste in local government and breaches of pecuniary interest obligations), and/or
 - Information and Privacy Commissioner (concerning government information contraventions).

Annual attestation

Commencing with the 2024-2025 annual report, the general manager will be required under the Local Government Regulation to attest each year in the council's annual report whether the council has complied with the requirements prescribed under the Regulation in relation to its internal audit function.

A template for the attestation is provided in Appendix 1 of these Guidelines.

Further resources

The following resources may be useful to councils seeking more information about the establishment and operation of their internal audit function.

This is not an exhaustive list but provides a useful starting point for councils seeking to better understand internal audit, how it can be used by councils to improve performance, and practical tools, examples and templates to adapt for their own use.

[International Professional Practices Framework \(mandatory guidance\)](#) – Institute of Internal Auditors (2017)

Outlines the mandatory requirements for undertaking internal auditing under the International Professional Practices Framework.

Consists of four parts:

- Core Principles for the Professional Practice of Internal Auditing
- Definition of Internal Auditing
- Code of Ethics, and
- International Standards for the Professional Practice of Internal Auditing

[International Professional Practices Framework \(recommended guidance\)](#) – Institute of Internal Auditors (2017)

Provides detailed guidance on how to implement the International Professional Practice Framework.

Consists of two parts:

- Implementation Guide – assists an internal audit function to apply the standards and understand how compliance will be measured by the audit, risk and improvement committee, and

- Supplemental Guide (Practice Guides) – provides detailed processes and procedures for the internal audit function.

[How can audit committee members add value?](#) – PriceWaterhouseCoopers (2011)

Provides a checklist for measuring the performance of an internal audit function.

[Internal Audit in Australia](#) – Institute of Internal Auditors Australia (2016)

Provides an overview of the role of internal audit and the internal audit function, including:

- the different types of work plans that can be used to guide internal audit activity
- the skills, knowledge, experience and qualifications/certifications required of internal auditors
- performing, reporting and monitoring internal audits, and
- how to review the performance of an internal audit function, including performance measures that could be used

[Practice Guide – Talent Management: Recruiting, Developing, Motivating and Retaining Great Team Members](#) – Institute of Internal Auditors (2015)

Provides guidance on how to establish an effective internal audit team (for purchase from the Institute of Internal Auditors).

[Quality Assessment Manual for the Internal Audit Activity](#) – Institute of Internal Auditors (2017)

Outlines how the performance of council's internal audit function can be assessed both internally and externally against the International Professional Practices Framework.

Implementation

Under the Local Government Act, all councils and joint organisations are required to have appointed an audit, risk and improvement committee by **4 June 2022**.

Councils and joint organisations have until **1 July 2024**, to comply with the requirements prescribed under the Local Government Regulation.

Audit, risk and improvement committees

New committees

Councils and joint organisations are required under section 428A of the Local Government Act to appoint an audit, risk and improvement committee by **4 June 2022**.

Councils and joint organisations that do not have an audit, risk and improvement committee must take immediate steps to appoint a committee or to enter into an arrangement with another council or joint organisation to share a committee.

Existing committees

Councils and joint organisations that already have an audit, risk and improvement committee will already comply with the requirement under the Local Government Act to appoint a committee.

Transitional arrangements

Councils and joint organisations with existing committees have until **1 July 2024** to ensure the membership and operations of their committee comply with the requirements prescribed under the Local Government Regulation.

Risk management framework

Councils and joint organisations have until **1 July 2024** to establish a risk management framework.

Internal audit function

Councils and joint organisations have until **1 July 2024** to establish an internal audit function and to ensure it complies with Local Government Regulation.

Attestation

Commencing with the **2024-2025 annual report**, general managers of councils and executive officers of joint organisations are required to publish an attestation statement each year in the annual report indicating whether, during the preceding financial year, the council's or joint organisation's audit, risk and improvement committee, risk management framework and internal audit function complied with the requirements prescribed in the Local Government Regulation. A template for the attestation statement is provided in Appendix 1 of these Guidelines.

Appendices

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Appendix 1:

Attestation template

Internal audit and risk management attestation statement for the [years] financial year for [council/joint organisation]

I am of the opinion that [council/joint organisation] has an audit, risk and improvement committee, risk management framework and internal audit function that operate in compliance with the following requirements except as may be otherwise provided below:

Audit, risk and improvement committee

	Requirement	Compliance
1.	[Council/joint organisation] has appointed an audit, risk and improvement committee that comprises of an independent chairperson and at least two independent members (section 428A of the <i>Local Government Act 1993</i> , section 216C of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
2.	The chairperson and all members of [council's/joint organisation's] audit, risk and improvement committee meet the relevant independence and eligibility criteria prescribed under the <i>Local Government (General) Regulation 2021</i> and have not exceeded the membership term limits prescribed under the Regulation (sections 216D, 216E, 216F, 216G of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
3.	[Council/joint organisation] has adopted terms of reference for its audit, risk and improvement committee that are informed by the model terms of reference approved by the Departmental Chief Executive of the Office of Local Government and the committee operates in accordance with the terms of reference (section 216K of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
4.	[Council/joint organisation] provides the audit, risk and improvement committee with direct and unrestricted access to the [general manager/executive officer] and other senior management and the information and resources necessary to exercise its functions (section 216L of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
5.	[Council's/joint organisation's] audit, risk and improvement committee exercises its functions in accordance with a four-year strategic work plan that has been endorsed by the governing body and an annual work plan that has been developed in consultation with the governing body and senior management (Core requirement 1 of the Office of Local Government's <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>).	[compliant or non-compliant]
6.	[Council's/joint organisation's] audit, risk and improvement committee provides the governing body with an annual assessment each year,	[compliant or non-compliant -

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	and a strategic assessment each council term of the matters listed in section 428A of the <i>Local Government Act 1993</i> reviewed during that term (Core requirement 1 of the Office of Local Government's <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>).	include date of last strategic assessment provided]
7.	The governing body of [council/ joint organisation] reviews the effectiveness of the audit, risk and improvement committee at least once each council term (Core requirement 1 of the Office of Local Government's <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>).	[compliant or non-compliant - include date of last review]

Membership

The chairperson and membership of the audit, risk and improvement committee are:

Chairperson	[name]	[start term date]	[finish term date]
Independent member	[name]	[start term date]	[finish term date]
Independent member	[name]	[start term date]	[finish term date]
[Councillor/board] member ¹	[name]	[start term date]	[finish term date]

Risk Management

	Requirement	Compliance
8.	[Council/joint organisation] has adopted a risk management framework that is consistent with current Australian risk management standard and that is appropriate for the [council's/joint organisation's] risks (section 216S of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
9.	[Council's/joint organisation's] audit, risk and improvement committee reviews the implementation of its risk management framework and provides a strategic assessment of its effectiveness to the governing body each council term (section 216S of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant - include date of last strategic assessment provided]

Internal Audit

	Requirement	Compliance
10.	[Council/joint organisation] has an internal audit function that reviews the council's operations and risk management and control activities (section 216O of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
11.	[Council's/joint organisation's] internal audit function reports to the audit, risk and improvement committee on internal audit matters (sections 216M, 216P and 216R of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
12.	[Council's/joint organisation's] internal audit function is independent and internal audit activities are not subject to direction by the [council/joint	[compliant or non-compliant]

	Requirement	Compliance
	organisation] (section 216P of the <i>Local Government (General) Regulation 2021</i>).	
13.	[Council/joint organisation] has adopted an internal audit charter that is informed by the model internal audit charter approved by the Departmental Chief Executive of the Office of Local Government and the internal audit function operates in accordance with the charter (section 216O of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
14.	[Council/joint organisation] has appointed a member of staff to direct and coordinate internal audit activities or is part of a shared arrangement where a participating [council/joint organisation] has appointed a staff member to direct and coordinate internal audit activities for all participating councils (section 216P of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
15.	Internal audit activities are conducted in accordance with the International Professional Practices Framework (Core requirement 3 of the Office of Local Government's <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>).	[compliant or non-compliant]
16.	[Council/joint organisation] provides the internal audit function with direct and unrestricted access to staff, the audit, risk and improvement committee, and the information and resources necessary to undertake internal audit activities (section 216P of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant]
17.	[Council's/joint organisation's] internal audit function undertakes internal audit activities in accordance with a four-year strategic work plan that has been endorsed by the governing body and an annual work plan that has been developed in consultation with the governing body and senior management (Core requirement 3 of the Office of Local Government's <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i>).	[compliant or non-compliant]
18.	[Council's/joint organisation's] audit, risk and improvement committee reviews the effectiveness of the internal audit function and reports the outcome of the review to the governing body each council term (section 216R of the <i>Local Government (General) Regulation 2021</i>).	[compliant or non-compliant - include date of last strategic assessment provided]

Non-compliance with the *Local Government (General) Regulation 2021*

I advise that [council/joint organisation] has not complied with the following requirements prescribed under the *Local Government (General) Regulation 2021* with respect to the operation of its [audit, risk and improvement committee/risk management/internal audit processes] (omit where relevant):

Non-compliance	Reason	Alternative measures being implemented	How the alternative measures achieve equivalent outcomes
[requirement]	[description of: <ul style="list-style-type: none"> why compliance was unreasonable, or how compliance would have had a significant impact on the council's budget, and what attempts were made to enter into an agreement with another council or joint organisation to ensure compliance] 	[description of the alternative arrangement to ensure an equivalent outcome to the requirement]	[description of how the alternative measure will achieve an equivalent outcome]

These processes, including the alternative measures implemented, demonstrate that [council/joint organisation] has established and maintained frameworks, systems, processes and procedures for appropriately managing audit and risk within [council/joint organisation].

[signed]

[name and position]

[date]

Appendix 2:

Audit, risk and improvement committee – role and responsibilities

Under section 428A of the Local Government Act, each council (including county councils and joint organisations) must have an audit, risk and improvement committee to independently review and provide advice to the council regarding the following aspects of the council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the council, and
- any other matters prescribed by the regulation (i.e. internal audit).

The committee must also provide information to the council for the purpose of improving the council's performance of its functions.

The audit, risk and improvement committee and the council are to agree on the specific activities the committee is to review based on the council's needs, risks and business functions.

The following is a list of activities audit, risk and improvement committees and councils should consider as part of the committee's 'audit', 'risk' and 'improvement' roles based on the requirements of section 428A of the Local Government Act.

This is not an exhaustive list and audit, risk and improvement committees and councils are encouraged to carefully consider the council's business operations, service delivery, financial management processes, internal audit function, external accountability requirements, risk management framework, governance arrangements and integrated planning and reporting framework to maximise the advice and assistance the committee can provide to the council.

Audit

Internal audit

Section 428A(2)(i) of the Local Government Act

Principle

The council has an effective internal audit function and receives maximum value from its internal audit activities.

Committee's role

- Provide overall strategic oversight of internal audit activities.
- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit.
- Coordinate as far as is practicable, the work programs of internal audit and other assurance and review functions.
- Advise the general manager and governing body of the council:
 - whether the council is providing the resources necessary to successfully deliver the internal audit function
 - if the council is complying with internal audit requirements, including compliance with the International Professional Practices Framework
 - if the council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the council's internal audit function
 - if the council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised

- of the implementation by the council of the corrective actions
- on the appointment of the internal audit coordinator and external providers, and
- if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.

External audit

Principle

The council receives maximum value from its external audit activities.

Committee's role

- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit.
- Coordinate as far as is practicable, the work programs of internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations.
- Provide advice to the governing body and/or general manager on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Compliance framework

Section 428A(2)(a) of the Local Government Act

Principle

The council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions.

Committee's role

Advise the general manager and governing body of the council of the adequacy and effectiveness of the council's compliance framework, including:

- if the council has appropriately considered legal and compliance risks as part of the council's risk management framework
- how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Risk management

Section 428A(2)(b) of the Local Government Act

Principle

The council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.

Committee's role

Advise the general manager and governing body of the council on the following:

Risk management framework

- whether the council is providing the resources necessary to successfully implement its risk management framework

- if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the council's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the council has taken steps to embed a culture that is committed to ethical and lawful behaviour
- if there is a positive risk culture within the council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the council's risk management approach impacts on the council's insurance arrangements
- of the effectiveness of the council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal control framework

- if the internal controls in place are appropriate for the risk the council faces
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the council's monitoring and review of controls, including policies and procedures, is sufficient, and

- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Fraud and corruption control framework

Section 428A(2)(c) of the Local Government Act

Principle

The council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption.

Committee's role

Advise the general manager and governing body of the council of the adequacy and effectiveness of the council's fraud and corruption prevention framework and activities, including whether the council has:

- a fraud and corruption policy
- clearly defined responsibilities for managing fraud and corruption
- risk-based preventative and detective controls
- policies, systems and processes to respond to, investigate and report suspected fraud and corruption
- employee awareness/education measures
- robust third-party management systems
- appropriate processes and systems in place to capture and effectively investigate fraud-related information
- regular review of the fraud and corruption control framework and reporting, and
- implemented applicable guidance and other better practice measures by the Independent Commission Against Corruption.

Financial management framework

Section 428A(2)(d) of the Local Government Act

Principle

The council has an effective financial management framework, sustainable financial position and positive financial performance.

Committee's role

Advise the general manager and governing body of the council on the following:

External accountability and financial reporting framework

- if the council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the council of the findings of external audits and performance audits and the council's responses and implementation of recommendations
- whether the council's financial statement preparation procedures and timelines are sound
- the accuracy of the council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the council's annual report is consistent with signed financial statements.

Financial management framework

- if the council's financial management processes are adequate

- the adequacy of cash management and credit card use policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases.

Financial position and performance

- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate.

Grants and tied funding policies and procedures

- if the council's grants and tied funding policies and procedures are sound.

Governance framework

Section 428A(2)(e) of the Local Government Act

Principle

The council has an effective governance framework to ensure it is appropriately directing and controlling the management of the council.

Committee's role

Advise the governing body and general manager if the council's governance framework is sound, including the council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities

- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Section 428A(2)(f) of the Local Government Act

Principle

The council has an effective framework that ensures it achieves its strategic plans and objectives under the integrated planning and reporting (IP&R) framework.

Committee's role

Advise the general manager and governing body of the council:

- of the adequacy and effectiveness of the council's IP&R processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Section 428A(2)(g) and section 428A(3) of the Local Government Act

Principle

The council has an effective framework to ensure it is delivering services and conducting its business and functions to an expected standard.

Committee's role

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW

government agencies, Commonwealth government agencies, insurance bodies).

- Advise the general manager and governing body of the council:
 - if the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the council can improve its service delivery and the council's performance of its business and functions generally.

Performance data and measurement

Section 428A(2)(h) of the Local Government Act

Principle

The council's performance management framework ensures the council can measure its performance and if it is achieving its strategic goals.

Committee's role

Advise the general manager and governing body of the council:

- if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- the performance indicators the council uses are effective, and
- of the adequacy of performance data collection and reporting.

Appendix 3:

Model terms of reference for audit, risk and improvement committees

Model terms of reference for local government audit, risk and improvement committees

[Council/joint organisation] has established an audit, risk and improvement committee in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

Objective

The objective of [council's/joint organisation's] audit, risk and improvement committee is to provide independent assurance to [council/joint organisation] by monitoring, reviewing and providing advice about the [council's/joint organisation's] governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide [council/joint organisation] with robust, objective and unbiased advice and assurance.

The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the [council/joint organisation]. The committee will provide independent advice to the [council/joint organisation] that is informed by the [council's/joint organisation's] internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from the [council's/joint organisation's] internal audit function and act as a mechanism for internal audit to report to the governing body and the [general manager/executive officer] on matters affecting the performance of the internal audit function.

Authority

[Council/joint organisation] authorises the committee, for the purposes of exercising its responsibilities, to:

- access any information it needs from the [council/joint organisation]
- use any [council/joint organisation] resources it needs
- have direct and unrestricted access to the [general manager/executive officer] and senior management of the [council/joint organisation]
- seek the [general manager's/executive officer's] permission to meet with any other [council/joint organisation] staff member or contractor
- discuss any matters with the external auditor or other external parties
- request the attendance of any employee at committee meetings, and
- obtain external legal or other professional advice in line with councils' procurement policies.
[Detail any prior approval needed or pre-determined budget for costs].

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Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release [council/joint organisation] information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the [general manager/executive officer], except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention. [amend if documentation is to be made available to the public].

Composition and tenure

The committee consists of an independent chairperson and [two] independent members who have voting rights and [one non-voting councillor/board member], as required under the *Local Government (General) Regulation 2021*.

The governing body is to appoint the chairperson and members of the committee. Current committee members are:

[name]	Independent chairperson (voting)
[name]	Independent member (voting)
[name]	Independent member (voting)
[name]	[Councillor/board] member (non-voting) (if applicable) [cannot be the mayor]

All committee members must meet the independence and eligibility criteria prescribed under the *Local Government (General) Regulation 2021*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chairperson of the committee. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee's knowledge of the [council/joint organisation], ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the *Local Government (General) Regulation 2021*.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the [council/joint organisation], the environment in which the [council/joint organisation] operates, and the contribution that the committee makes to the [council/joint organisation]. At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the [council's/joint organisation's] financial reporting responsibilities to be

able to contribute to the committee's consideration of the [council's/joint organisation's] annual financial statements.

[Add any relevant details about shared arrangements, if applicable].

Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the committee is to review and provide independent advice to the [council/joint organisation] regarding the following aspects of the [council's/joint organisation's] operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the [council/joint organisation], and
- internal audit.

The committee must also provide information to the [council/joint organisation] for the purpose of improving the [council's/joint organisation's] performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of the [council's/joint organisation's] internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the [council/joint organisation] rests with the governing body and the [general manager/executive officer].

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

Responsibilities of members

Independent members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement

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- act in the best interests of the [council/joint organisation]
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the [council/joint organisation]
- have strong leadership qualities (chairperson)
- lead effective committee meetings (chairperson), and
- oversee the [council's/joint organisation's] internal audit function (chairperson).

[Councillor/board] members (if applicable)

To preserve the independence of the committee, the [councillor/board] member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding the [council/joint organisation] and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the [council/joint organisation] that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The [councillor/board] member of the committee must conduct themselves in a non-partisan and professional manner. The [councillor/board] member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the [councillor/board] member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to the [council/joint organisation], that the [councillor/board] member be removed from membership of the committee. Where the [council/joint organisation] does not agree to the committee chairperson's recommendation, the [council/joint organisation] must give reasons for its decision in writing to the chairperson.

Conduct

Independent committee members are required to comply with the [council's/joint organisation's] code of conduct.

Complaints alleging breaches of the [council's/joint organisation's] code of conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The [general manager/executive officer] must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the [council's/joint organisation's] code of conduct.

Conflicts of interest

Once a year, committee members must provide written declarations to the [council/joint organisation] stating that they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of the [council's/joint organisation's] code of conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and [\[current Australian risk management standard\]](#), where applicable.

Work plans

The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

Assurance reporting

The committee must regularly report to the [\[council/joint organisation\]](#) to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of the [\[council/joint organisation\]](#) or the achievement of the [\[council's/joint organisation's\]](#) goals and objectives.

The committee will provide an update to the governing body and the [\[general manager/executive officer\]](#) of its activities and opinions after every committee meeting.

The committee will provide an annual assessment to the governing body and the [\[general manager/executive officer\]](#) on the committee's work and its opinion on how the [\[council/joint organisation\]](#) is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the [\[general manager/executive officer\]](#).

The committee may at any time report to the governing body or the [general manager/executive officer] on any other matter it deems of sufficient importance to warrant their attention. The [mayor/chairperson] and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual [councillors/board members] are not entitled to request or receive information from the committee.

Administrative arrangements

Meetings

The committee will meet at least [number (minimum of 4)] times per year, [including a special meeting to review the [council's/joint organisation's financial statements]].

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the [general manager/executive officer] or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

The [mayor/chairperson], [general manager/executive officer] and the [internal audit coordinator] should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request the [council's/joint organisation's] [chief finance officer or equivalent], [head of risk management function or equivalent], [senior managers or equivalent], any [councillors/board members], any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the [internal audit coordinator] and the [council's/joint organisation's] external auditor at least once each year.

Dispute resolution

Members of the committee and the [council's/joint organisation's] management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the [general manager/executive officer] or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Secretariat

The [general manager/executive officer] will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least [number] weeks before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within [agreed timeframe] of the meeting to each member.

Resignation and dismissal of members

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give [agreed timeframe] notice to the chairperson and the governing body prior to their resignation to allow the [council/joint organisation] to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a [councillor/board] member on the committee can be terminated at any time by the governing body by resolution.

Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Further information

For further information on [council's/joint organisation's] audit, risk and improvement committee, contact [name] on [email address] or by phone [phone number].

Reviewed by chairperson of the audit, risk and improvement committee

[signed]

[date]

Guidelines for Risk Management and Internal Audit for Local Government in NSW issued under section 23A of the *Local Government Act 1993*

Reviewed by [council/joint organisation] in accordance with a resolution of the governing body.

[signed]

[date]

[resolution reference]

Next review date: [date]

Schedule 1 – Audit, risk and improvement committee responsibilities

[Note: each council/joint organisation is to determine the responsibilities of its committee related to each matter listed in section 428A of the Local Government Act 1993 and list them in Schedule 1 to the committee's terms of reference. Suggested responsibilities are provided below and further detailed in core requirement 1 and Appendix 2 of these Guidelines.]

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, [general manager/executive officer], senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the [council/joint organisation]:
 - on whether the [council/joint organisation] is providing the resources necessary to successfully deliver the internal audit function
 - if the [council/joint organisation] is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the [council's/joint organisation's] internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the [council/joint organisation] are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the [council's/joint organisation's] internal audit function
 - if the [council's/joint organisation's] internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the [council/joint organisation] of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, [general manager/executive officer], senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or [general manager/executive officer] on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk management

Review and advise the [council/joint organisation]:

- if the [council's/joint organisation's] has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the [council/joint organisation] is providing the resources necessary to successfully implement its risk management framework
- whether the [council's/joint organisation's] risk management framework is adequate and effective for identifying and managing the risks the [council/joint organisation] faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the [council/joint organisation] and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the [council's/joint organisation's] risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the [council/joint organisation] has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the [council/joint organisation] and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the [council's/joint organisation's] risk management approach impacts on the [council's/joint organisation's] insurance arrangements
- of the effectiveness of the [council's/joint organisation's] management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the [council/joint organisation]:

- whether the [council's/joint organisation's] approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the [council/joint organisation] has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the [council's/joint organisation's] monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise the [council/joint organisation] of the adequacy and effectiveness of the [council's/joint organisation's] compliance framework, including:

- if the [council/joint organisation] has appropriately considered legal and compliance risks as part of the [council's/joint organisation's] risk management framework
- how the [council/joint organisation] manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the [council/joint organisation] of the adequacy and effectiveness of the [council's/joint organisation's] fraud and corruption prevention framework and activities, including whether the [council/joint organisation] has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the [council/joint organisation]:

- if the [council/joint organisation] is complying with accounting standards and external accountability requirements
- of the appropriateness of the [council's/joint organisation's] accounting policies and disclosures
- of the implications for the [council/joint organisation] of the findings of external audits and performance audits and the [council's/joint organisation's] responses and implementation of recommendations
- whether the [council's/joint organisation's] financial statement preparation procedures and timelines are sound
- the accuracy of the [council's/joint organisation's] annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the [council/joint organisation] to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the [council's/joint organisation's] annual report is consistent with signed financial statements
- if the [council's/joint organisation's] financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the [council/joint organisation] are adequate
- if the [council's/joint organisation's] grants and tied funding policies and procedures are sound.

Governance

Review and advise the [council/joint organisation] regarding its governance framework, including the [council's/joint organisation's]:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the [council/joint organisation]:

- of the adequacy and effectiveness of the [council's/joint organisation's] integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the [council/joint organisation] is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the [council/joint organisation]:
 - If the [council/joint organisation] has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the [council/joint organisation] can improve its service delivery and the [council's/joint organisation's] performance of its business and functions generally

Performance data and measurement

Review and advise the [council/joint organisation]:

- if the [council/joint organisation] has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the [council/joint organisation] uses are effective, and
- of the adequacy of performance data collection and reporting.

Appendix 4:

Example risk management policy

Example risk management policy

Purpose

The purpose of this policy is to express [council's/joint organisation's] commitment to implementing organisation-wide risk management principles, systems and processes that ensure the consistent, efficient and effective assessment of risk in all [council's/joint organisation's] planning, decision-making and operational processes.

Risk management framework

[Council/joint organisation] provides critical services and infrastructure to the residents, ratepayers and visitors to [area]. [Council/joint organisation] also has service agreements and contractual obligations with government and non-government agencies and organisations and has its own strategic goals and objectives that it seeks to achieve on behalf of the [area] community.

It is therefore incumbent on [council/joint organisation] to understand the internal and external risks that may impact the delivery of these services, contracts and strategic objectives and have processes in place to identify, mitigate, manage and monitor those risks to ensure the best outcome for [council's/joint organisation's], staff and the community. It is also our responsibility to ensure the efficient, effective and ethical use of resources and services by ratepayers, residents, staff and visitors.

[Council/joint organisation] has developed a risk management framework consistent with [Australian standard] to assist it to identify, treat, monitor and review all risks to its operations and strategic objectives and apply appropriate internal controls.

[Council/joint organisation] is committed to the principles, framework and process of managing risk as outlined in [Australian standard] and commits to fully integrating risk management within the [council/joint organisation] and applying it to all decision-making, functions, services and activities of the [council/joint organisation] in accordance with our statutory requirements.

Responsibilities

[Council/joint organisation] aims to create a positive risk management culture where risk management is integrated into all everyday activities and managing risks is an integral part of governance, good management practice and decision-making at [council/joint organisation]. It is the responsibility of every staff member and business area to observe and implement this policy and [council's/joint organisation's] risk management framework.

All staff are responsible for identifying and managing risk within their work areas. Key responsibilities include:

- being familiar with, and understanding, the principles of risk management
- complying with all policies, procedures and practices relating to risk management
- alerting management to risks that exist within their area, and
- performing any risk management activities assigned to them as part of their daily role.

Risk management is a core responsibility for all senior staff/management at [council/organisation]. In addition to their responsibilities as staff members, senior staff/management are responsible for:

- ensuring all staff manage their risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken
- encouraging openness and honesty in the reporting and escalation of risks
- ensuring all staff have the appropriate capability to perform their risk management roles
- reporting to the [general manager/executive officer] on the status of risks and controls, and
- identifying and communicating improvements in [council's/joint organisation's] risk management practices to [council's/joint organisation's] risk management function.

[Council's/joint organisation's] risk management function is available to support staff in undertaking their risk management activities.

To ensure [council/joint organisation] is effectively managing its risk and complying with its statutory obligations, [council's/joint organisation's] audit, risk and improvement committee and internal audit function is responsible for reviewing the [council's/joint organisation's]:

- risk management processes and procedures
- risk management strategies for major projects or undertakings
- control environment and insurance arrangements
- business continuity planning arrangements, and
- fraud control plan.

Monitoring and Review

[Council/joint organisation] is committed to continually improving its ability to manage risk. [Council/joint organisation] will review this policy and its risk management framework at least annually to ensure it continues to meet the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the [council's/joint organisation's] requirements.

Further information

For further information on [council's/joint organisation's] risk management policy, framework and process, contact [name] on [email address] or by phone [phone number].

[signed – General Manager/Executive officer]

[name]

[date]

[review date]

Appendix 5:

Model internal audit charter

Model internal audit charter for local government

[Council/joint organisation] has established the [name of internal audit function] as a key component of the [council's/joint organisation's] governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of the [name of internal audit function] in the [council/joint organisation] and has been approved by the governing body taking into account the advice of the [council's/joint organisation's] audit, risk and improvement committee.

Purpose of internal audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the [council's/joint organisation's] operations. It helps the [council/joint organisation] accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes¹.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, [general manager/executive officer] and audit, risk and improvement committee about the [council's/joint organisation's] governance processes, risk management and control frameworks and its external accountability obligations. It also assists the [council/joint organisation] to improve its business performance.

Independence

[Council's/joint organisation's] [name of internal audit function] is to be independent of the [council/joint organisation] so it can provide an unbiased assessment of the [council's/joint organisation's] operations and risk and control activities.

[Name of internal audit function] reports functionally to the [council's/joint organisation's] audit, risk and improvement committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the [general manager/executive officer] to facilitate day-to-day operations. Internal audit activities are not subject to direction by the [council/joint organisation] and the [council's/joint organisation's] management has no role in the exercise of the [council's/joint organisation's] internal audit activities.

The audit, risk and improvement committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual [councillors/board members] are not entitled to request or receive information from the committee.

¹ As defined by the International Standards for the Professional Practice of Internal Auditing (2017)

[Detail any delegations made by the general manager/executive officer regarding their internal audit responsibilities].

The [general manager/executive officer] must consult with the chairperson of the [council's/joint organisation's] audit, risk and improvement committee before appointing or making decisions affecting the employment of the [internal audit coordinator].

Where the chairperson of the [council's/joint organisation's] audit, risk and improvement committee has any concerns about the treatment of the [internal audit coordinator], or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The [internal audit coordinator] is to confirm at least annually to the audit, risk and improvement committee the independence of internal audit activities from the [council/joint organisation].

Authority

[Council/joint organisation] authorises the [name of internal audit function] to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the [internal audit coordinator] considers necessary for the [name of the internal audit function] to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The [internal audit coordinator] and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of [council/joint organisation], including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the [name of the internal audit function] are not to be made publicly available. The [name of the internal audit function] may only release [council/joint organisation] information to external parties that are assisting the [name of the internal audit function] to undertake its responsibilities with the approval of the [general manager/executive officer], except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

Role

The [name of internal audit function] is to support the [council's/joint organisation's] audit, risk and improvement committee to review and provide independent advice to the [council/joint organisation] in accordance with section 428A of the *Local Government Act 1993*. This includes conducting internal audits of [council/joint organisation] and monitoring the implementation of corrective actions.

The [name of internal audit function] is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

[Name of internal audit function] has no direct authority or responsibility for the activities it reviews. [Name of internal audit function] has no responsibility for developing or implementing procedures or

systems and does not prepare records or engage in [council/joint organisation] functions or activities (except in carrying out its own functions).

[Internal audit coordinator]

Option 1: In-house internal audit function

[Council's/joint organisation's] [name of internal audit function] is to be led by a member of [council's/joint organisation's] staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the [council/joint organisation] and the audit, risk and improvement committee. The [internal audit coordinator] must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the [internal audit coordinator] include:

- managing the day-to-day activities of the [name of internal audit function]
- managing the [council's/joint organisation's] internal audit budget
- supporting the operation of the [council's/joint organisation's] audit, risk and improvement committee
- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the audit, risk and improvement committee
- monitoring the [council's/joint organisation's] implementation of corrective actions that arise from the findings of audits
- implementing the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- ensuring the [council's/joint organisation's] internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*, and
- contract management and oversight of supplementary external providers (where appropriate).

[Details of any dual responsibilities and independence safeguards]

[Details of any shared arrangements]

Option 2: Outsourced internal audit function

[Council's/joint organisation's] [name of internal audit function] is to be led by a member of [council's/joint organisation's] staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the [council/joint organisation] and the audit, risk and improvement committee. The [internal audit coordinator] must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the [internal audit coordinator] include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the audit, risk and improvement committee
- acting as a liaison between the external provider and the audit, risk and improvement committee
- monitoring the [council's/joint organisation's] implementation of corrective actions that arise from the findings of audits and reporting progress to the audit, risk and improvement committee, and

- assisting the audit, risk and improvement committee to ensure the [council's/joint organisation's] internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

[Details of any dual responsibilities and independence safeguards]

[Details of any shared arrangements]

[Name of internal audit team]

Option 1: In-house internal audit team

Members of the [name of internal audit function] are responsible to the [internal audit coordinator]. Individuals that perform internal audit activities for [council/joint organisation] must have:

- an appropriate level of understanding of the [council's/joint organisation's] culture, systems and processes
- the skills, knowledge and experience necessary to conduct internal audit activities in the [council/joint organisation]
- effective interpersonal and communication skills to ensure they can engage with [council/joint organisation] staff effectively and collaboratively, and
- honesty, integrity and diligence.

[Details of any dual responsibilities and independence safeguards]

[Details of any shared arrangements]

Option 2: Out-sourced internal audit team

[Council/joint organisation] is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the [internal audit coordinator] is to ensure the external provider:

- does not conduct any audits on specific [council/joint organisation] operations or areas that they have worked on within the last two years
- is not the same provider conducting the [council's/joint organisation's] external audit
- is not the auditor of any contractors of the [council/joint organisation] that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The [internal audit coordinator] must consult with the audit, risk and improvement committee and [general manager/executive officer] regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the [council/joint organisation].

[Details of any shared arrangements].

Performing internal audit activities

The work of the [name of internal audit function] is to be thoroughly planned and executed. The [council's/joint organisation's] audit, risk and improvement committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and [\[current Australian risk management standard\]](#).

The [\[internal audit coordinator\]](#) is to provide the findings and recommendations of internal audits to the audit, risk and improvement committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The [\[internal audit coordinator\]](#) is to establish an ongoing monitoring system to follow up [\[council's/joint organisation's\]](#) progress in implementing corrective actions.

The [\[general manager/executive officer\]](#), in consultation with the audit, risk and improvement committee, is to develop and maintain policies and procedures to guide the operation of the [\[council's/joint organisation's\]](#) [\[name of internal audit function\]](#).

The [\[internal audit coordinator\]](#) is to ensure that the audit, risk and improvement committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

Conduct

Internal audit personnel must comply with the [\[council's/joint organisation's\]](#) code of conduct. Complaints about breaches of [\[council's/joint organisation's\]](#) code of conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The [\[general manager/executive officer\]](#) must consult with the [\[council's/joint organisation's\]](#) audit, risk and improvement committee before any disciplinary action is taken against the [\[internal audit coordinator\]](#) in response to a breach of the [\[council's/joint organisation's\]](#) code of conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

Administrative arrangements

Audit, risk and improvement committee meetings

The [\[internal audit coordinator\]](#) will attend audit, risk and improvement committee meetings as an independent non-voting observer. The [\[internal audit coordinator\]](#) can be excluded from meetings by the committee at any time.

The [\[internal audit coordinator\]](#) must meet separately with the audit, risk and improvement committee at least once per year.

The [\[internal audit coordinator\]](#) can meet with the chairperson of the audit, risk and improvement committee at any time, as necessary, between committee meetings.

External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

[Name of internal audit function] should maintain an effective working relationship with the [council/joint organisation] and the audit, risk and improvement committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the [name of internal audit function] and the [council/joint organisation], the dispute is to be resolved by the [general manager/executive officer] and/or the audit, risk and improvement committee. Disputes between the [name of internal audit function] and the audit, risk and improvement committee are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Review arrangements

The [council's/joint organisation's] audit, risk and improvement committee must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the [name of internal audit function] must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the [governing body/board].

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Further information

For further information on [council's/joint organisation's] internal audit activities, contact [name] on [email address] or by phone [phone number].

Reviewed by [internal audit coordinator]

[sign and date]

Reviewed by chairperson of the [council's/joint organisation's] audit, risk and improvement committee

[sign and date]

Reviewed by [general manager/executive officer]

[sign and date]

Reviewed by [council/joint organisation] in accordance with a resolution of the governing body

[sign and date]

[resolution reference]

Schedule 1 – internal audit function responsibilities

[Note: each council/joint organisation is to determine the responsibilities of its internal audit function in relation to each matter listed in section 428A of the Local Government Act 1993 and list them in Schedule 1 to the council's/joint organisation's internal audit charter. Suggested responsibilities are provided below and further detailed in core requirement 3 and Appendix 2 of these Guidelines.]

Audit

Internal audit

- Conduct internal audits as directed by the [council's/joint organisation's] audit, risk and improvement committee.
- Implement the [council's/joint organisation's] annual and four-year strategic internal audit work plans.
- Monitor the implementation by the [council/joint organisation] of corrective actions.
- Assist the [council/joint organisation] to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor the [council's/joint organisation's] implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise:

- if the [council's/joint organisation's] has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the [council's/joint organisation's] risk management framework is adequate and effective for identifying and managing the risks the [council/joint organisation] faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the [council/joint organisation] and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the [council's/joint organisation's] risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations

Guidelines for Risk Management and Internal Audit for Local Government in NSW issued under section 23A of the *Local Government Act 1993*

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- if the [council/joint organisation] has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the [council/joint organisation] and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the [council's/joint organisation's] risk management approach impacts on the [council's/joint organisation's] insurance arrangements
- of the effectiveness of the [council's/joint organisation's] management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether the [council's/joint organisation's] approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the [council/joint organisation] has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the [council's/joint organisation's] monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of the [council's/joint organisation's] compliance framework, including:

- if the [council/joint organisation] has appropriately considered legal and compliance risks as part of the [council's/joint organisation's] risk management framework
- how the [council/joint organisation] manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of the [council's/joint organisation's] fraud and corruption prevention framework and activities, including whether the [council/joint organisation] has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- if the [council/joint organisation] is complying with accounting standards and external accountability requirements
- of the appropriateness of the [council's/joint organisation's] accounting policies and disclosures

- of the implications for the [council/joint organisation] of the findings of external audits and performance audits and the [council's/joint organisation's] responses and implementation of recommendations
- whether the [council's/joint organisation's] financial statement preparation procedures and timelines are sound
- the accuracy of the [council's/joint organisation's] annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the [council/joint organisation] to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the [council's/joint organisation's] report is consistent with signed financial statements
- if the [council's/joint organisation's] financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the [council/joint organisation] are adequate
- if the [council's/joint organisation's] grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of the [council/joint organisation] governance framework, including the [council's/joint organisation's]:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of the [council's/joint organisation's] integrated, planning and reporting (IP&R) processes

- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the [council/joint organisation] is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if the [council/joint organisation] has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the [council/joint organisation] can improve its service delivery and the [council's/joint organisation's] performance of its business and functions generally

Performance data and measurement

Review and advise:

- if the [council/joint organisation] has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the [council/joint organisation] uses are effective, and
- of the adequacy of performance data collection and reporting.





New South Wales

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Local Government Act 1993*.

RON HOENIG, MP
Minister for Local Government

Explanatory note

The object of this regulation is to make provision about Audit, Risk and Improvement Committees and the internal auditing functions of councils.

This regulation is made under the *Local Government Act 1993*, including sections 428(4)(b), 428A(2)(i), 428B and 748, the general regulation-making power, and Schedule 6, clauses 8A, 13, 18 and 19B.

Published LW 1 December 2023 (2023 No 643)

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023
[NSW]

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023

under the

Local Government Act 1993

1 Name of regulation

This regulation is the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023*.

2 Commencement

This regulation commences on 1 July 2024.

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[NSW]
Schedule 1 Amendment of Local Government (General) Regulation 2021

Schedule 1 Amendment of Local Government (General) Regulation 2021

Part 9 Management and accountability

Insert after Division 6—

Division 6A Auditing and Audit, Risk and Improvement Committees

216A Definitions

In this division—

chairperson, for an Audit, Risk and Improvement Committee, means the chairperson of the committee.

independent member, for an Audit, Risk and Improvement Committee, means a person appointed to the committee under section 216C(1)(b).

internal audit co-ordinator—see section 216P(4).

216B Application of division to joint organisations

This division applies to a joint organisation in the same way as it applies to a council.

216C Composition of Audit, Risk and Improvement Committee—the Act, Sch 6, cl 19B

- (1) The Audit, Risk and Improvement Committee for a council must comprise—
 - (a) a chairperson, and
 - (b) at least 2 independent members.
- (2) One councillor, who must not be the mayor, of the council may also be appointed to the Audit, Risk and Improvement Committee for a council.
- (3) The appointment of a member to the Audit, Risk and Improvement Committee must be made by resolution of the council.
- (4) A councillor appointed to the Audit, Risk and Improvement Committee must not vote on a matter being considered by the committee.
- (5) A person may be appointed to more than 1 Audit, Risk and Improvement Committee if otherwise eligible.

216D Eligibility for appointment as chairperson—the Act, Sch 6, cl 19B

A council must not appoint a person as the chairperson of the council's Audit, Risk and Improvement Committee unless the council is reasonably satisfied the person—

- (a) has leadership qualities, and
- (b) is able to promote effective working relationships in complex organisations, and
- (c) is able to communicate complex and sensitive assessments in a tactful way, and
- (d) has a sound understanding of the principles of good organisational governance, and
- (e) is able to understand local government accountability, including financial reporting, and

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- (f) has a sound understanding of the business of the council or the environment in which it operates, and
- (g) has a sound understanding of the council's internal audit operations, including the selection and review of the internal audit co-ordinator for the council, and
- (h) has a sound understanding of risk management principles, and
- (i) has extensive senior level experience in governance and management of complex organisations, and
- (j) is eligible to be appointed as an independent member of the Audit, Risk and Improvement Committee, and
- (k) is not an employee of a council or a joint organisation.

216E Eligibility for appointment as independent member—the Act, Sch 6, cl 19B

A council must not appoint a person as an independent member of the council's Audit, Risk and Improvement Committee unless the council is reasonably satisfied the person—

- (a) is able to read and understand financial statements, and
- (b) is able to understand the ethical requirements of government, including conflicts of interest, and
- (c) is able to form independent judgements, and
- (d) is willing to constructively challenge and question management practices and information, and
- (e) is professional and ethical in the exercise of the person's duties, and
- (f) is able to devote the necessary time and effort to the person's functions as a member of the committee, and
- (g) has knowledge in one or more of the following that is relevant to the person's role on the Audit, Risk and Improvement Committee—
 - (i) risk management,
 - (ii) performance management,
 - (iii) human resources management,
 - (iv) internal and external auditing,
 - (v) financial reporting,
 - (vi) accounting,
 - (vii) management control frameworks,
 - (viii) internal financial controls,
 - (ix) governance of organisations,
 - (x) business operations, and
- (h) is independent of the council.

216F Persons taken not to be independent of council—the Act, Sch 6, cl 19B

- (1) The following persons are taken not to be independent of a council for the purposes of section 216E(h)—
 - (a) a person who is a councillor of a council in New South Wales,
 - (b) a person who was a candidate for election to the council in the last election of the council,
 - (c) a person who was a councillor during the term of the council ending at the last election of the council,

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- (d) for a joint organisation or council that is a member council of a joint organisation—a person who is a non-voting representative of the board of the joint organisation,
 - (e) for a council that has entered an arrangement under the Act, section 428B with another council or body—a person who is an employee of the other council or body,
 - (f) a person who is employed by the council or was employed by the council in the previous 12 months,
 - (g) a person who conducts audits of the council for the Audit Office of NSW,
 - (h) a person who has a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to an actual or perceived conflict of interest,
 - (i) a person who provides, or has in the previous three years provided, material goods or services which directly affect matters considered by the Audit, Risk and Improvement Committee,
Example— consultancy, legal, internal audit or advisory services
 - (j) a person who is a shareholder, owner, officer or employee of a company if—
 - (i) the company has a business relationship with the council or a related entity, and
 - (ii) the business relationship comprises—
 - (A) a material business relationship, or
 - (B) a contractual relationship, or
 - (C) a direct financial interest, or
 - (D) a material indirect financial interest, and
 - (iii) the business relationship could reasonably be considered to be an actual or perceived conflict of interest,
 - (k) a person who is a relative of a person referred to in paragraph (i),
 - (l) a person who acts, or has previously acted, as an advocate for the council or a related entity, if the advocacy—
 - (i) relates to a material interest, and
 - (ii) could reasonably be considered to be an actual or perceived conflict of interest.
- (2) In this section—
related entity, of a council, means an entity formed by the council or an entity which the council participated in forming.

216G Term of office—the Act, Sch 6, cl 19B

- (1) A council may appoint a member of the council's Audit, Risk and Improvement Committee for a term of no more than 4 years.
- (2) A person who continues to be eligible for appointment may be reappointed.
- (3) A person must not be a member of an Audit, Risk and Improvement Committee for a particular council for more than 8 years in a 10-year period.
- (4) The Departmental Chief Executive may exempt a person from the requirement in subsection (3) if satisfied the council—

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- (a) took reasonable steps to find another person to take the place of the person, and
- (b) has been unable to find a suitable person.

216H Removal of members—the Act, Sch 6, cl 19B

- (1) A council may remove a member from the council's Audit, Risk and Improvement Committee at any time.
- (2) The council must give written notice to the Departmental Chief Executive if it removes the chairperson or an independent member from the council's Audit, Risk and Improvement Committee.
- (3) The notice must be given within 28 days after the removal of the person.

216I Remuneration—the Act, Sch 6, cl 19B

A council may pay remuneration to the chairperson and independent members of the council's Audit, Risk and Improvement Committee.

216J Meetings of Audit, Risk and Improvement Committee—the Act, Sch 6, cl 19B

- (1) An Audit, Risk and Improvement Committee must meet at least once in each quarter.
- (2) The chairperson of an Audit, Risk and Improvement Committee may decide on the procedure for—
 - (a) the calling of meetings of the Audit, Risk and Improvement Committee, and
 - (b) the conduct of business at meetings.

216K Terms of reference—the Act, Sch 6, cl 19B

- (1) A council must adopt terms of reference for the council's Audit, Risk and Improvement Committee.
- (2) The adoption must occur by resolution of the council.
- (3) The council must consider model terms of reference approved by the Departmental Chief Executive before adopting terms of reference.
- (4) Terms of reference must be consistent with the Act and this regulation.
- (5) An Audit, Risk and Improvement Committee must exercise its functions in accordance with the adopted terms of reference.

216L Assistance to Audit, Risk and Improvement Committee—the Act, Sch 6, cl 19B

- (1) The general manager of a council must ensure the Audit, Risk and Improvement Committee of the council—
 - (a) has the resources necessary to properly exercise its functions in relation to the council, and
 - (b) is readily able to access the staff, information and records of the council the Audit, Risk and Improvement Committee considers necessary for the exercise of its functions in relation to the council.
- (2) If the council has entered an arrangement under the Act, section 428B with another council or body, this section extends to the general manager of the other council or the chief executive of the other body to the extent the Audit, Risk and Improvement Committee exercises functions in relation to the other council or body.

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216M Matters committee must keep under review—the Act, s 428A

For the Act, section 428A(2)(i), the council's internal audit functions are prescribed.

216N Joint internal audit arrangements—the Act, s 428B

A joint organisation of which a council is a member is prescribed as a body the council may enter into an arrangement with.

216O Internal audit charter—the Act, Sch 6, cl 8A

- (1) A council must adopt an internal audit charter setting out how the council will exercise its internal audit functions.
- (2) The adoption must occur by resolution of the council.
- (3) The council must consider a model internal audit charter approved by the Departmental Chief Executive before adopting an internal audit charter.
- (4) An internal audit charter must be consistent with the Act and this regulation.
- (5) The council must exercise its internal audit functions in accordance with the adopted internal audit charter.

216P Internal audit co-ordinator—the Act, Sch 6, cl 8A

- (1) The general manager of a council must appoint a member of staff of the council to be the internal audit co-ordinator for the council unless—
 - (a) the council has entered an arrangement with another council for the sharing of internal audit activities, and
 - (b) the general manager of the other council has appointed a person under this section, and
 - (c) the person will direct and co-ordinate the internal audit activities in relation to the first council under the arrangement.
- (2) An internal audit co-ordinator who exercises functions under this section for a council—
 - (a) must, in relation to the exercise of the functions—
 - (i) report to the Audit, Risk and Improvement Committee for the council, and
 - (ii) comply with a direction of the Audit, Risk and Improvement Committee, and
 - (b) is not subject to a direction of the council or a member of staff of the council in relation to the exercise of the functions.
- (3) The general manager of a council must consult with the chairperson of the Audit, Risk and Improvement Committee for the council about a proposed decision affecting the employment of the internal audit co-ordinator for the council.
- (4) In this section—
internal audit co-ordinator, for a council, means a person appointed to direct and co-ordinate internal audit activities in relation to the council.

216Q Persons exercising internal audit functions—the Act, Sch 6, cl 8A

The general manager of a council must ensure a person exercising internal audit functions in relation to the council—

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- (a) has the resources necessary to properly exercise the functions, and
- (b) is readily able to access—
 - (i) staff, information and records of the council necessary to properly exercise the functions, and
 - (ii) the Audit, Risk and Improvement Committee for the council.

216R Audit, Risk and Improvement Committee to oversee and report on internal audit activities—the Act, s 428A(2)(i)

The Audit, Risk and Improvement Committee for a council must—

- (a) oversee the internal audit activities carried out in relation to the council, and
- (b) review the performance and efficacy of the activities over each period of 4 years, and
- (c) prepare a report on the review that may include recommendations, and
- (d) give a copy of the report to the governing body of the council.

216S Risk management—the Act, Sch 6, cl 18

- (1) A council must adopt and implement a system for managing risk.
Note— The Act, section 23A requires a council to take relevant guidelines by the Departmental Chief Executive into consideration before exercising its functions.
- (2) The Audit, Risk and Improvement Committee for the council must—
 - (a) monitor and review the implementation of the system, and
 - (b) report to the council on the operation and efficacy of the system.

216T Attestation in annual report—the Act, s 428(4)(b)

- (1) The annual report for a council under the Act, section 428 must include an attestation signed by the general manager of the council specifying whether the council has complied with this division during the year to which the report relates.
- (2) In preparing the attestation, the general manager must give the chairperson of the Audit, Risk and Improvement Committee for the council an opportunity to comment on the attestation.
- (3) The chairperson, if not satisfied with the attestation in the annual report, may—
 - (a) prepare an alternative attestation signed by the chairperson, and
 - (b) give the alternative attestation to the Departmental Chief Executive.
- (4) This section does not apply to an annual report prepared before 1 July 2025.

216U Contravention of division permitted in certain circumstances—the Act, Sch 6, cl 8A

A council is not required to comply with a provision of this division if—

- (a) the council is unable to comply because compliance—
 - (i) was unreasonable due to a temporary circumstance, or
 - (ii) would have had a significant impact on the council's budget, and
- (b) the council was unable to enter an agreement with another council or joint organisation to ensure compliance, and

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- (c) the council proposes an alternative arrangement to ensure an equivalent outcome to the requirement, and
- (d) the council notifies the Departmental Chief Executive of the failure to comply within 28 days, and
- (e) the annual report of the council contains a statement about the non-compliance with details of the matters set out in paragraphs (a)–(c).

COWRA SHIRE COUNCIL

AUDIT, RISK AND IMPROVEMENT

COMMITTEE

TERMS OF REFERENCE

Adopted by Council **DD Month YYYY**

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Cowra Shire Council (Council) has established an Audit, Risk and Improvement Committee (ARIC) in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. These terms of reference set out the ARIC's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

1. Definitions

Internal Audit Function – the function which provides internal audit services to the Council

Internal Audit Provider – the external third-party provider of internal audit services

Executive Audit Officer – Council employee internally responsible for the Internal Audit Function of the Council

2. Objective

The objective of the ARIC is to provide independent assurance to the Council by monitoring, reviewing and providing advice about the Council governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3. Independence

The ARIC is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide the Council with robust, objective and unbiased advice and assurance.

The ARIC is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The ARIC provides independent advice to the Council that is informed by the Council internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The ARIC must always ensure it maintains a direct reporting line to and from the Internal Audit Function and act as a mechanism for internal audit to report to the governing body and the General Manager on matters affecting the performance of the Internal Audit Function.

4. Authority

The Council authorises the ARIC, for the purposes of exercising its responsibilities, to:

- access any information it needs from the Council
- use any Council resources it needs
- have direct and unrestricted access to the General Manager and senior management of the Council
- seek the General Manager's permission to meet with any other Council staff member or contractor
- discuss any matters with the external auditor or other external parties
- request the attendance of any employee at ARIC meetings, and
- seek approval from the General Manager to obtain external legal or other professional advice in line with the Councils' procurement policies.

Information and documents pertaining to the ARIC are confidential and are not to be made publicly available. The ARIC may only release Council information to external parties that are assisting the ARIC to fulfil its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. Committee Composition and Tenure

The ARIC consists of an Independent Chair and two Independent Members who have voting rights with the option of one non-voting Councillor, as required under the *Local Government (General) Regulation 2021*.

The governing body is to appoint the Chair and members of the ARIC. Current ARIC members are:

Ron Gillard	Independent Chair (voting)
Geoff Twomey	Independent Member (voting)
[TBA]	Independent Member (voting)
[TBA – if utilised]	Councillor Member (non-voting)

All ARIC members must meet the independence and eligibility criteria prescribed under the *Local Government (General) Regulation 2021*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as Chair of the ARIC. Members who have served an eight-year term (either as a member or as Chair) must have a two-year break from serving on the ARIC before being appointed again. To preserve the ARIC's knowledge of the Council, ideally, no more than one member should retire from the ARIC because of rotation in any one year.

The terms and conditions of each member's appointment to the ARIC are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the Chair's or an Independent Member's term, the governing body is to undertake an assessment of the Chair's or Independent Member's performance. Reappointment of the Chair or an Independent Member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the *Local Government (General) Regulation 2021*.

Members of the ARIC must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the Council, the environment in which the Council operates, and the contribution that the ARIC makes to the Council. At least one member of the ARIC must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members

should have sufficient understanding of the Council financial reporting responsibilities to be able to contribute to the committee's consideration of the Council annual financial statements.

6. Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the ARIC is to review and provide independent advice to the Council regarding the following aspects of the Council operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the Council, and
- internal audit.

The ARIC must also provide information to the Council for the purpose of improving the Council performance of its functions.

The ARIC's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to this document.

The ARIC will act as a forum for consideration of the Internal Audit Function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The ARIC has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The ARIC is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the ARIC must at all times recognise that primary responsibility for management of the Council rests with the governing body and the General Manager.

The responsibilities of the ARIC may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

7. Responsibilities of Members

7.1. Independent Members

The Chair and members of the ARIC are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the Council

- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the Council
- have strong leadership qualities (Chair)
- lead effective ARIC meetings (Chair), and
- oversee the Internal Audit Function (Chair).

7.2. Councillor Members (where applicable)

To preserve the independence of the ARIC, the Councillor Member (where nominated) of the ARIC is a non-voting member. Their role is to:

- relay to the ARIC any concerns the governing body may have regarding the Council and issues being considered by the ARIC
- provide insights into local issues and the strategic priorities of the Council that would add value to the ARIC's consideration of agenda items
- advise the governing body (as necessary) of the work of the ARIC and any issues arising from it, and
- assist the governing body to review the performance of the ARIC.

Issues or information the Councillor Member raises with or provides to the ARIC must relate to the matters listed in Schedule 1 and issues being considered by the ARIC.

The Councillor Member of the ARIC must conduct themselves in a non-partisan and professional manner. The Councillor Member of the ARIC must not engage in any conduct that seeks to politicise the activities of the ARIC or the Internal Audit Function or that could be seen to do so.

If the Councillor Member of the ARIC engages in such conduct or in any other conduct that may bring the ARIC and its work into disrepute, the Chair of the ARIC may recommend to the Council, that the Councillor Member be removed from membership of the ARIC. Where the Council does not agree to the ARIC Chair's recommendation, the Council must give reasons for its decision in writing to the Chair.

7.3. Conduct

Independent Members are required to comply with the Council's Code of Conduct.

Complaints alleging breaches of the Council's Code of Conduct by an independent ARIC member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the governing body before taking any disciplinary action against an independent ARIC member in response to a breach of the Council's Code of Conduct.

7.4. Conflicts of Interest

Once a year, ARIC members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the ARIC. Independent ARIC members are 'designated persons' for the purposes of the Council's Code of Conduct and must also complete and submit returns of their interests.

ARIC members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where an ARIC member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from ARIC deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

7.5. Standards

ARIC members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and International Standard on Risk Management – ISO 31000:2018, where applicable.

8. Work Plans

The work of the ARIC is to be thoroughly planned and executed. The ARIC must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the ARIC and considered by the Internal Audit Function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The ARIC may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the ARIC to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the ARIC.

The ARIC must also develop an annual work plan to guide its work, and the work of the Internal Audit Function over the forward year.

The ARIC may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the ARIC to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the ARIC.

When considering whether to vary the strategic or annual work plans, the ARIC must consider the impact of the variation on the Internal Audit Function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

9. Assurance Reporting

The ARIC must regularly report to the Council to ensure that it is kept informed of matters considered by the ARIC and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The ARIC will provide an update to the governing body and the General Manager of its activities and opinions after every ARIC meeting.

The ARIC will provide an annual assessment to the governing body and the General Manager on the ARIC's work.

The ARIC will provide a comprehensive assessment every Council term of the matters listed in Schedule 1 to the governing body and the General Manager.

The ARIC may at any time report to the governing body or the General Manager on any other matter it deems of sufficient importance to warrant their attention. The mayor and the Chair of the ARIC may also meet at any time to discuss issues relating to the work of the ARIC.

Should the governing body require additional information, a request for the information may be made to the Chair of the ARIC by resolution. The Chair is only required to provide the information requested by the governing body where the Chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the ARIC.

10. Administrative Arrangements

10.1. Meetings

The ARIC will meet at least quarterly at a time as agreed by the ARIC. The need for an additional special meeting to review the Council's annual financial statements will be assessed annually by the Chair.

The ARIC can hold additional meetings when significant unexpected issues arise, or if the Chair is asked to hold an additional meeting by an ARIC member, the General Manager or the Council.

ARIC meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if an ARIC member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chair has the casting vote.

The Chair of the ARIC will decide the agenda for each ARIC meeting in consultation with the Executive Audit Officer. Each ARIC meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the ARIC.

The Mayor (or their delegate), General Manager and the Executive Audit Officer should attend ARIC meetings as non-voting invitees. The internal auditor and external auditor (or their representative) are to be invited to each ARIC meeting as an independent observer. The Chair can request any employee/contractor of the Council and any subject matter expert to attend ARIC meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the Chair at any time.

The ARIC can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the ARIC present.

The ARIC must meet separately with the Executive Audit Officer and the Council's external auditor at least once each year.

10.2. Dispute Resolution

Members of the ARIC and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the ARIC and the General Manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

10.3. Secretariat

The General Manager will nominate a staff member to provide secretariat support to the ARIC. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the Chair at least 3 full business days before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the Chair and circulated within 2 weeks of the meeting to each member.

10.4. Remuneration

Remuneration will be reviewed by the Council at least once every Council term and more frequently where required.

The fees paid to independent ARIC members will increase annually by the percentage allocated to Councillors by the Independent Pricing and Regulatory Tribunal determination. This will take effect for each independent ARIC member, including the Chair, on the anniversary date each year commencing at the completion of the first year.

As required by the *Guidelines for risk management and internal audit for local government in NSW*, Council will pay the superannuation guarantee liability on independent ARIC members meeting fees directly into the individual member's designated fund under the Superannuation Guarantee (Administration) Act 1992 (Cth).

With prior approval from the General Manager, the Council will reimburse reasonable travel and accommodation expenses associated with attending ARIC meetings in person. Wherever possible, the Council will book services directly with providers of its choosing, and members travelling by car will be reimbursed for their return trip using the current Australian Tax Office cents per kilometre rate.

The Council encourages independent ARIC members to keep their skills current and supports professional development. The Council will consider reimbursement of, or pro-rated contribution to, related professional development expenses upon approval by General Manager.

10.5. Public Liability and Professional Indemnity Insurance

The Council will provide Public Liability and Professional Indemnity Insurance to the Independent Chair and Independent Members under the same arrangements as provided to Councillors. This coverage provides indemnification in respect of claims for all loss or damage potentially made against them in their capacity as members of the ARIC.

10.6. Resignation and Dismissal of Members

Where the Chair or an ARIC member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give 4 weeks'

notice to the Chair and the governing body prior to their resignation to allow the Council to ensure a smooth transition to a new Chair or ARIC member.

The governing body can, by resolution, terminate the appointment of the Chair or an independent ARIC member before the expiry of their term where that person has:

- breached the Council's Code of Conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a Councillor Member on the ARIC can be terminated at any time by the governing body by resolution.

10.7. Review Arrangements

At least once every Council term, the governing body must review or arrange for an external review of the effectiveness of the ARIC.

These terms of reference must be reviewed annually by the ARIC and once each Council term by the governing body. Any substantive changes are to be approved by the governing body.

11. Further information

For further information on Council's ARIC, contact [name] on [email address] or by phone on [phone number].

Reviewed by Chair of the ARIC

[signed]

[date]

Reviewed by Council in accordance with a resolution of the governing body.

[signed]

[date]

[resolution reference]

Next review date: [date]

Schedule 1 – Audit, Risk and Improvement Committee Responsibilities

Audit

Internal Audit

Principle: The Council has an effective internal audit function and receives maximum value from its internal audit activities.

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, General Manager, senior management, the Internal Audit Function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - on whether the Council is providing the resources necessary to successfully deliver the Internal Audit Function
 - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's Internal Audit Function
 - if the Council's internal audit activities are effective, including the performance of the Executive Audit Officer and the Internal Audit Function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the Council of these corrective actions
 - on the appointment of the Executive Audit Officer and Internal Audit Providers, and
 - if the Internal Audit Function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External Audit

Principle: The Council receives maximum value from its external audit activities.

- Act as a forum for communication between the governing body, General Manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided

- Review all external plans and reports in respect of planned or completed audits and monitor the Council's implementation of audit recommendations
- Provide advice to the governing body and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk Management

Principle: The Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.

Review and advise the Council:

- if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council is providing the resources necessary to successfully implement its risk management framework
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal Controls

Principle: The Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.

Review and advise the Council:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Principle: The Council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions.

Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and Corruption

Principle: The Council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption.

Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial Management

Principle: The Council has an effective financial management framework, sustainable financial position and positive financial performance.

Review and advise the Council:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Principle: The Council has an effective governance framework to ensure it is appropriately directing and controlling the management of the Council.

Review and advise the Council regarding its governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability

- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic Planning

Principle: The Council has an effective framework that ensures it achieves its strategic plans and objectives under the integrated planning and reporting (IP&R) framework.

Review and advise the Council:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service Reviews and Business Improvement

Principle: The Council has an effective framework to ensure it is delivering services and conducting its business and functions to an expected standard.

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:
 - If the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the Council can improve its service delivery and the Council's performance of its business and functions generally

Performance Data and Measurement

Principle: The Council's performance management framework ensures the Council can measure its performance and if it is achieving its strategic goals.

Review and advise the Council:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

6 DIRECTOR-INFRASTRUCTURE & OPERATIONS

6.1 Committee Minutes - Traffic Committee

File Number: D24/456

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

1. That the minutes of the Traffic Committee meeting held on 8 April 2024 be noted.
 2. That Council approved the Class 4 special event to be held as part of the NAIDOC March on 8 July 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
 3. That the parking conditions on the southern side of Vaux Street be changed from “Nose In” to “45-degree Rear In”, commencing 87m west of the kerb tangent point Vaux Street/Macquarie Street to 197m west of the same point.
-

INTRODUCTION

The minutes and recommendations of the Traffic Committee meeting are presented for Council’s consideration.

BACKGROUND

The minutes and recommendations from the recent Traffic Committee meeting are attached for the information of Councilors and consideration of the above recommendations.

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

1. Minutes - Traffic Committee - 8 April 2024 [↓](#)



MINUTES

Traffic Committee Meeting Monday, 8 April 2024

TRAFFIC COMMITTEE MEETING MINUTES**8 APRIL 2024****Order Of Business**

1	Apologies	3
2	Confirmation of Minutes	3
3	Business Arising From Previous Minutes	3
	3.1 Traffic Committee Meeting Action Sheet.....	3
4	Reports of Council Officers	3
	4.1 NAIDOC March 2024	3
5	General Business.....	4
	5.1 Change in Parking Conditions - Vaux Street	4
	5.2 No Parking - Liverpool Lane.....	4
	5.3 Macquarie Street Parking.....	4
	5.4 Billimari Traffic.....	4
	5.5 Sydney Road - Double Barrier Lines	4
	5.6 Busby Lane Traffic Conditions	4
6	Next Meeting Date	5
7	Meeting Close.....	5

TRAFFIC COMMITTEE MEETING MINUTES8 APRIL 2024

**MINUTES OF COWRA COUNCIL
TRAFFIC COMMITTEE MEETING HELD AT THE COMMITTEE ROOM 1, COWRA
COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 8 APRIL 2024 AT 9.30AM**

PRESENT: Cr Paul Smith (Chairperson), Ms Anne Jeffery, Mr Jason Nicholson, Sgt Jason Marks.

IN ATTENDANCE: Mr Dirk Wymer (Director - Infrastructure & Operations), Rodney Stammers (Development & Traffic Engineer).

1 APOLOGIES

Ian Thomas (Manager – Assets & Technical Services)

2 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

Unanimous support

That the minutes of Traffic Committee Meeting held on 19 February 2024 be confirmed.

CARRIED

3 BUSINESS ARISING FROM PREVIOUS MINUTES**3.1 Traffic Committee Meeting Action Sheet**

The Action List as presented was received and noted by the Committee.

4 REPORTS OF COUNCIL OFFICERS**4.1 NAIDOC March 2024**

Local Traffic Committee advice to Council on proposal: Unanimous support

COMMITTEE RESOLUTION

That Council approves the Class 4 special event to be held as part of the NAIDOC March on 8 July 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.

CARRIED

TRAFFIC COMMITTEE MEETING MINUTES8 APRIL 2024

5 GENERAL BUSINESS**5.1 Change in Parking Conditions - Vaux Street**

Local Traffic Committee advice to Council on proposal: Unanimous support

COMMITTEE RESOLUTION

That the parking conditions on the southern side of Vaux Street be changed from “Nose In” to “45 degree Rear In”, commencing 87m west of the kerb tangent point Vaux Street/Macquarie Street to 197m west of the same point.

CARRIED

5.2 No Parking - Liverpool Lane

Council to deliver a letter to all affected residents in order to help explain Council's decision, and a request for feedback, in relation to the implementation of “no parking” in Liverpool Lane.

5.3 Macquarie Street Parking

Council to further investigate a second disabled parking space in front of the “Breakout Brasserie” Café, Macquarie Street, Cowra.

5.4 Billimari Traffic

Council received a request for heavy traffic at Billimari to be diverted down Riley's Lane and speed humps to be installed in Sloane Street to prevent accidents as a result of speeding motorists. The request was noted.

5.5 Sydney Road - Double Barrier Lines

Council to investigate the installation of “double barrier” lines on Sydney Road, west of Packs Grant Road and continue east past Elouera Road and report back to the next Committee meeting.

5.6 Busby Lane Traffic Conditions

Council to review current traffic conditions at the western end of Busby Lane. A plan and report with regards to compliance and any action necessary to be submitted to the next Committee meeting.

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TRAFFIC COMMITTEE MEETING MINUTES**8 APRIL 2024**

6 NEXT MEETING DATE

The next meeting will be held on Tuesday, 11 June 2024 at 9.30am in the Committee Room 1, Cowra Council Chambers, 116 Kendal Street, Cowra.

7 MEETING CLOSE

The Meeting closed at 10.15am.

.....
CHAIRPERSON

6.2 Regional Emergency Road Repair Fund Proposed Allocations

File Number: D24/591

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That Council adopt the consolidated Regional and Local Roads Repair Program and Regional Emergency Road Repair Fund allocations as follows:

	2024	2025	2026	2027
Regional Roads				
Darbys Falls Road REPAIR project	115,000			
Replace REPAIR forward program		108,000	108,000	108,000
2022/23 Regional road expenditure under RLRRP	62,912			
Local Roads				
Unsealed grading and resheeting				
Gravel road grading	908,737			
Waterview Road resheeting	135,443			
Clearview Road resheeting	53,538			
Gravel road resheeting		609,931		
Gravel road grading			300,931	300,931
Rural sealed roads program:				
Merriganowry Road heavy patching	630,995			
Heavy patching		314,343	314,343	314,343
Sealed road shoulder repair and widening			309,000	309,000
Town streets heavy patching	126,970	101,341	101,341	101,341
Village streets heavy patching	33,975	33,975	33,975	33,975

INTRODUCTION

The purpose of this report is to seek Council concurrence to the planned expenditure of the Regional Emergency Road Repair fund. The proposed program is required to be submitted to Transport for NSW.

BACKGROUND

In January 2023 the NSW State Government provided grant funding to assist with natural disaster related road damage: 'The NSW Government's \$500 million Regional and Local Roads Repair Program (RLRRP) has been established so all local councils across NSW have access to funding to repair damaged Local and Regional roads under their care and responsibility.'

The funding provided was based on kilometres of road network managed in the Local Government Area (\$/km). The program guideline adopted three descriptions for outlining what was covered and not covered by the funding:

- *Corrective Maintenance (Covered)*
 - *Pothole patching*
 - *Heavy patching*
 - *Grading unsealed roads*
 - *Drainage and culverts*
- *Renewals (Partially Covered)*
 - *Small section of the carriageway may need to be rehabilitated by:*
 - *Applying a partial asphalt overlay on top of the deteriorated road surface;*
 - *Improving the existing pavement with the addition of new material; or*
 - *Removal of the old pavement and replacement with new pavement.*
- *Upgrades (Not Covered)*
 - *The RLRRP was established in response to the wet weather and flooding impacts on the Regional and Local Road network— it therefore does not cover planned or scheduled asset renewals. Asset renewals are defined as those works which return the road asset to its "as-new" condition and in doing so extend the design life of the asset. Renewals include resealing and wider scale rehabilitation of the road corridor (see above).*
 - *Asset upgrades go beyond renewals by creating new assets or significantly enhancing the asset in place. Such as widening of the carriageway, drainage system upgrades, sealing un-sealed shoulders, sealing gravel roads, building kerb and gutter, and footpaths.*

Any repairs or maintenance work to bridges are not covered under the RLRRP, except for culvert rehabilitation and clearing.

Any funding that was not expended by 29 February 2024 was to be forfeited and recovered by Transport for NSW.

Council's road repair program under the RLRRP was as follows:

Road Name	Activity	Original RLRRP Allocation	Total Expenditure to date
RR7511 Belubula Way	Heavy patching	109,578	62,912
Waterview Road	Resheeting	140,250	135,443

Road Name	Activity	Original RLRRP Allocation	Total Expenditure to date
Clearview Road	Resheeting	45,900	53,538
Sealed rural roads	Heavy patching	250,000	-
Cowra streets	Heavy patching	145,200	126,970
Village streets	Heavy patching	61,727	-
Gravel roads	Grading	1,006,573	908,737
Merriganowry Road	Heavy patching	560,000	630,995
	Total RLRRP Grant	2,319,228	1,918,595

In October 2023 Council was further advised of the Regional Emergency Road Repair Fund:

'The Regional Emergency Road Repair Fund (RERRF) supports councils across regional NSW to fix damaged roads, providing an additional \$390 million to regional councils to start vital repair and maintenance work. This builds on the \$280 million allocated to regional NSW councils through the Regional and Local Roads Repair Program (RLRRP).'

Under the new program Council has until 31 October 2027 for repair work to be delivered.

However, 'the Regional Road REPAIR Grant will be paused across both Greater Sydney and Regional and Outer Metropolitan areas from 2023-24 until 2026-27.

To ensure regional councils continue to receive adequate funding for their Regional and Local road networks, the NSW Government has confirmed that the Regional Emergency Road Repair Fund (RERRF) will be run as a four-year initiative to October 2027.

Some road repair and maintenance activities that were planned under the Regional Roads REPAIR grant would be eligible as part of the covered works under the RERRF to allow councils to continue these activities.'

What works are eligible under the RERRF?

Eligible work type	Examples
Corrective maintenance	<ul style="list-style-type: none"> • Patching • Heaving patching • Smoothing or reshaping (unsealed roads) • Drainage and culverts • Bridge maintenance • Kerb and gutter corrections and repairs
Upgrade works	<ul style="list-style-type: none"> • Sealing shoulders • Widening shoulders/carriageway widening
Renewal works	<ul style="list-style-type: none"> • Rehabilitation works including: • Applying a partial asphalt overlay on top of a deteriorated road surface • Improving the existing pavement and replacement with new pavement • Resealing/resurfacing • Gravel resheeting

The Regional Roads REPAIR grant program is a competitive grant that Council currently uses to

- match the \$108,000 ex 3 x 3 grant funds provided in the Regional Roads Block Grant Agreement;
- to fund a \$216,000 annual program of pavement rehabilitation and shoulder widening projects on the Regional Road network.

Council's adopted Long Term Financial Plan includes reduced Council funding for gravel road resheeting in 2024/25; recognising that:

- Council resources would be allocated to Natural Disaster Relief and Recovery funded resheeting
- The Roads to Recovery program provides Federal grant funding toward gravel road resheeting.

It is proposed to allocate RERRF toward additional gravel road resheeting.

The gravel road grading maintenance task has been increasing;

- to repair ongoing pavement damage,
- to meet the level of customer requests.

It is proposed to allocate RERRF toward additional gravel road grading.

The remainder of the proposed RERRF allocation is toward sealed road maintenance; pavement heavy patching and shoulder widening in Cowra Streets, Rural Sealed Roads, and Villages. The proposed consolidated RLRRP and RERRF funding allocation is as follows:

	2024	2025	2026	2027
Regional Roads				
Darbys Falls Road REPAIR project	115,000			
Replace REPAIR forward program		108,000	108,000	108,000
2022/23 Regional road expenditure under RLRRP	62,912			
Local Roads				
Unsealed grading and resheeting				
Gravel road grading	908,737			
Waterview Road resheeting	135,443			
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Rural sealed roads program:				
Merriganowry Road heavy patching	630,995			
Heavy patching		314,343	314,343	314,343
Sealed road shoulder repair and widening			309,000	309,000
Town streets heavy patching	126,970	101,341	101,341	101,341
Village streets heavy patching	33,975	33,975	33,975	33,975

BUDGETARY IMPLICATIONS

The proposed RERRF funding includes an allocation toward resheeting in 2024/25; which along with the traditional Roads to Recovery grant funding will improve the level of service provided to the community:

Level of Service	Average Annual Council Funded Recurrent Budget	Asset Length (km)	Resheeting Unit Rate (\$/km)	Resheeting Interval (years)	Additional Average Annual RERFF / RTR Funding	Improved Resheeting Interval (years)
Gravel resheeting	615,593	694	15000	16.9	371902	10.5

The March 2023/24 draft quarterly financial reviews indicate the annual road grading expenditure will be of the order of \$1.3M in 2023/24. Allocating additional RERRF grant funds to Council's recurrent grading budget will improve the level of service provided to the community:

Level of Service	Average Annual Council Funded Recurrent Budget	Asset Length (km)	Unit Rate (\$/km)	Grading Interval (years)	Additional Annual RERRF Funding	Improved Grading Interval (years)
Gravel road grading	1,072,741	694	2500	1.6	300000	1.3

ATTACHMENTS

Nil

7 DIRECTOR-ENVIRONMENTAL SERVICES

7.1 Variation to Access Incentive Scheme Grant Funding - Lot 2, DP 1257368, No 16 Richards Drive, Cowra.

File Number: D24/595

Author: Larissa Hackett, Director Environmental Services

Applicant: Cowra & District Aero Club Inc.

Proposal: Receive funding for the costs of installation of a complying ramp to enable access for wheelchairs to the front entrance and to install complying facilities within the bathroom

Location: Lot 2, DP 1257368, No 16 Richards Drive Cowra

RECOMMENDATION

That Council provides \$9506.37 from the Access Incentive Scheme Grant fund to assist in the costs for providing improved access to and within the premises and disabled facilities at 16 Richards Drive, Cowra

INTRODUCTION

Council has received an application from Mr D Shaw on behalf of the Cowra & District Aero Club Inc. seeking financial assistance from Council's Access Incentive Scheme. The application requests assistance to partially cover the costs associated with the construction of the Cowra Aero Club's Clubroom to provide compliant wheelchair access to the entry and disabled bathroom facilities within the building at 16 Richards Drive, Cowra.

A copy of the application and quotes provided are included in Attachment 1.

BACKGROUND

The application for grant funding is being referred to Council for determination as Council's policy requires that funding will not be provided where the project has been undertaken prior to the approval of the grant. In this case the works have been undertaken as required by Condition 9 of Development Application 94/2020 *"It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia."* Compliance with Part D4 – Access for People with a Disability requires that access must be provided to and within all areas normally used by occupants.

The works have been undertaken prior to the receipt of this application for grant funding due to time constraints. Mandatory inspections required during construction are being conducted by Council's Building Surveyor and each phase thus far has passed satisfactorily and are compliant with the conditions of consent and the relevant Australian Standards. It is proposed that all required works be completed in accordance with the conditions of consent and Australian Building Standards and the Disability (Access to Premises-Buildings) Standards 2010, Australian Standard 1428.1 2021 - Design for Access and Mobility, prior to the payment of any approved grant funds.

The application has been referred to members of the Access Committee for concurrence, they are supportive of Council funding the application from the Access Incentive Fund. However, the applicant did not meet one eligibility in that the works had already been undertaken.

ELIGIBILITY

The request for grant funding does not meet the requirements of Council's adopted Access Incentive Scheme Grant Funding in the following area:

- *“For projects that were undertaken prior to approval of a grant.”*

All other aspects of the development meet the eligibility requirements to enable Council to assist with providing grant funding for the project.

- *The premises and works are carried out in Cowra Shire;*
- *The applicant is a local business;*
- *The works applied for/ undertaken will and do improve access to and within the premises and improves disability facilities.*

A copy of the Access Incentive Fund policy is included in Attachment 2.

BUDGETARY IMPLICATIONS

The current balance for the Disabled Access Incentive Fund is \$68,634, which will provide for assistance to businesses or organisations around the Cowra local government area. The granting of \$9,506.37 to the applicant will not significantly impact upon the current funding levels.

CONCLUSION

It is acknowledged that the application has been received after works have been undertaken, however Council is encouraging the provision of equitable access to and within buildings, it is recommended that Council approves the grant funding application and allocates \$9,506.37 to partially compensate for the works undertaken.

ATTACHMENTS

1. Application - Access Incentive Fund - Cowra Aero Club [↓](#)
2. Policy - Access Incentive Fund Scheme [↓](#)



Cowra Shire Council
Private Bag 342
Cowra NSW 2794
Phone: 02 6340 2000
council@cowra.nsw.gov.au
www.cowracouncil.com.au

Access Incentive Scheme Grant: Application Form

Guidelines for applicants

Refer to the **Cowra Access Incentive Scheme Grant – Funding Guidelines Policy** for full application details of the Scheme and terms and conditions.

What is the Access Incentive Scheme Grant?

The scheme assists property owners/lessees by providing funding assistance to upgrade their premises to enable people with disabilities to access and use their premises.

Who can apply?

- Not-for profit community organisations
- Local Incorporated Community groups, clubs & progress associations
- Local businesses
- Local Community Service Providers

What type of projects can be applied for?

The types of projects that may be applied for include;

- Improve access to building, such as - automated doors, access ramps, lifts, hand rails, tactile markers
- Improve access to Disability facilities, such as – doorways, hand rails, tactile indicators, signage, fitouts
- Improving the Visual access to and in buildings - defining doorways with colour contrasting materials, tactile markers, signage, etc
- Improving Auditory access to and in buildings

The project must

- be located in the Cowra Shire and must be completed within 12 months of approval of the application
- Be for premises used by the local community/general public
- Conform to Australian Standard 1428.1 Design for Access and Mobility, and Australian Premises Standard

Ineligible

Funding will not be provided for the following:

- Projects that have already commenced or completed.
- Activities that are considered the core business of Commonwealth, State or Local Government
- Ongoing operational or administrative costs of an organisation. This includes purchase of capital equipment.
- Individual pursuits
- Gifts and prizes
- Private residential properties and/or properties not accessed by the public

How to apply?

You must submit your application using this below form, and;

- Ensure all questions are answered
- May use dot points to convey your message effectively.
- Ensure written approval from the property owner is obtained
- Provide current quotes of all works required to support the budget
- Site plans and photos of the project area

Documents that may be included to support and strengthen your application include:

- Location maps
- Detailed plan
- Letters of support from organisations your project partners with

Additional information may be requested by the assessment panel to support your application.

Assessment

All applications will be assessed by the Access Committee and will then be tabled to the next Council meeting for approval. All applicants will be notified in writing of the outcome of their application and an agreement form provided which is to be submitted within 6-weeks of approval.

Contacts


Contact Cassandra Gailey or Larissa Hackett at Cowra Council for any assistance in completing your application on 6340 2048 or by email at: council@cowra.nsw.gov.au

Certification

By submitting this application, I acknowledge that I have read and understood the information made available by Cowra Shire Council regarding the Access Incentive Scheme Grant and to the best of my knowledge, the information provided in this application is true and correct.

I also acknowledge that this application is submitted with both the full awareness and authority of the organisation under which it is submitted (if applicable).

☒ Yes

Signature	
Please print name	David Shaw

Applicant Details	
Contact Name	David Shaw
Name of Organisation applying on behalf	Cowra & District Aero Club Inc.
Mailing Address	PO Box 206, COWRA 2794
Contact number during office hours	
Email	

Project Site details	
Property/Business Name	Cowra & District Aero Club Inc.
Property address	16 Richards Dr. COWRA 2794
Location on site where project will be completed (e.g. front entrance)	Front Entrance and Bathroom

Property Owners Consent – owner of property where project is to be completed	
Owners Name	Cowra Shire Council
Owners Contact address	Private Bag 342, Cowra NSW 2794
Owners contact number	+61 263402000
Owners contact email	<u>council@cowra.nsw.gov.au</u>
<input type="checkbox"/> Owners signature below (under seal if applicable) or <input checked="" type="checkbox"/> Owners consent attached (under seal and/or letterhead)	
<div> <div>Signature</div> <div>Signature</div> <div>Signature</div> </div> <div> <div>Name</div> <div>Name</div> <div>Name</div> </div>	

Project Details	
Project Name	Cowra Aero Club Disability Access
Estimated Timeframe	Project will commence: Project will be completed by: 18 th May 2024
Funding amount requested	\$ 9506.37
What is the Aim of the project? <i>Example: Install complying ramp to enable access for wheelchairs to front entrance.</i>	Install complying ramp to enable access for wheelchairs to front entrance. Install complying facilities for disabled access bathroom. To comply with requirements of Development Application and Construction Certificate.

Present use of the premises	Under Construction (Aeroclub meeting rooms and flight training facility)
What improvements are to be made?	Installation of complying ramp to enable access for wheelchairs to front entrance. Installation of complying facilities for disabled access bathroom.
How will the project benefit the community?	The Aeroclub will be accessible to a larger number of members of the community.
How will the project be managed?	The Club Executive will manage the project.

Budget

(A) What are the individual budget items/works for your project that are being requested to be funded by the Access Incentive Scheme Grant?

(additional fields and spaces may be inserted as required)

Item Description	Estimated cost	Amount requested to be funded
Disabled compliant Bathroom	\$6988.00	\$6988.00
Disabled compliant Bathroom Door Fittings and Signage (materials only)	\$ 735.89	\$ 735.89

Disabled compliant Access Ramp, Rails, Tactile Markings and Bollards.	\$1782.48	\$1782.48
Construction of Access Ramp, Manufacture of Ramp Handrails, Installation of Bathroom Door Fittings, and Installation of Signage & Tactile Markings.	\$1500.00	Nil
Total (A)		\$ 9506.37

Application Checklist

Have you:

- ☒ Checked that your eligible to apply?
- ☒ Ensured all appropriate persons (property owners, committee members, etc) are aware that this application is being submitted?
- ☒ Attached detailed quotes or advertising brochures from suppliers?
- ☒ Completed all sections of the Application Form?
- ☒ Kept a copy of this Application Form for your records?
- ☒ Attached owners' consent, if necessary?
- ☒ Attached any additional documents if applicable (e.g. Site plan, photos, proposed project plans)?

Submitting Your Application

Email to: council@cowra.nsw.gov.au

Include a subject line of: Application – Access Incentive Scheme Grant – *your organisation*

Alternatively complete a paper copy of the application and deliver to:

Environmental Services
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Contact the Director-Environmental Services or the Director-Environmental Services Personal Assistant at Cowra Council for any assistance in completing your form on 6340 2048 or by email at: council@cowra.nsw.gov.au



Cowra Shire Council
116 Kendal Street
Private Bag 342
Cowra NSW 2794
Phone: 02 6340 2000
Fax: 02 6340 2011
council@cowra.nsw.gov.au
www.cowracouncil.com.au

4 April 2024

Larissa Hackett
Cowra Shire Council
116 Kendal Street
COWRA NSW 2794

Re: Cowra Aero Club – Access Incentive Fund Application

Cowra Council, as registered owners of Lot 2, DP 1257368, No. 16 Richards Drive, Cowra, hereby provide owners' consent for the Cowra and District Aero Club Inc. to lodge an application for funding under the Cowra Access Incentive Scheme.

The Access Incentive Scheme Application is to enable the installation of a complying wheelchair ramp to the front entrance of the building and to install a complying disabled bathroom within the premises.

Regards



Paul Devery
General Manager

proudly printed on recycled paper

Cowra Aero Club

Cowra and District Aero Club Inc



P.O. Box 206.
COWRA NSW 2794.

Established 1949
ABN 89 402 343 937

Access Incentive Scheme Grant

Budget:

Disabled compliant Bathroom (quote from M & C Sutherland)		\$ 6988.00
Bathroom Door Fittings and Signage		
Toilet Door Privacy Pack	\$ 157.45	
Door Closer (Keeler Hardware)	\$ 420.75	
Door Signage	\$ 157.69	
(Braille Sign Supplies)		\$ 735.89
Access Ramp		
Concrete	\$ 748.06	
(estimate based on previous Bryant's invoice)		
Steel for Handrails	\$ 326.50	
(Power Tools + invoice)		
Tactile Markings	\$ 455.72	
Bollards	\$ 252.26	
(Safety Express)		\$1782.48
	<u>TOTAL</u>	<u>\$9506.37</u>

Note:

Construction of Access Ramp, Manufacture of Ramp Handrails and installation,
Installation of Bathroom Door Fittings, and Installation of Signage & Tactile
Markings to be carried out by club members.
A conservative value of \$ 1500.00 has been put on this work.

Subject: quote from Mark Sutherland
From: Mark Sutherland <iplumbcowra@gmail.com>
Date: 11/04/2024, 7:03 am

M&C Sutherland

Plumber, Drainer & Gasfitter
Licence number 65397C
ABN: 47136441523

11 April 2024

Cowra Aero Club

Quote to complete plumbing on disabled bathroom including supply and install of disabled fixtures as required.

Total including GST - \$6988.00

Mark Sutherland
Plumber, Drainer & Gasfitter
P O Box 756
COWRA NSW 2794
Phone: 0428 510 991
email: iplumbcowra@gmail.com
This quote is valid for 30 days

50+ years experience

Free Delivery for orders over \$99* (/shipping_policy/)

My Cart: 1

My Account

About Us (<https://www.keelerhardware.com.au/about-us/>)

Login (https://www.keelerhardware.com.au/_myacct/login)

Register (https://www.keelerhardware.com.au/_myacct/register)

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Mon-Fri: 7am - 5pm | Sat: 8am - 2pm

1300 533 500 (callto:1300 533 500)

Search for handles, hinges, locks and more...

1300 533 500 (callto:1300 533 500)

Create Quote From Cart

Checkout Now

Item Description

Quantity

Price

Help

Shopping Cart

 Update My Changes

[↩ Continue Shopping](#)

Shipping Calculator

Enter your post code to calculate.

Australia

Discount Code

if you have a coupon or discount code enter it below

Sub Total

\$157.45

2794

Calculate Shipping

Apply Coupon Code

Standard shipping - :

○ **CLICK & COLLECT (Wetherill Park, NSW) - :**

Please wait until you receive an email or SMS to let you know that your order is ready for collection (from: Unit 21 / 33 Elizabeth St, Wetherill Park NSW 2164)

○ **CLICK & COLLECT (Willoughby store) - :**

Please wait until you receive an email or SMS to let you know that your order is ready for collection

Shipping Cost To Post Code 2794

00.0\$

GSTInc.

\$14.31

Shopping Cart Total

\$157.45



🛒 Checkout Now

(<https://>

www.keelerhardware.com.au/

`_mycart?`

fn=3rdparty&payment=6&ts=1708498964861896)



(/assets/brochures/
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20231026123706)

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ASS7714DASiL.jpg?
20231026123940)

LOCKWOOD EN1-4 DOOR CLOSER DELAYED ACTION BACK CHECK FIRE RATED SILVER 7714DASiL

SKU : ASS7714DASiL

Available:

Online ☒
Instore ☒

PLEASE ALLOW FOR A HANDLING TIME OF 1-2 BUSINESS DAYS

\$420.75 RRP-\$625.26
YOU SAVE \$204.51 (33%)

QUANTITY:

1

ADD TO CART  

Door Closer Function - A hydraulic device that automatically closes a door after it has been opened. Door closers are commonly used as a fire prevention measure, typically installed on fire doors, as well as helping to prevent draughts.

Features:

- Rack and pinion adjustable power door closer suitable for architectural and commercial applications

Specifications:

- **Power:** EN adjustable 1 to 4
- **Back Check:** Adjustable
- **Hold Open:**
 - Standard Arm Closer does not have Hold-Open feature.
 - Hold-Open: Closer can be set at any angle up to 150degrees of opening
- **Handing:** Non-handed, Suitable for left or right hand doors
- **Cover:** Fully formed metal
- **Materials:** Extruded aluminum body manufactured from high-performance silicon alloy
- **Mechanism:** Rack and pinion design
- **Mounting:** Regular, parallel and over-door mounting
- **Valves:** Adjustable closing and latching speed valves with overload protection
- **Delayed Action:** Adjustable
- **Finish:** Silver

Standards and Compliance:

- **Fire Rated:** Has been successfully tested up to four hours (depending on type of doorset) on fire door assemblies in accordance with Australian Standard AS1905.1:2005, Part: Fire Resistant Door sets.
- **Disabled Access Australian Standard** (AS1428.1) Design for access and mobility



[Shopping Cart](#) > [Checkout](#) > [Order Complete](#)

Shipping costs updated.

 [Cart Catalog \(PDF\)](#)



Unisex Accessible Toilet RH & Shower - Anodised

\$137.00

— 1 +

\$137.00

Coupon code

APPLY COUPON

UPDATE CART

CART TOTALS

Subtotal \$137.00

Shipping

Flat rate: \$18.50

Shipping to **Cowra New South Wales 2794.**

Australia

New South Wales

Cowra

2794

UPDATE TOTALS

Surcharge \$2.19

Total **\$157.69** (includes \$0.20 GST)

PROCEED TO CHECKOUT →

MY ACCOUNT

> My Orders

> My Account

CONTACT INFO

ADDRESS:



TAX INVOICE

COWRA AERO CLUB

Invoice Date
25 Jan 2024

Invoice Number
INV-17281

Reference
airport

ABN
86 125 534 367

Bryant's Concrete
P.O. Box 316
Cowra NSW 2794
www.bryantsconcrete1.com

Description	Quantity	Unit Price	GST	Amount AUD
concrete-25 mpa (m)	1.00	325.00	10%	325.00
extra on 3m min	2.00	40.00	10%	80.00
			Subtotal	405.00
			TOTAL GST 10%	40.50
			TOTAL AUD	445.50

Due Date: 9 Feb 2024

For bank transfers our account number is 87-475-3118 and BSB is 082-534

You can reach us at bryantsconcrete1@bigpond.com or by phone at 6341 1288

Check out our website www.bryantsconcrete.com

Note: A second load of concrete
will be required as ramp construction
needs to be done in 2 stages.

2nd stage \$302.50
estimate.

ABN: 86 125 534 367. Registered Office: P.O. Box 316, Cowra, NSW, 2794, Australia.



POWER TOOLS PLUS PTY LTD
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1 YOUNG ROAD
COWRA NSW 2794

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E. COWRA@POWERTOOLSPLUS.COM.AU

TAX INVOICE

Cash Sales Cowra

Cash sale 884675
Date 13/10/23
Account CC
Page No 1

Order No

Reference

Description	Qty	Sold per	Unit	Total
BLACK PIPE 32NB MED P/E 6.500M	4	LENGTH	75.500	302.00
N 12 DEFORMED STOCK BAR X 6M	1	LTH	18.500	18.50
cutting charge band saw small sections	2	EA	3.000	6.00

Terms: 0 days

Freight 0.00

Tax: 29.68


BSB: 082-564 Account Number: 242695490

TOTAL INCL GST: 326.50



Your Cart (28 items)

28

or 4 interest-free payments of \$113.93 with **afterpay**  ⓘ

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2

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Your Cart (2 items)

Bollard - Surface Mount 90mm x 900mm Bollard

SKU: BOLSM90

Fixings: (+ \$9.70) Fixing Kit - 4 x M10 Concrete Screw Anchors 60MM

[Change](#)

Price	Quantity:	Total
\$112.13	▼ 2 ▲	\$224.26

Subtotal: \$224.26

Shipping: \$28.00

GST: \$22.94

Coupon Code: [Add Coupon](#)Gift Certificate: [Gift Certificate](#)Grand total: **\$252.26**

or 4 interest-free payments of \$63.07 with ⓘ

[CHECK OUT](#)

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COUNCIL POLICY



Access Incentive Scheme Grant Funding Guidelines

Access Incentive Scheme Grant Funding Guidelines

Commencement Date	25 September 2023
Council Department	Environmental Services
Contact Officer	Director – Environmental Services
Revision Required	Every 4 years

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Resolution No.	Responsible Officer
1	28/11/2005	177/05	Director-Environmental Services
2	25/09/2023	189/2023	Director-Environmental Services

Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
Email: council@cowra.nsw.gov.au
Internet: www.cowracouncil.com.au

Access Incentive Scheme Grant Funding Guidelines

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Appendix 1 - Access Incentive Scheme Grant: Application Form

Appendix 2 - Access Incentive Scheme Grant: Acquittal Form

Access Incentive Scheme Grant Funding Guidelines

1. Introduction

The Disability Discrimination Act (DDA) makes it against the law to discriminate against people with disability in relation to access and use of public premises. This applies to places such as shops, cafes, restaurants, pubs, banks, offices, clubs, community halls, sporting venues, etc. Public premises can also include a place (whether enclosed or built on or not) and a part of premises, for example, customer bathrooms.

It is against the law for public places to be inaccessible to people with disabilities and the DDA requires owners/lessees to make adjustments to their premises so that they are accessible to people with disabilities. This applies to existing places, as well as places under construction.

In some circumstances however, it may be unreasonable to provide complete accessibility if the cost or difficulties of providing access will place an 'unjustifiable hardship' on a person or organisation.

Cowra Shire Council offers the Access Incentive Scheme Grant to local business, not for profit community organisations and community service providers for the provision of financial assistance to improve access to and within local buildings, premises and businesses.

It has been apparent since inception of the scheme, that due to the costs of upgrading an existing premise to be compliant with the DDA many local businesses / property owners have not utilised the scheme as the out-of-pocket portion is quite significant and the preparation to install ramps, doors etc is quite lengthy. Therefore, the scheme will be open all year round for applications to be submitted at any time.

This document has been prepared to set the guidelines for the allocation of Access Incentive Scheme Funding.

2. Purpose

The aim of the scheme is:

- ✦ Provide financial assistance to improve access to and within public buildings for the community and general public.
- ✦ Encourage businesses, community groups/organisations and property owners to provide dignified and equitable access to and within their premises for people with disability.
- ✦ Improve opportunities for people with disability to participate in and contribute to the economic, cultural, social and political life of our community.
- ✦ Encourage the development of partnerships between local business, community organisations/services, local government and the general public.
- ✦ To meet Cowra's Strategic and Operational Plan - Council will *'deliver and ensure all high movement areas, public buildings and appropriate Council resources and services are accessible for all the community'*. One action to achieve this goal is the 'Access Incentive Fund', Strategic Action R3.1. b.

Access Incentive Scheme Grant Funding Guidelines

3. Eligibility

- Each organisation is limited to one Council Grant or Donation per financial year.
- The maximum level of funding per project will be limited to \$10,000 subject to the availability of Council funds.

3.1 Eligible Projects

Owners, lessees, building agents of buildings and other facilities located within Cowra Shire Council are invited to apply.

Projects are eligible to apply for the Access Incentive Scheme Grant if:

- ✦ The premises and works are carried out within the Cowra Shire;
- ✦ The applicant is either a –
 - Not-for profit community organisation
 - Local Incorporated Community group, club or progress association
 - Local business
 - Local Community Service Provider
- ✦ Only one grant application and approval per applicant per year
- ✦ There will clearly be cases where groups may wish to contribute to the project.
- ✦ The works / projects being applied for improve access to and/or within premises and disability facilities, such as (but not limited to);
 - Automated access doors, widening of doorways
 - Access ramps, lifts
 - Hand rails, fit-outs
 - Tactile indicators, signage
 - Auditory aides
 - Visual Assistance, such as - doorway colour contrasting, braille and tactile signage

Council employees or Councillors may apply for funding on the same basis, as any member of the public.

Access Incentive Scheme Grant Funding Guidelines

3.2 Non-Eligible Projects

Funding will **NOT** be provided:

- ✦ Where financial assistance is available from other funding bodies, where Council has approved grant funding or donations from other pools of funding for the same project/premise, and within one's own company.
- ✦ Where previous funding or approved funding for the same project/plan of works has been provided under the Access Incentive Scheme Grant.
- ✦ Where the applicant has an incomplete project concerning access issues.
- ✦ For projects that were undertaken prior to approval of a grant.
- ✦ For works that do not comply with the Australian Building Standards and the Disability (Access to Premises-Buildings) Standards 2010, Australian Standard 1428.1 2021 - Design for Access and Mobility.
- ✦ For work on government owned buildings still used for a government purpose.
- ✦ For private residential premises
- ✦ For any non-public premises

4. Assessment

All applications must be lodged using an Access Incentive Scheme Grant Application Form with all relevant areas completed and supporting documents attached. Applications may be submitted at any time, noting that only one approval per premises is granted per year.

The application is assessed against the criteria by the Section 355 Cowra Access Committee and if it is deemed to meet the guidelines and sufficient funds are available a report is compiled to the monthly Council meeting for consideration.

Council officers may contact the applicant after receiving an application seeking additional information or clarification.

All projects should align with the strategies and objectives set out in Council's Community Strategic Plan.

Applicants are encouraged to discuss their proposal with Council officers prior to lodging an application to ensure that all necessary information is provided and eligibility criteria is met.

All applications are to be reviewed by Council's Environmental Services to determine compliance with the premises Standards, AS1428.1 and the Building Code of Australia prior to the application being considered by Council.

If a project is approved and requires a Development Application and Construction Certificate, works are not to commence until all necessary Approvals have been obtained.

Access Incentive Scheme Grant Funding Guidelines

Funds will be acquitted upon completion of the project and an Access Incentive Scheme Grant Acquittal is lodged with Council.

All projects are to be completed within 12 months of grant approval.

4.1 Assessment Criteria

The project/applicant must:

- ✦ Be for premises that are used by the local community and/or visitors to Cowra Shire
- ✦ Conform to Australian Standard 1428.1 Design for Access and Mobility, and Australian Premises Standard;
- ✦ Be located in the local government area of Cowra Shire;
- ✦ Obtain all development approvals from Council if required; and

Preference will be given to projects/applicants that:

- ✦ Clearly complement broader access objectives e.g. improve access to Main Street of towns and villages within the Cowra Shire;
- ✦ Improve access to buildings which house essential services or are used by people with limited mobility.

5. Level of Funding

Funds may be available for a project to a maximum amount of \$10,000. This is subject to the terms of the signed agreement.

Council reserves the right to allocate additional funds to any one particular project or not to fund a project.

6. Conditions of Approval

If the application submitted is successful, grant conditions will apply.

An application for access funding can be submitted prior to a Development Application being approved, on the condition that funding will only be provided following all conditions of the agreement are met and an acquittal is submitted on completion of the project.

Access Incentive funds will be paid on completion of the project (unless otherwise approved by Council) and with the submission of an Access Incentive Scheme Acquittal form.

7. Applications

Please ensure that you have completed all components of the Application Form; that all support material and documents requested in the checklist have been provided and the Declaration has been signed.

Access Incentive Scheme Grant Funding Guidelines

Applications should be submitted on the Cowra Shire Council Access Incentive Scheme Grant form and must address the above aims and criteria.

Applications should be sent to:

Director – Environmental Services
Cowra Council
Private Bag 342
COWRA NSW 2794

Or emailed to: council@cowra.nsw.gov.au

Any enquiries should be directed to Environmental Services by Telephone on 6340 2040 or email to council@cowra.nsw.gov.au

All applications received by Council are submitted to the next available Access Committee meeting for assessment and a recommendation is tabled to the following Council meeting for consideration.

8. Acquittals

Funding payment will be provided on completion of the project and submission of an Access Incentive Scheme Acquittal form and following satisfactory inspection by Cowra Shire Council's Director – Environmental Services.

9. Appendix

1. Application Form
2. Acquittal Form

Access Incentive Scheme Grant Funding Guidelines



Cowra Shire Council
 Private Bag 342
 Cowra NSW 2794
 Phone: 02 6340 2000
 council@cowra.nsw.gov.au
 www.cowracouncil.com.au

Access Incentive Scheme Grant: Application Form

Guidelines for applicants

Refer to the Cowra Access Incentive Scheme Grant – Funding Guidelines Policy for full application details of the Scheme and terms and conditions.

What is the Access Incentive Scheme Grant?

The scheme assists property owners/lessees by providing funding assistance to upgrade their premises to enable people with disabilities to access and use their premises.

Who can apply?

- Not-for profit community organisations
- Local Incorporated Community groups, clubs & progress associations
- Local businesses
- Local Community Service Providers

What type of projects can be applied for?

The types of projects that may be applied for include;

- Improve access to building, such as - automated doors, access ramps, lifts, hand rails, tactile markers
- Improve access to Disability facilities, such as – doorways, hand rails, tactile indicators, signage, fitouts
- Improving the Visual access to and in buildings - defining doorways with colour contrasting materials, - Improving Auditory access to and in buildings

The project must

- be located in the Cowra Shire and must be completed within 12 months of approval of the application
- Be for premises used by the local community/general public
- Conform to Australian Standard 1428.1 Design for Access and Mobility, and Australian Premises Standard

Access Incentive Scheme Grant Funding Guidelines

Ineligible

Funding will not be provided for the following:

- Projects that have already commenced or completed.
- Activities that are considered the core business of Commonwealth, State or Local Government
- Ongoing operational or administrative costs of an organisation. This includes purchase of capital equipment.
- Individual pursuits
- Gifts and prizes
- Private properties

How to apply?

You must submit your application using this below form, and;

- Ensure all questions are answered
- May use dot points to convey your message effectively.
- Ensure written approval from the property owner is obtained
- Provide current quotes of all works required to support the budget • Site plans and photos of the project area

Documents that may be included to support and strengthen your application include:

- Location maps
- Detailed plan
- Letters of support from organisations your project partners with

Additional information may be requested by the assessment panel to support your application.

Assessment

All applications will be assessed by the Access Committee and will then be tabled to the next Council meeting for approval. All applicants will be notified in writing of the outcome of their application and an agreement form provided which is to be submitted within 6-weeks of approval.

Contacts

Contact Cassandra Gailey or Larissa Hackett at Cowra Council for any assistance in completing your application on 6340 2048 or by email at: council@cowra.nsw.gov.au

Access Incentive Scheme Grant Funding Guidelines

Certification

By submitting this application, I acknowledge that I have read and understood the information made available by Cowra Shire Council regarding the Access Incentive Scheme Grant and to the best of my knowledge, the information provided in this application is true and correct.

I also acknowledge that this application is submitted with both the full awareness and authority of the organisation under which it is submitted (if applicable).

☐ Yes

Signature	
Please print name	

Applicant Details

Contact Name	
Name of Organisation applying on behalf	
Mailing Address	
Contact number during office hours	
Email	

Project Site details

Property/Business Name	
Property address	
Location on site where project will be completed (e.g. front entrance)	

Access Incentive Scheme Grant Funding Guidelines

Property Owners Consent – owner of property where project is to be completed	
Owners Name	
Owners Contact address	
Owners contact number	
Owners contact email	
<input type="checkbox"/> Owners signature below (under seal if applicable) or <input type="checkbox"/> Owners consent attached (under seal and/or letterhead)	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> _____ Signature _____ Name </div> <div style="width: 30%;"> _____ Signature _____ Name </div> <div style="width: 30%;"> _____ Signature _____ Name </div> </div>	

Project Details	
Project Name	
Estimated Timeframe	Project will commence: Project will be completed by:
Funding amount requested	\$
What is the Aim of the project? <i>Example: Install complying ramp to enable access for wheelchairs to front entrance.</i>	

Access Incentive Scheme Grant Funding Guidelines

Present use of the premises	
What improvements are to be made?	
How will the project benefit the community?	
How will the project be managed?	

Budget		
<p>(A) What are the individual budget items/works for your project that are being requested to be funded by the Access Incentive Scheme Grant?</p> <p>(additional fields and spaces may be inserted as required)</p>		
Item Description	Estimated cost	Amount requested to be funded

Access Incentive Scheme Grant Funding Guidelines

Total (A)		\$

Access Incentive Scheme Grant Funding Guidelines

Application Checklist**Have you:**

- ☐ Checked that your eligible to apply?
- ☐ Ensured all appropriate persons (property owners, committee members, etc) are aware that this application is being submitted?
- ☐ Attached detailed quotes or advertising brochures from suppliers?
- ☐ Completed all sections of the Application Form?
- ☐ Kept a copy of this Application Form for your records?
- ☐ Attached owners' consent, if necessary?
- ☐ Attached any additional documents if applicable (e.g. Site plan, photos, proposed project plans)?

Submitting Your Application

Email to: council@cowra.nsw.gov.au

Include a subject line of: Application – Access Incentive Scheme Grant – *your organisation*

Alternatively complete a paper copy of the application and deliver to:

Environmental Services
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Contact the Director-Environmental Services or the Director-Environmental Services Personal Assistant at Cowra Council for any assistance in completing your form on 6340 2048 or by email at: council@cowra.nsw.gov.au

Access Incentive Scheme Grant Funding Guidelines



Cowra Shire Council
 Private Bag 342
 Cowra NSW 2794
 Phone: 02 6340 2000
council@cowra.nsw.gov.au
www.cowracouncil.com.au

Access Incentive Scheme Grant: Acquittal Form

Please submit your completed form to:
 Cowra Shire Council, Environmental Services, 116 Kendal Street, Cowra NSW 2794 or,
 email to: council@cowra.nsw.gov.au

Applicant Details	
Contact Name	
Name of Organisation	
Mailing Address	
Contact number during office hours	
Email	

Project Details	
Project Name	
Funding Amount Approved	\$
Property/Business Name of project site	
Property address of project	
Location on site where project was completed (e.g. front door)	

Access Incentive Scheme Grant Funding Guidelines

Project Results
Aim of the Project (i.e. what will be the outcome? What do you hope to achieve? Who/what will benefit?) <i>Example: Enable access for wheelchairs to front entrance.</i>
Project Activities. (Brief Description of what you did, where and when, who was involved, were there any variations to the original application) <i>Example: New ramp installed to front of building to facilitate equitable access to the building. Ramp was installed on 3 July 2022 by Joe Smith Contractors. Additional handrail was required to be installed to afford stable access to premises</i> This may be conveyed using dot points.

Access Incentive Scheme Grant Funding Guidelines

Project Outcomes

(Brief description of what you achieved, what the benefits were/are to the community / public)

Please include photos

Access Incentive Scheme Grant Funding Guidelines

Budget and Expenditure

Brief outcome of grant expenditure: attach copies of receipts and invoices, materials, services, etc.

This page is for record keeping only (with all personal bank details redacted) and will be removed before the form appears in any Council agendas and/or Councils website and/or any social media platform.

Photos

Please attach good quality photos of your project during progress (if any) and of the completed project.

DISCLOSURE: photos may be used on Councils social media, Councils website and in the local newspapers/social media.

Please tick one of the below options.

- ☐ I consent to all images provided being used on;
(please tick all options below that you give consent to)
- ☐ Councils website
- ☐ Social media where the images may be shared by the public
- ☐ Featuring in the local newspaper.
- ☐ I do not consent to images provided being used on Councils website, on Social media or in the local media publications.

Access Incentive Scheme Grant Funding Guidelines

Payment Options

Preferred Payment Method and Details

- ☐ Cheque Payee: _____
- ☐ EFT
- Account Name: _____
- BSB Number: _____
- Account Number: _____

Important Notes

- Please note, your form may appear in an Access Committee and/or Council meeting agenda where it will then be available online. It may also appear on Council's Facebook page where the post may potentially be shared by the public. All personal information will be redacted before appearing online.
- Please ensure you have ticked whether you give consent or not for the use of any photos provided to appear in a public article and/or online post where it may be shared.

Contact the Director-Environmental Services or the Director-Environmental Services Personal Assistant at Cowra Council for any assistance in completing your form on 6340 2048 or by email at: council@cowra.nsw.gov.au

7.2 Draft Community Participation Plan

File Number: D24/604

Author: Larissa Hackett, Director Environmental Services

INTRODUCTION

Council at its Ordinary Meeting held on 24 February, 2020 endorsed the current Cowra Shire Community Participation Plan. Council is required to undertake a review of the policy every four (4) years.

The policy has remained unchanged since adoption in 2020.

BACKGROUND

All Councils throughout NSW are required to have an adopted Community Participation Plan which clearly identifies how and when Council will engage with the community on the planning functions of Council under the provisions of the Environmental Planning and Assessment Act 1979.

The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

The original policy was endorsed by Council at its ordinary meeting of 24 February 2020.

The policy requires Council to undertake a review of the policy every four (4) years. As part of the review Council must consult with the Cowra Community in accordance with the engagement strategy.

REVIEW OF THE POLICY

The Cowra Shire Community Participation Plan has been reviewed and modifications made to reflect the legislative changes which have occurred since last reviewed.

A copy of the Draft CPP with highlighted changes is included in Attachment 1.

A copy of the Draft CPP for public exhibition is included in Attachment 2.

Key features of the 2024 Plan compared to the 2020:

The key features of the Draft Cowra CPP 2024 as compared to the 2020 documents are summarised as follows:

- An extension of the previous fourteen (14) day neighbour notification/exhibition period to twenty-one (21) days, following community feedback regarding postal delays, especially for rural residents on limited delivery services. This may marginally increase the average assessment timeframe for those DAs that require notification.
- Additional exemptions to the neighbour notification process in strict circumstances, listed below:
 - The Development Application is for a single storey dwelling, single storey alterations or additions to a dwelling or ancillary residential development (e.g. sheds, carports,

swimming pools, fences etc.) where the applicant has not requested a variation to a Council policy.

- The Development Application is for a farm building where the applicant has not requested a variation to Council policy.
- The Development Application is for a boundary adjustment where the applicant has not requested a variation to Council policy.

These additional exemptions aim to reduce the assessment timeframes for minor development that complies with Council policy. Where applicable, it will also reduce the cost of the application to the applicant. Council's current neighbour notification fee is \$123.50.

- Formal newspaper public notice advertising no longer included in methods of community consultation (this does not limit other forms of media publication, however)
- 2024 document designed to incorporate Cowra Council Corporate Style, specially brand colours, and include imagery wholly reflective of a variety of Council's projects

The key features generally of the plan remain:

- Section 1 includes an overview of the plan.
- Section 2 establishes the importance of community engagement and consistency with the principles of community participation prescribed by the legislation.
- Section 3 describes the various planning functions of Council to which the Draft CPP will apply.
- Section 4 outlines the notification and exhibition requirements for Council's development assessment processes.
- Section 5 outlines the notification and exhibition requirements for Council's plan making functions.
- Section 6 outlines the methods that Council will use to engage with the community.
- Section 7 provides advice in relation to the process for making a submission to Council on any matter that is subject to notification or exhibition under the plan.
- Section 8 provides advice on the processes that Council will follow when a submission is received in relation to a matter that is notified or exhibited under the plan.

CONCLUSION

Environmental Services has prepared a Draft CPP 2024 for Cowra. The purpose of the Community Participation Plan is to set out how a Council will engage with its community on all of the planning functions that it performs.

The Draft Cowra Community Participation Plan 2024 has been prepared in accordance with the requirements of the EP&A Act and relevant guidelines issued by the NSW Department of Planning and Environment.

The draft Cowra Community Participation Plan 2024 has four key changes compared to the 2020 policy document it is updating – an extension of the neighbour notification period from 14 to 21 days, additional exemptions to the neighbour notification process, the cessation of formal public notice newspaper advertising in regards to public exhibition and 2024 document design now incorporating Cowra Council corporate style.

It is proposed that Council endorse the public exhibition of the draft Policy in accordance with the Community Engagement Strategy for a period of 28 days.

A further report will be provided to Council for the formal adoption of the Draft Policy at the completion of the exhibition period considering any submissions made.

ATTACHMENTS

1. Draft Community Participation Plan Policy - copy with highlighted changes [↓](#)
2. Draft Community Participation Plan - copy for public exhibition [↓](#)



2024

Community Participation Plan

Environmental Services - Cowra Council



Cowra
Council

Council
acknowledges the
Wiradjuri people
as the custodians
of this land and
pays respect to
their elders, past
present and
emerging



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01

An introduction to the plan

Cowra Council recognises that our rural communities are as diverse as our urban communities.

Our communities have a unique relationship with, and understanding of, the Cowra Shire. The community's range of experiences, interests and roles are essential in shaping the planning and land use decisions that affect our Shire and its villages.

The Community Participation Plan sets out the processes that Council will use to notify the Community of opportunities to provide feedback on planning matters being considered by the Cowra Shire Council.

This document supports the Cowra Community Strategic Plan 2036, to demonstrate leadership, transparency and accountability in decision making.

This plan meets the requirements of the Environmental Planning and Assessment act 1979.

1.1 Introduction

The NSW Government requires all Councils in NSW to prepare a Community Participation Plan (CPP) that sets out how and when Council will engage with the community on the planning functions of Council under the Environmental Planning and Assessment Act 1979.

Community participation is an overarching term covering how Council will engage the community in relation to planning functions delegated to Council by the NSW Department of Planning and Environment, including legislative reform, plan making and decisions on proposed developments.

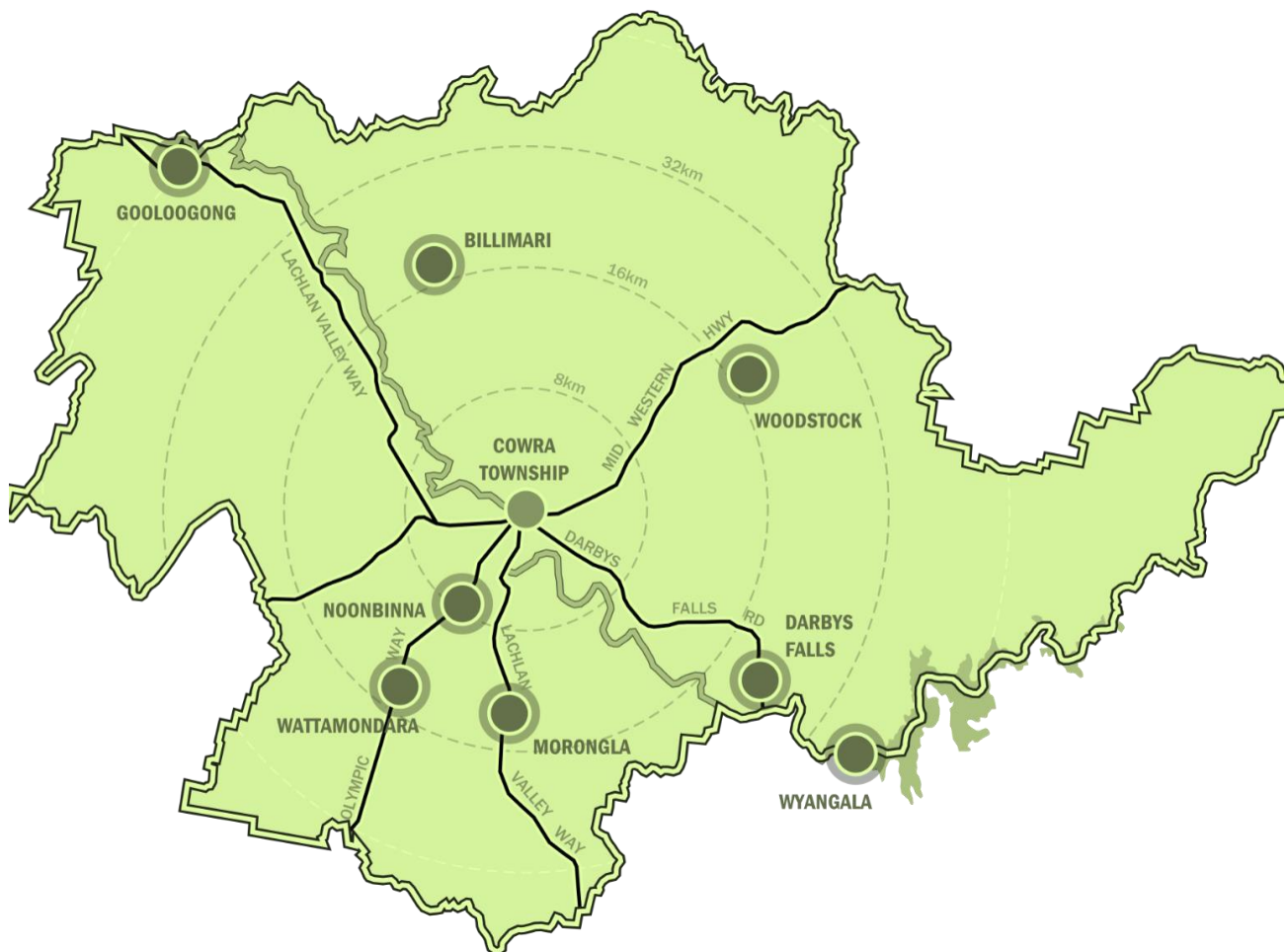
The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

1.2 Who is the community?

The community is anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies, stakeholders, businesses and Local, State and Commonwealth Government agencies.

1.3 Land to which this Plan applies

The Cowra Community Participation Plan applies to all land within the Cowra Shire Local Government Area (LGA).



1.4 What is community engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation.

The linking of the term 'community' to 'engagement' serves to broaden the scope, shifting the focus from the individual to the collective, with the associated implications for inclusiveness to ensure consideration is made of the diversity that exists within any community.

1.5 What is a Community Participation Plan?

Community participation is particularly important to successful planning outcomes.

The Cowra CPP sets out when and how Council will engage with the Cowra community across all of the planning functions which Council performs.

The Cowra CPP has been prepared in line with Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment's guidance material.

This plan outlines the Council's policy for community participation in planning processes.



PG. 5 | COWRA COMMUNITY PARTICIPATION PLAN | 2020

02

Why is community participation in planning important?

Planning helps to define the local community. It impacts on the quality of daily experiences for those who live, study and work or visit the Cowra Shire.

Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve this experience.

2.1 What are the aims of community engagement?

- + To enhance opportunities for all members of the community to participate in planning processes and decision making.
- + To ensure planning and decision making processes are carried out in an open, transparent, comprehensive and consistent manner.
- + To ensure the community is well informed about how they can participate in planning and decision making processes.
- + To ensure that planning decisions are made in an efficient manner without compromising opportunities for community participation.
- + To ensure that public submissions made in relation to development assessment and plan making processes are properly considered by Council.
- + To ensure adequate opportunities for community participation in planning and decision making processes, particularly by those who may be impacted.

2.2 What are the principles of community participation?

- + The community has a right to be informed about planning matters that affect it.
- + Planning Authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- + Planning information should be in plain language, easily accessible and in a form that facilitates community participation.
- + The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- + Community participation should be inclusive and Planning Authorities should actively seek views that are representative of the community.
- + Members of the community who are affected by a proposed major development should be consulted by the proponent before an application for planning approval is made.
- + Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

- + Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

2.3 What are the benefits of engaging with our community?

- + Engagement leads to better project and service delivery outcomes.
- + Engagement allows Council to build more resilient relationships with the local community.
- + Engagement provides Council with increased capacity to form partnerships and networks within the community.
- + Engagement can enhance Council's reputation within the local community.
- + Engagement can be used to gauge whether Council is upholding the expectations of the local community.
- + Engagement enables Council to increase its understanding of key issues within the community.
- + Engagement increases the capacity of Council to adequately deal with complex and emerging issues.
- + Engagement provides opportunities for diverse voices to be heard.
- + Engagement empowers the community to identify priorities for themselves and own the solutions.



“Planning helps to define the local community.
It impacts on the quality of daily experiences for
those who live, study and work or visit Cowra



03 What are Council's planning functions?

Council's planning functions are divided into two streams under the **Environmental Planning and Assessment Act 1979**: development assessment, and plan making.

3.1 Development Assessment

Local development

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments.

Cowra Local Environmental Plan 2012 outlines those developments and land uses which require consent before the development can take place.

Nominated integrated development

Nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:

- + a provision of the *Heritage Act 1977* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or
- + a provision of the *Water Management Act 2000* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or

- + a provision of the *Protection of the Environment Operations Act 1997* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979.

Designated development

Designated Developments are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- + the class of development can be listed in Schedule 3 of the Environmental Planning and Assessment Regulation ~~2000~~ 2021 as being designated development, or
- + a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

State significant development

State significant development is development that due to the size, economic value or potential impact is considered to be of State significance.

Development that is State significant development (SSD) is identified in the State and Regional Development SEPP. For all State significant development applications, the Minister for Planning is the consent authority.

Modification of development consents

After development consent has been issued, the applicant or anyone entitled to act on the applicant's behalf can apply to Council, or the approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act) provided that the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will need to be submitted for assessment.

3.2 Plan Making

Community Participation Plan

The Cowra CPP sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

Regional or District Plans

Regional plans have been developed by the NSW Department of Planning and Environment to plan for our future populations needs for housing, jobs, infrastructure and a healthy environment. The Central West and Orana Regional Plan ~~2036~~ **2041** applies to the Cowra Local Government Area and the region.

Local Strategic Planning Statements

The Local Strategic Planning Statement will set out the 20-year vision for land-use in the Cowra Region and its 8 villages, the special character and values that are to be preserved, and how change will be managed into the future. The Local Strategic Planning Statement will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement will implement actions from the Central West and Orana Regional Plan, as well as Council's own priorities identified in the Cowra Council Community Strategic Plan, its land use

strategies and other studies that support the growth of the Shire.

The Local Strategic Planning Statement must:

- + identify the planning priorities for an area,
- + explain how these priorities are to be delivered, and
- + demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Central West and Orana Regional Plan.

Planning Proposals

The Cowra Local Environmental Plan 2012 (LEP) guides planning decisions for the Cowra Shire. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A Planning Proposal is required to amend the Local Environmental Plan. A Planning Proposal must demonstrate the strategic merit of the proposed LEP amendment. A Planning Proposal is submitted to the NSW Department of Planning and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- + whether or not to proceed with the Planning Proposal
- + whether or not to impose conditions to the proposal
- + the minimum public exhibition period

Planning Agreements

Planning Agreements (also commonly referred to as VPAs) are voluntary agreements entered into by the Council and a developer to deliver public benefits.

These include the dedication of land to Council, monetary contributions, public infrastructure, community facilities, affordable housing, any other material public benefit or any combination of these.

Planning Agreements are prepared under the Environmental Planning and Assessment Act 1979 in relation to either a planning proposal or a development application.

Development Control Plans

The Development Control Plan ~~2014~~ 2021 (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed guidelines and controls. The DCP applies to the Cowra Shire.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

Developer and Infrastructure Contribution Plans

~~Section 7.11~~ Subdivision 7 of Part 3 of the EP&A Act details the contributions that Council can levy for development. Council's ~~7.11~~ and ~~7.11-A~~ 12 (formerly Section 94 and Section 94A) Contribution Plan 2016 allows Council to levy contributions on development consents issued for land within the Cowra Shire. These contributions assist with the provision of community facilities and / or infrastructure to meet demand created by development.

Council will periodically amend these plans, reflecting revised population growth, rezoning

of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

The Local Government Act 1993 allows Council to levy contribution towards water and sewer infrastructure where the anticipated development will or is likely to increase the demand for water or sewer supply services via:

- + The Developer Servicing Plan for Water, and
- + The Developer Servicing Plan for Sewer.

Development excluded from notification under this Community Participation Plan

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation. This Plan does not relate to applications that fall within the following categories:

- + Development which is exempt development under the provisions of Clause 3.1 - Exempt Development of the LEP and or any applicable State Environmental Planning Policy.
- + Development which is complying development under the provisions of Clause 3.2 Complying Development of the LEP and or any applicable State Environmental Planning Policy.

3.3 Other Council Plans

Cowra Council Aboriginal Consultation Policy

Cowra Shire Council's Aboriginal Consultation Policy provides clarity regarding the consultation process for any development activities with the potential to impact on Aboriginal cultural heritage in the Cowra LGA. Section 5.2 of the Aboriginal Consultation Policy identifies the following types of Development Applications, irrespective of the proponent, that will be referred to the Aboriginal community for input:

- + DAs involving the proposed removal/destruction of an Aboriginal site or relic;
- + DAs where there is an identified Aboriginal site or relic either on the subject land or located in close proximity to the land (less than 100 metres from any works associated with the development).
- + DAs involving the proposed disturbance of two hectares or more of land that is within 100 metres of the bank of a river, or creek, or from the crest of a ridgeline or established timbered areas assessed to be more than 100 years old.

04 Development assessment consultation requirements

This section outlines the notification and exhibition requirements for development assessment processes within Council.

This plan supersedes and incorporates the notification and advertising requirements set out in the Cowra Development Control Plan **2014** **2021**.

4.1 What is notified development?

To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by Section 4.5 of this Plan.

4.2 What is exhibited development?

Exhibited development is development that is subject to notification; however, it is development that must also be advertised ~~in a local newspaper~~ on Council's website in accordance with the requirements of this plan.

4.3 Mandatory exhibition timeframes – certain development application types

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals.

Council will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

The only requirements in this plan that are mandatory are those set out in the table below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

Development Assessment Type	Timeframe
Application for development consent for designated development	28 days (mandatory)
Application for development consent for state significant development	28 days (mandatory)
Environmental Impact Statement obtained under Division 5.1	28 days (mandatory)
Environmental Impact Statement for state significant infrastructure under Division 5.2	28 days (mandatory)
Environmental Impact Statement for State significant infrastructure under Division 5.2	28 days (mandatory)

4.4 Which applications will be notified and / or exhibited?

Notified Development	Exhibited Development
To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by this Plan.	<p>The following development is exhibited development for the purposes of this Plan:</p> <ul style="list-style-type: none"> + Boarding houses + Caravan parks + Commercial development (in a commercial zone), excluding change of use and minor alterations and additions + Correctional centres + Crematoriums + Eco-tourist facilities + Entertainment facilities + Extractive industries + Freight transport facilities + Group homes + Hazardous or offensive industries + Heavy industrial storage establishments + Development involving heritage Items, including demolition + Highway service centres + Hotels / Motels + Industrial development (in an industrial zone) adjoining a residential zone + Intensive livestock agriculture + Applications involving 5 or more dwellings, regardless of whether there is a subdivision proposed. + Places of public worship + Registered clubs + Sex services premises + Subdivisions involving the creation of 10 or more new allotments <p>In addition to the developments identified above, where the Council or its delegated officers consider that community interest in a Development Application is wider than the immediate vicinity of the development site, notification may also be given in a local newspaper on its website.</p>

4.5 Are there any exemptions to the consultation process?

Notified Development	Exhibited Development
<p>Council may decide not to follow the neighbour notification procedure in the following circumstances:</p> <ul style="list-style-type: none"> + The development could have been carried out as exempt development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or the latest revision of that policy. + The Development Application is for internal alterations to a building only + The Development Application is for a single storey dwelling, single storey alterations or additions to a dwelling or ancillary residential development (e.g. sheds, carports, swimming pools, fences etc.) where the applicant has not requested a variation to a Council policy. + The Development Application is for a farm building where the applicant has not requested a variation to Council policy. + The Development Application is for a boundary adjustment where the applicant has not requested a variation to Council policy. + The Development Application is for renovation works such as re-cladding of buildings, replacement of windows, doors or shop fronts where the works are contained entirely within the building envelope + The development relates to an amendment that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this Plan. + In relation to existing Development Consents, Section 4.55 (1) Modifications involving minor error, misdescription or miscalculation and Section 4.55(1A) Modifications involving minimal environmental impact. 	<p>Any development not prescribed in Section 4.4.</p>

Notified Development	Exhibited Development
Written letter to any person(s) identified in Section 4.7.	<ul style="list-style-type: none"> Placement of an advertisement in the local newspaper on at least two occasions. Council will make the relevant plans, policies and development applications available for public inspection on Council's website. Exhibition material to be made available for inspection at Council's Customer Service Centre at 116 Kendal Street, Cowra Exhibition material to be made available for download from Council's website.

4.7 Who does Council consult with?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + The owner(s) of land immediately adjoining to the side and rear boundaries of the subject land. + The owner(s) of land adjacent to the subject land, including land that is separated from the subject land by a road, pathway, driveway, railway or similar thoroughfare. + An association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989 2021 or a body corporate for a parcel within the meaning of the Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015. + The owner(s) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to views, overshadowing, overlooking, noise impacts, visual impacts, drainage or any other relevant for consideration under Section 4.15 of the EP&A Act. + See Diagram below for a simplistic illustration of properties which may qualify for notification. 	<p>As per notified development, plus any interested person(s) from within the community as per Section 4.6.</p>



4.8 What information is provided as part of consultation?

Notified Development	Exhibited Development
<p>The following information shall be included in the written notification letter to any person(s) entitled to be notified:</p> <ul style="list-style-type: none"> + The property description and address of the subject land + A description of development + The name of the applicant + An invitation to inspect the Development Application + Details of where the application can be inspected + A statement that any person may make a written submission in relation to the application + The time within which written submissions must be received by Council + Advice that the content of written submission may be included in a report to Council and / or provided to the applicant. + Advice that Council is subject to the Government Information (Public Access) Act 2009 legislation and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation <p>The following plans and documentation will accompany the written notification:</p> <ul style="list-style-type: none"> + Scaled and dimensioned elevations, where building works are proposed + Scaled and dimensioned site plan, where building works are proposed + Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed + Statement of Environmental Effects 	<p>During the public exhibition period, Council must make available, upon request, extracts of the Development Application to any interested persons. This information shall include:</p> <ul style="list-style-type: none"> + Details of the applicant and the land to which the Development Application relates + Scaled and dimensioned elevations, where building works are proposed + Scaled and dimensioned site plan, where building works are proposed + Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed + Statement of Environmental Effects + Where relevant, a copy of the Environmental Impact Statement (EIS) accompanying the Development Application + Copies of the EIS will be made available for purchase from Council for a price as set by clause 75 of the EP&A Regulation 2000 on request

4.9 What is the period of consultation?

Notified Development	Exhibited Development
For Development Applications requiring neighbour notification under this Plan, a neighbour notification period of not less than fourteen (14) twenty-one (21) days shall be provided by Council. During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979.	The Development Application shall be made available for inspection for a period of not less than fourteen (14) twenty-one (21) days, public holidays excluded, commencing from the date on which the public exhibition notice was placed in the Local Newspaper on Council's website .

4.10 Who is entitled to make a submission?

Notified Development	Exhibited Development
A submission may be made by any person whether or not that person has been or is entitled to be, given notification of the Development Application under this Plan.	A submission may be made by any person.

4.11 When must a submission be received by Council?

Notified Development	Exhibited Development
Submissions in respect of a Development Application that is notified under this Plan must be received by Council: <ul style="list-style-type: none"> + Within fourteen (14) twenty-one (21) days of the date appearing on the written notification letter, or + Alternatively within such additional period as may be deemed appropriate by the Council or its delegated officers. 	Submissions in respect of a DA that is publicly exhibited under this Plan must be received by Council: <ul style="list-style-type: none"> + Within fourteen (14) twenty-one (21) days of the date appearing on the public exhibition notice, or + Alternatively within such additional period as may be determined by the Council or its delegated officers.

4.12 What happens if an application is amended post consultation but prior to determination?

Notified Development	Exhibited Development
<p>For Development Applications that are amended post neighbour notification and at any time prior to determination, the Development Application will be re-notified (in accordance with Sections 4.6 to 4.9 of this plan) when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-notified under this Plan.</p>	<p>For Development Applications that are amended post public exhibition and at any time prior to determination, the Development Application will be re-exhibited in accordance with this Plan when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-exhibited under this Plan.</p>

4.13 How does Council deal with applications to modify a consent?

Notified Development	Exhibited Development
Section 4.55(1) Modifications	Section 4.55(1) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(1A) Modifications	Section 4.55(1A) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(2) Other Modifications	Section 4.55(2) Other Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2000 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2000 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.
Section 4.55(AA) Court Granted Modifications	Section 4.55(AA) Court Granted Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified.

4.14 How will Council deal with petitions?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + Where a petition is received in relation to a Development Application, Section 4.55 Modification Application or Section 82A Review Application, the head petitioner will be acknowledged for the purpose of future contact as to the progress of the Development Application. + Where a head petitioner is not nominated, one will be selected by Council or its delegated officers. + Only the head petitioner will be advised of committee meeting times or receive written confirmation of the determination of the Development Application. 	As per notified development.

4.15 How will Council deal with applications to review a consent?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-notified in the same manner as the original Development Application. + All persons who made submissions in relation to the original Development Application must also be notified. 	<ul style="list-style-type: none"> + Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-exhibited in the same manner as the original Development Application. + All persons who made submissions in relation to the original Development Application must also be notified.

Note: The EP&A Act and Regulation specify additional advertising and notification procedures for Section 8.3 Review Applications.

4.16 Will Council consider an extension to the submission period?

Notified Development	Exhibited Development
<p>+ The submission period may be extended up to 28 days during traditional holiday periods (e.g. December and January).</p> <p>+ Except for the circumstances described above, and to ensure the efficient processing of Development Applications, Council will not provide an extension of time within which it will be possible to make submissions.</p> <p>+ To ensure the efficient processing of Development Applications, Council will not provide an extension of time within which it will be possible to make submissions.</p> <p>+ During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979.</p>	As per notified development.

4.17 What if the adjoining property is located in a different LGA?

Notified Development	Exhibited Development
<p>Where adjoining properties not within the Cowra Local Government Area are considered to be affected by a Development Application made in relation to land in the Cowra Local Government Area, the owner(s) of such properties will be notified in accordance with the provisions of this Plan.</p> <p>Notification of adjoining properties will require the adjoining Local Government Authority to provide Cowra Shire Council with the property details of requested properties within 48 hours of the request</p>	As per notified development.

05 Plan Making Consultation Requirements

This section outlines how Council will consult with the community in relation to the preparation of draft planning documents, studies and strategies.

5.1 Exhibition timeframes

Public exhibition of draft planning documents requires Council endorsement before being released for comment. Exhibition timeframes for the various documents are shown in the table below.

Planning Document	Timeframe
Draft Community Participation Plans	28 days (mandatory)
Draft Regional or District Strategic Plan	45 days (mandatory)
Draft Local Strategic Planning Statement	28 days (mandatory)
Draft Development Control Plan	28 days (mandatory)
Draft Development Contributions Plan	28 days (mandatory)
Planning Proposal subject to a Gateway Determination	28 days or as specified in gateway
Draft Planning Agreement	28 days (mandatory)
Draft Planning Policy / Guideline	28 days (best practice)
Draft Land-use / Planning Strategy	28 days (best practice)
Draft Masterplanning documents	42 days (best practice)
Re-exhibition of any matter referred to above.	As per original exhibition period.

06

How will Council facilitate community consultation?

6.1 Facilitating community consultation



Direct Invitation

For notified development, Council will write to individual land owner(s) with relevant advice about the application / draft planning document and invite participation in the consultation process. The invitation will be provided to the registered owner(s) of the land as recorded by Council on the day the invitation is made.



Public Advertisement

~~For exhibited development, Council will place a notice in a local newspaper on at least two occasions throughout the prescribed period for exhibition under this plan.~~



Exhibition Centre

For exhibited development, Council will make all consultation material available for inspection at Council's Customer Service Centre, 116 Kendal Street Cowra.

Online

For exhibited development, Council will make all consultation material available for download from Council's website - www.cowracouncil.com.au



Community Workshops / Forums

For exhibited development considered by Council to be of high interest to the broader community, Council will organise one or a number of workshops and invite interested community members to attend.



Council will consult in this way every time for these projects.



Council may consult in this way for projects that are considered to be of high interest to the community.



Council will consult with individual landowners, stakeholders or interest groups where relevant.

By direct Invitation

Public Advertisement

Exhibition Centre

Online

Community Workshops

Planning Document					
Development Application – Notified Development	✓				
Development Application – Exhibited Development	✓	✓	✓	✓	✓
Planning Document					
Draft Community Participation Plans		✓	✓	✓	✓
Draft Regional or District Strategic Plan		✓	✓	✓	✓
Draft Local Strategic Planning Statement		✓	✓	✓	✓
Draft Development Control Plan	✓	✓	✓	✓	✓
Draft Development Contributions Plan	✓	✓	✓	✓	✓
Planning Proposal subject to a Gateway Determination	✓	✓	✓	✓	✓
Draft Planning Agreement	✓	✓	✓	✓	✓
Draft Planning Policy / Guideline	✓	✓	✓	✓	✓
Draft Land-use / Planning Strategy	✓	✓	✓	✓	✓
Draft Masterplanning documents	✓	✓	✓	✓	✓
Re-exhibition of any matter referred to above.	✓	✓	✓	✓	✓
Other Documents					
Aboriginal Consultation Policy	✓	✓	✓	✓	✓

07

What is the process for making a submission?

7.1 Making a Submission

- + Submissions must be made within the prescribed notification / exhibition period.
- + All submissions must clearly indicate the name and address of the person **or** **household** making the submission.
- + All submissions must clearly reference the planning application number / matter to which it relates.
- + The submission should relate directly to the planning application / document and if the submission is by way of objection, it must state the reasons for objection.
- + The submission must be made in writing (via mail, email, or hand delivered).
- + Verbal submissions will not be accepted.

Posted submissions should be addressed to:

General Manager
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Emailed submissions should be sent to:

council@cowra.nsw.gov.au

Submissions can be hand delivered to:

Cowra Shire Council
Customer Service Centre
116 Kendal Street
Cowra NSW 2794



08

How will Council measure and record community participation?

8.1 Recording of Submissions

Council has systems setup to manage hard copy and digital submissions.

At a minimum, Council commits to:

- + Registering each submission (through software or hard copy log)
- + Identifying the core issues and responding to these (as they relate to the DA)
- + Recording the name and contact details (address or email) for submission to be official
- + Sending a written or emailed acknowledgement of receipt of submission.

Submissions from the same household will be considered as a single submission.

A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

8.2 Submission process – development assessment

Submissions that are received in relation to a development assessment process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + Council may, but is not obligated to, consider a submission that is received outside of the period allowed for making submissions under this Plan, provided the DA has not already been determined by Council.
- + The content of any submission received by Council in relation to a planning application ~~will~~ **may** be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when making a determination.
- + Any submission received by Council may be referred to the applicant for consideration.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning application

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

The submission is properly considered as part of the assessment and determination of the planning application

The submission maker is formally notified of the outcome

8.3 Submission process – plan making

Submissions that are received in relation to the plan making process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + To ensure the efficiency of the plan making process, Council will not consider submissions received outside of the prescribed period of exhibition.
- + The content of any submission received by Council in relation to a draft plan will be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when deciding to adopt a draft plan.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning matter

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

Prior to formal adoption of the draft plan, the submission will be considered as part of a report to Council.

The submission maker is formally notified of the outcome

“

“Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve the planning process and create better outcomes for all who live and visit the shire





2024

Community Participation Plan

Environmental Services - Cowra Council



Cowra
Council

Council
acknowledges the
Wiradjuri people
as the custodians
of this land and
pays respect to
their elders, past
present and
emerging



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01

An introduction to the plan

Cowra Council recognises that our rural communities are as diverse as our urban communities.

Our communities have a unique relationship with, and understanding of, the Cowra Shire. The community's range of experiences, interests and roles are essential in shaping the planning and land use decisions that affect our Shire and its villages.

The Community Participation Plan sets out the processes that Council will use to notify the Community of opportunities to provide feedback on planning matters being considered by the Cowra Shire Council.

This document supports the Cowra Community Strategic Plan 2036, to demonstrate leadership, transparency and accountability in decision making.

This plan meets the requirements of the Environmental Planning and Assessment act 1979.

1.1 Introduction

The NSW Government requires all Councils in NSW to prepare a Community Participation Plan (CPP) that sets out how and when Council will engage with the community on the planning functions of Council under the Environmental Planning and Assessment Act 1979.

Community participation is an overarching term covering how Council will engage the community in relation to planning functions delegated to Council by the NSW Department of Planning and Environment, including legislative reform, plan making and decisions on proposed developments.

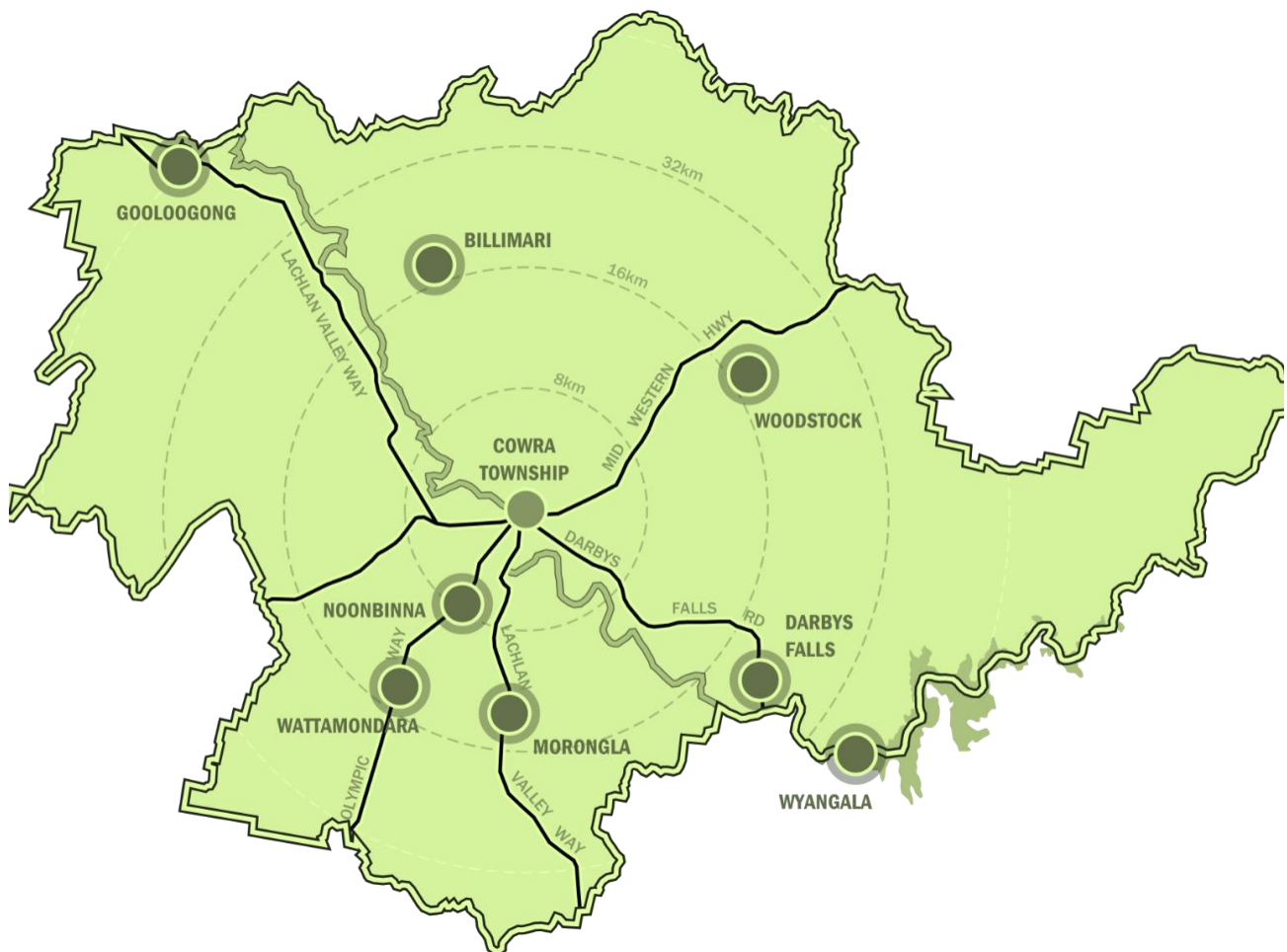
The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

1.2 Who is the community?

The community is anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies, stakeholders, businesses and Local, State and Commonwealth Government agencies.

1.3 Land to which this Plan applies

The Cowra Community Participation Plan applies to all land within the Cowra Shire Local Government Area (LGA).



1.4 What is community engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation.

The linking of the term 'community' to 'engagement' serves to broaden the scope, shifting the focus from the individual to the collective, with the associated implications for inclusiveness to ensure consideration is made of the diversity that exists within any community.

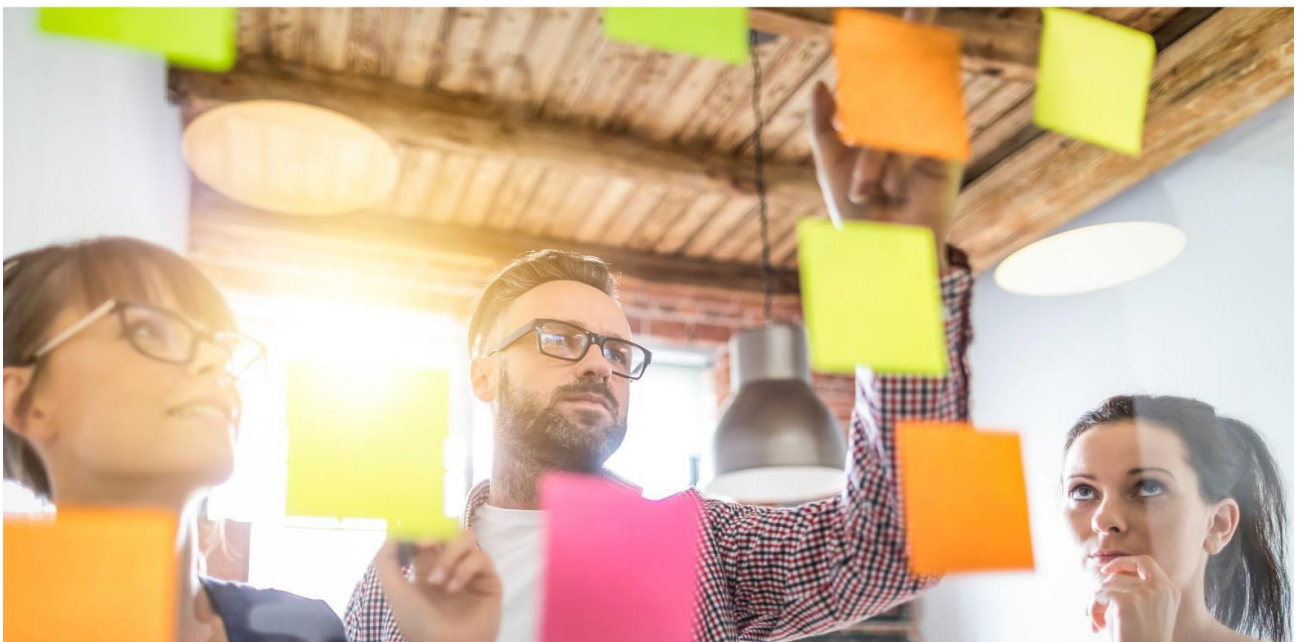
1.5 What is a Community Participation Plan?

Community participation is particularly important to successful planning outcomes.

The Cowra CPP sets out when and how Council will engage with the Cowra community across all of the planning functions which Council performs.

The Cowra CPP has been prepared in line with Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment's guidance material.

This plan outlines the Council's policy for community participation in planning processes.



PG. 5 | COWRA COMMUNITY PARTICIPATION PLAN | 2020

02

Why is community participation in planning important?

Planning helps to define the local community. It impacts on the quality of daily experiences for those who live, study and work or visit the Cowra Shire.

Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve this experience.

2.1 What are the aims of community engagement?

- + To enhance opportunities for all members of the community to participate in planning processes and decision making.
- + To ensure planning and decision making processes are carried out in an open, transparent, comprehensive and consistent manner.
- + To ensure the community is well informed about how they can participate in planning and decision making processes.
- + To ensure that planning decisions are made in an efficient manner without compromising opportunities for community participation.
- + To ensure that public submissions made in relation to development assessment and plan making processes are properly considered by Council.
- + To ensure adequate opportunities for community participation in planning and decision making processes, particularly by those who may be impacted.

2.2 What are the principles of community participation?

- + The community has a right to be informed about planning matters that affect it.
- + Planning Authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- + Planning information should be in plain language, easily accessible and in a form that facilitates community participation.
- + The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- + Community participation should be inclusive and Planning Authorities should actively seek views that are representative of the community.
- + Members of the community who are affected by a proposed major development should be consulted by the proponent before an application for planning approval is made.
- + Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

- + Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

2.3 What are the benefits of engaging with our community?

- + Engagement leads to better project and service delivery outcomes.
- + Engagement allows Council to build more resilient relationships with the local community.
- + Engagement provides Council with increased capacity to form partnerships and networks within the community.
- + Engagement can enhance Council's reputation within the local community.
- + Engagement can be used to gauge whether Council is upholding the expectations of the local community.
- + Engagement enables Council to increase its understanding of key issues within the community.
- + Engagement increases the capacity of Council to adequately deal with complex and emerging issues.
- + Engagement provides opportunities for diverse voices to be heard.
- + Engagement empowers the community to identify priorities for themselves and own the solutions.



“Planning helps to define the local community.
It impacts on the quality of daily experiences for
those who live, study and work or visit Cowra



03 What are Council's planning functions?

Council's planning functions are divided into two streams under the **Environmental Planning and Assessment Act 1979**: development assessment, and plan making.

3.1 Development Assessment

Local development

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments.

Cowra Local Environmental Plan 2012 outlines those developments and land uses which require consent before the development can take place.

Nominated integrated development

Nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:

- + a provision of the *Heritage Act 1977* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or
- + a provision of the *Water Management Act 2000* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or

- + a provision of the *Protection of the Environment Operations Act 1997* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979.

Designated development

Designated Developments are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- + the class of development can be listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2021 as being designated development, or
- + a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

State significant development

State significant development is development that due to the size, economic value or potential impact is considered to be of State significance.

Development that is State significant development (SSD) is identified in the State and Regional Development SEPP. For all State significant development applications, the Minister for Planning is the consent authority.

Modification of development consents

After development consent has been issued, the applicant or anyone entitled to act on the applicant's behalf can apply to Council, or the approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act) provided that the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will need to be submitted for assessment.

3.2 Plan Making

Community Participation Plan

The Cowra CPP sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

Regional or District Plans

Regional plans have been developed by the NSW Department of Planning and Environment to plan for our future populations needs for housing, jobs, infrastructure and a healthy environment. The Central West and Orana Regional Plan 2041 applies to the Cowra Local Government Area and the region.

Local Strategic Planning Statements

The Local Strategic Planning Statement will set out the 20-year vision for land-use in the Cowra Region and its 8 villages, the special character and values that are to be preserved, and how change will be managed into the future. The Local Strategic Planning Statement will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement will implement actions from the Central West and Orana Regional Plan, as well as Council's own priorities identified in the Cowra Council Community Strategic Plan, its land use

strategies and other studies that support the growth of the Shire.

The Local Strategic Planning Statement must:

- + identify the planning priorities for an area,
- + explain how these priorities are to be delivered, and
- + demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Central West and Orana Regional Plan.

Planning Proposals

The Cowra Local Environmental Plan 2012 (LEP) guides planning decisions for the Cowra Shire. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A Planning Proposal is required to amend the Local Environmental Plan. A Planning Proposal must demonstrate the strategic merit of the proposed LEP amendment. A Planning Proposal is submitted to the NSW Department of Planning and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- + whether or not to proceed with the Planning Proposal
- + whether or not to impose conditions to the proposal
- + the minimum public exhibition period

Planning Agreements

Planning Agreements (also commonly referred to as VPAs) are voluntary agreements entered into by the Council and a developer to deliver public benefits.

These include the dedication of land to Council, monetary contributions, public infrastructure, community facilities, affordable housing, any other material public benefit or any combination of these.

Planning Agreements are prepared under the Environmental Planning and Assessment Act 1979 in relation to either a planning proposal or a development application.

Development Control Plans

The Development Control Plan 2021 (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed guidelines and controls. The DCP applies to the Cowra Shire.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

Developer and Infrastructure Contribution Plans

Subdivision 7 of Part 3 of the EP&A Act details the contributions that Council can levy for development. Council's 7.11 and 7.12 (formerly Section 94 and Section 94A) Contribution Plan 2016 allows Council to levy contributions on development consents issued for land within the Cowra Shire. These contributions assist with the provision of community facilities and / or infrastructure to meet demand created by development.

Council will periodically amend these plans, reflecting revised population growth, rezoning

of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

The Local Government Act 1993 allows Council to levy contribution towards water and sewer infrastructure where the anticipated development will or is likely to increase the demand for water or sewer supply services via:

- + The Developer Servicing Plan for Water, and
- + The Developer Servicing Plan for Sewer.

Development excluded from notification under this Community Participation Plan

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation. This Plan does not relate to applications that fall within the following categories:

- + Development which is exempt development under the provisions of Clause 3.1 - Exempt Development of the LEP and or any applicable State Environmental Planning Policy.
- + Development which is complying development under the provisions of Clause 3.2 Complying Development of the LEP and or any applicable State Environmental Planning Policy.

3.3 Other Council Plans

Cowra Council Aboriginal Consultation Policy

Cowra Shire Council's Aboriginal Consultation Policy provides clarity regarding the consultation process for any development activities with the potential to impact on Aboriginal cultural heritage in the Cowra LGA. Section 5.2 of the Aboriginal Consultation Policy identifies the following types of Development Applications, irrespective of the proponent, that will be referred to the Aboriginal community for input:

- + DAs involving the proposed removal/destruction of an Aboriginal site or relic;
- + DAs where there is an identified Aboriginal site or relic either on the subject land or located in close proximity to the land (less than 100 metres from any works associated with the development).
- + DAs involving the proposed disturbance of two hectares or more of land that is within 100 metres of the bank of a river, or creek, or from the crest of a ridgeline or established timbered areas assessed to be more than 100 years old.

04 Development assessment consultation requirements

This section outlines the notification and exhibition requirements for development assessment processes within Council.

This plan supersedes and incorporates the notification and advertising requirements set out in the Cowra Development Control Plan 2021.

4.1 What is notified development?

To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by Section 4.5 of this Plan.

4.2 What is exhibited development?

Exhibited development is development that is subject to notification; however, it is development that must also be advertised on Council's website in accordance with the requirements of this plan.

4.3 Mandatory exhibition timeframes – certain development application types

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals.

Council will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

The only requirements in this plan that are mandatory are those set out in the table below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

Development Assessment Type	Timeframe
Application for development consent for designated development	28 days (mandatory)
Application for development consent for state significant development	28 days (mandatory)
Environmental Impact Statement obtained under Division 5.1	28 days (mandatory)
Environmental Impact Statement for state significant infrastructure under Division 5.2	28 days (mandatory)
Environmental Impact Statement for State significant infrastructure under Division 5.2	28 days (mandatory)

4.4 Which applications will be notified and / or exhibited?

Notified Development	Exhibited Development
To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by this Plan.	<p>The following development is exhibited development for the purposes of this Plan:</p> <ul style="list-style-type: none"> + Boarding houses + Caravan parks + Commercial development (in a commercial zone), excluding change of use and minor alterations and additions + Correctional centres + Crematoriums + Eco-tourist facilities + Entertainment facilities + Extractive industries + Freight transport facilities + Group homes + Hazardous or offensive industries + Heavy industrial storage establishments + Development involving heritage Items, including demolition + Highway service centres + Hotels / Motels + Industrial development (in an industrial zone) adjoining a residential zone + Intensive livestock agriculture + Applications involving 5 or more dwellings, regardless of whether there is a subdivision proposed. + Places of public worship + Registered clubs + Sex services premises + Subdivisions involving the creation of 10 or more new allotments <p>In addition to the developments identified above, where the Council or its delegated officers consider that community interest in a Development Application is wider than the immediate vicinity of the development site, notification may also be given on its website.</p>

4.5 Are there any exemptions to the consultation process?

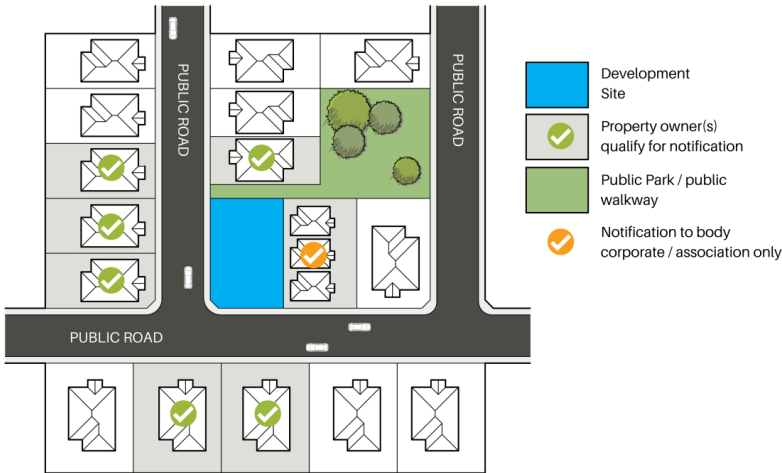
Notified Development	Exhibited Development
<p>Council may decide not to follow the neighbour notification procedure in the following circumstances:</p> <ul style="list-style-type: none"> + The development could have been carried out as exempt development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or the latest revision of that policy. + The Development Application is for internal alterations to a building only + The Development Application is for a single storey dwelling, single storey alterations or additions to a dwelling or ancillary residential development (e.g. sheds, carports, swimming pools, fences etc.) where the applicant has not requested a variation to a Council policy. + The Development Application is for a farm building where the applicant has not requested a variation to Council policy. + The Development Application is for a boundary adjustment where the applicant has not requested a variation to Council policy. + The Development Application is for renovation works such as re-cladding of buildings, replacement of windows, doors or shop fronts where the works are contained entirely within the building envelope + The development relates to an amendment that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this Plan. + In relation to existing Development Consents, Section 4.55 (1) Modifications involving minor error, misdescription or miscalculation and Section 4.55(1A) Modifications involving minimal environmental impact. 	<p>Any development not prescribed in Section 4.4.</p>

4.6 How does Council consult?

Notified Development	Exhibited Development
Written letter to any person(s) identified in Section 4.7.	<div><div></div><div>+</div><div>Council will make the relevant plans, policies and development applications available for public inspection on Council’s website.</div></div> <div><div></div><div>+</div><div>Exhibition material to be made available for inspection at Council’s Customer Service Centre at 116 Kendal Street, Cowra</div></div>

4.7 Who does Council consult with?

Notified Development	Exhibited Development
<div><div></div><div>The owner(s) of land immediately adjoining to the side and rear boundaries of the subject land.</div></div> <div><div></div><div>The owner(s) of land adjacent to the subject land, including land that is separated from the subject land by a road, pathway, driveway, railway or similar thoroughfare.</div></div> <div><div></div><div>An association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 2021 or a body corporate for a parcel within the meaning of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015.</div></div> <div><div></div><div>The owner(s) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to views, overshadowing, overlooking, noise impacts, visual impacts, drainage or any other relevant for consideration under Section 4.15 of the EP&A Act.</div></div> <div><div></div><div>See Diagram below for a simplistic illustration of properties which may qualify for notification.</div></div>	<div>As per notified development, plus any interested person(s) from within the community as per Section 4.6.</div>



4.8 What information is provided as part of consultation?

Notified Development	Exhibited Development
<p>The following information shall be included in the written notification letter to any person(s) entitled to be notified:</p> <ul style="list-style-type: none">+ The property description and address of the subject land+ A description of development+ The name of the applicant+ An invitation to inspect the Development Application+ Details of where the application can be inspected+ A statement that any person may make a written submission in relation to the application+ The time within which written submissions must be received by Council+ Advice that the content of written submission may be included in a report to Council and / or provided to the applicant.+ Advice that Council is subject to the Government Information (Public Access) Act 2009 legislation and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation <p>The following plans and documentation will accompany the written notification:</p> <ul style="list-style-type: none">+ Scaled and dimensioned elevations, where building works are proposed+ Scaled and dimensioned site plan, where building works are proposed+ Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed+ Statement of Environmental Effects	<p>During the public exhibition period, Council must make available, upon request, extracts of the Development Application to any interested persons. This information shall include:</p> <ul style="list-style-type: none">+ Details of the applicant and the land to which the Development Application relates+ Scaled and dimensioned elevations, where building works are proposed+ Scaled and dimensioned site plan, where building works are proposed+ Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed+ Statement of Environmental Effects+ Where relevant, a copy of the Environmental Impact Statement (EIS) accompanying the Development Application+ Copies of the EIS will be made available from Council on request

4.9 What is the period of consultation?

Notified Development	Exhibited Development
For Development Applications requiring neighbour notification under this Plan, a neighbour notification period of not less than twenty-one (21) days shall be provided by Council. During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979.	The Development Application shall be made available for inspection for a period of not less than twenty-one (21) days, public holidays excluded, commencing from the date on which the public exhibition notice was placed on Council’s website.

4.10 Who is entitled to make a submission?

Notified Development	Exhibited Development
A submission may be made by any person whether or not that person has been or is entitled to be, given notification of the Development Application under this Plan.	A submission may be made by any person.

4.11 When must a submission be received by Council?

Notified Development	Exhibited Development
Submissions in respect of a Development Application that is notified under this Plan must be received by Council: <ul style="list-style-type: none">+ Within twenty-one (21) days of the date appearing on the written notification letter, or+ Alternatively within such additional period as may be deemed appropriate by the Council or its delegated officers.	Submissions in respect of a DA that is publicly exhibited under this Plan must be received by Council: <ul style="list-style-type: none">+ Within twenty-one (21) days of the date appearing on the public exhibition notice, or+ Alternatively within such additional period as may be determined by the Council or its delegated officers.

4.12 What happens if an application is amended post consultation but prior to determination?

Notified Development	Exhibited Development
<p>For Development Applications that are amended post neighbour notification and at any time prior to determination, the Development Application will be re-notified (in accordance with Sections 4.6 to 4.9 of this plan) when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-notified under this Plan.</p>	<p>For Development Applications that are amended post public exhibition and at any time prior to determination, the Development Application will be re-exhibited in accordance with this Plan when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-exhibited under this Plan.</p>

4.13 How does Council deal with applications to modify a consent?

Notified Development	Exhibited Development
Section 4.55(1) Modifications	Section 4.55(1) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(1A) Modifications	Section 4.55(1A) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(2) Other Modifications	Section 4.55(2) Other Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.
Section 4.55(AA) Court Granted Modifications	Section 4.55(AA) Court Granted Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified.

4.14 How will Council deal with petitions?

Notified Development	Exhibited Development
<div><div></div><div>Where a petition is received in relation to a Development Application, Section 4.55 Modification Application or Section 82A Review Application, the head petitioner will be acknowledged for the purpose of future contact as to the progress of the Development Application.</div></div> <div><div></div><div>Where a head petitioner is not nominated, one will be selected by Council or its delegated officers.</div></div> <div><div></div><div>Only the head petitioner will be advised of committee meeting times or receive written confirmation of the determination of the Development Application.</div></div>	<div><div></div><div>As per notified development.</div></div>

4.15 How will Council deal with applications to review a consent?

Notified Development	Exhibited Development
<div><div></div><div>Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-notified in the same manner as the original Development Application.</div></div> <div><div></div><div>All persons who made submissions in relation to the original Development Application must also be notified.</div></div>	<div><div></div><div>Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-exhibited in the same manner as the original Development Application.</div></div> <div><div></div><div>All persons who made submissions in relation to the original Development Application must also be notified.</div></div>

Note: The EP&A Act and Regulation specify additional advertising and notification procedures for Section 8.3 Review Applications.

4.16 Will Council consider an extension to the submission period?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + To ensure the efficient processing of Development Applications, Council will not provide an extension of time within which it will be possible to make submissions. + During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979. 	As per notified development.

4.17 What if the adjoining property is located in a different LGA?

Notified Development	Exhibited Development
<p>Where adjoining properties not within the Cowra Local Government Area are considered to be affected by a Development Application made in relation to land in the Cowra Local Government Area, the owner(s) of such properties will be notified in accordance with the provisions of this Plan.</p> <p>Notification of adjoining properties will require the adjoining Local Government Authority to provide Cowra Shire Council with the property details of requested properties within 48 hours of the request</p>	As per notified development.

05 Plan Making Consultation Requirements

This section outlines how Council will consult with the community in relation to the preparation of draft planning documents, studies and strategies.

5.1 Exhibition timeframes

Public exhibition of draft planning documents requires Council endorsement before being released for comment. Exhibition timeframes for the various documents are shown in the table below.

Planning Document	Timeframe
Draft Community Participation Plans	28 days (mandatory)
Draft Regional or District Strategic Plan	45 days (mandatory)
Draft Local Strategic Planning Statement	28 days (mandatory)
Draft Development Control Plan	28 days (mandatory)
Draft Development Contributions Plan	28 days (mandatory)
Planning Proposal subject to a Gateway Determination	28 days or as specified in gateway
Draft Planning Agreement	28 days (mandatory)
Draft Planning Policy / Guideline	28 days (best practice)
Draft Land-use / Planning Strategy	28 days (best practice)
Draft Masterplanning documents	42 days (best practice)
Re-exhibition of any matter referred to above.	As per original exhibition period.

06

How will Council facilitate community consultation?

6.1 Facilitating community consultation



Direct Invitation

For notified development, Council will write to individual land owner(s) with relevant advice about the application / draft planning document and invite participation in the consultation process. The invitation will be provided to the registered owner(s) of the land as recorded by Council on the day the invitation is made.



Exhibition Centre

For exhibited development, Council will make all consultation material available for inspection at Council's Customer Service Centre, 116 Kendal Street Cowra.



Online

For exhibited development, Council will make all consultation material available for download from Council's website - www.cowracouncil.com.au

Community Workshops / Forums

For exhibited development considered by Council to be of high interest to the broader community, Council will organise one or a number of workshops and invite interested community members to attend.





Council will consult in this way every time for these projects.



Council may consult in this way for projects that are considered to be of high interest to the community.



Council will consult with individual landowners, stakeholders or interest groups where relevant.

	By direct Invitation	Exhibition Centre	Online	Community Workshops
Planning Document				
Development Application – Notified Development	✓			
Development Application – Exhibited Development	✓	✓	✓	✓
Planning Document				
Draft Community Participation Plans		✓	✓	✓
Draft Regional or District Strategic Plan		✓	✓	✓
Draft Local Strategic Planning Statement		✓	✓	✓
Draft Development Control Plan	✓	✓	✓	✓
Draft Development Contributions Plan	✓	✓	✓	✓
Planning Proposal subject to a Gateway Determination	✓	✓	✓	✓
Draft Planning Agreement	✓	✓	✓	✓
Draft Planning Policy / Guideline	✓	✓	✓	✓
Draft Land-use / Planning Strategy	✓	✓	✓	✓
Draft Masterplanning documents	✓	✓	✓	✓
Re-exhibition of any matter referred to above.	✓	✓	✓	✓
Other Documents				
Aboriginal Consultation Policy	✓	✓	✓	✓

07

What is the process for making a submission?

7.1 Making a Submission

- + Submissions must be made within the prescribed notification / exhibition period.
- + All submissions must clearly indicate the name and address of the person or household making the submission.
- + All submissions must clearly reference the planning application number / matter to which it relates.
- + The submission should relate directly to the planning application / document and if the submission is by way of objection, it must state the reasons for objection.
- + The submission must be made in writing (via mail, email, or hand delivered).
- + Verbal submissions will not be accepted.

Posted submissions should be addressed to:

General Manager
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Emailed submissions should be sent to:

council@cowra.nsw.gov.au

Submissions can be hand delivered to:

Cowra Shire Council
Customer Service Centre
116 Kendal Street
Cowra NSW 2794



08

How will Council measure and record community participation?

8.1 Recording of Submissions

Council has systems setup to manage hard copy and digital submissions.

At a minimum, Council commits to:

- + Registering each submission (through software or hard copy log)
- + Identifying the core issues and responding to these (as they relate to the DA)
- + Recording the name and contact details (address or email) for submission to be official
- + Sending a written or emailed acknowledgement of receipt of submission.

Submissions from the same household will be considered as a single submission.

A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

8.2 Submission process – development assessment

Submissions that are received in relation to a development assessment process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + Council may, but is not obligated to, consider a submission that is received outside of the period allowed for making submissions under this Plan, provided the DA has not already been determined by Council.
- + The content of any submission received by Council in relation to a planning application may be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when making a determination.
- + Any submission received by Council may be referred to the applicant for consideration.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning application

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

The submission is properly considered as part of the assessment and determination of the planning application

The submission maker is formally notified of the outcome

8.3 Submission process – plan making

Submissions that are received in relation to the plan making process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + To ensure the efficiency of the plan making process, Council will not consider submissions received outside of the prescribed period of exhibition.
- + The content of any submission received by Council in relation to a draft plan will be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when deciding to adopt a draft plan.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning matter

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

Prior to formal adoption of the draft plan, the submission will be considered as part of a report to Council.

The submission maker is formally notified of the outcome

“

“Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve the planning process and create better outcomes for all who live and visit the shire



8 LATE REPORTS

9 CONFIDENTIAL MATTERS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

10 CONFIDENTIAL GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 8 APRIL 2024

10.1 Request for Water Account Adjustment - Assessment Number 78631

This matter is considered to be confidential under Section 10A(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

10.2 Request for Water Account Adjustment - Assessment Number 36865

This matter is considered to be confidential under Section 10A(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

11 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS

11.1 Request for Tender S2_2024 - Supply, Delivery and/or Installation of Guardrail and Wire Rope Safety Fencing

This matter is considered to be confidential under Section 10A(2)(d(i)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.