



**MOREE PLAINS SHIRE COUNCIL**

**16 NOVEMBER 2017**

**FINANCE AND GOVERNANCE  
COMMITTEE MEETING**

**ADOPTED PUBLIC BUSINESS  
PAPER AND MINUTES**

Monday, 13 November 2017

TO:

- Councillors
- General Manager
- Director – Corporate Services
- Director – Planning and Community Development
- Director – Engineering Services
- Manager – Water and Waste
- Manager – Executive Projects

Notice is hereby given that the **Finance and Governance Committee Meeting** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 16 November 2017** commencing at **2pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Mitchell Johnson  
**DIRECTOR OF CORPORATE SERVICES**

#### Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Leave of Absence requests
5. Declarations of Interest
6. Reports
  - a) Outcome of 2017 Sale of Land for Unpaid Rates
  - b) The Quarter 1 Operational Plan and Budget Review
  - c) Annual Internal Audit Update
7. Standing agenda item: New Questions on Notice
8. Standing agenda item: Strategic Planning Proposals and Current Project Updates
9. Standing agenda item: Overseas Trade and Investment
10. Responses to Previous Questions on Notice
11. Closed Committee/Confidential Reports
12. Close Meeting

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# Finance and Governance Committee Meeting Adopted Public Business Paper and Minutes

16 NOVEMBER 2017

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MINUTES OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING OF THE MOREE PLAINS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, HEBER STREET, MOREE ON THURSDAY, 16 NOVEMBER 2017, COMMENCING AT 2.00PM

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**PRESENT:**

Councillors J Tramby OAM, K Humphries (Mayor), S Ritchie (Deputy Mayor), S Price, G Smith, G Chiu, K Cassells, J Crawford and M Montgomery AM.

**IN ATTENDANCE:**

Mr M Johnson (Director Corporate Services), Mr A Probert (Finance Manager), Mr A Witherby (Director of Planning and Community Development), Mr J Carleton (Executive Projects Manager), Mr Roland Heatley (Acting Water & Waste Manager), Ms B Senior (Budgetary Control Accountant), Ms N Griffiths (Revenue Accountant), Mr D McMahon (Operations Manager), Mrs C Kelly (Integrated Planning & Reporting Coordinator), Mrs L Carter (IP&R Manager), Mrs A Colbran (Governance Project Officer), Ms L Colley (Executive Assistant) and Ms Lila Fisher (Project Development Manager).

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**APOLOGIES:**

Nil

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**LEAVE OF ABSENCE:**

Nil

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**MINUTES:**

Minutes from the Finance and Governance Committee Meeting held 19 October 2017.

**17/11/01 RESOLVED (RITCHIE/CASSELLS)**

**That the minutes from the Finance and Governance Committee Meeting held on 19 October 2017 be adopted.**

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**DECLARATIONS OF INTEREST:**

- Nil



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<b>Report Title</b>	<b>1 Outcome of 2017 Sale of Land for Unpaid Rates</b>
<b>Report by</b>	Corporate Services
<b>Contact</b>	Andrew Probert – Finance Manager
<b>Attachments</b>	One (1) attachment; refer to Attachments section
<b>File</b>	FILE12/3019

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## COMMITTEE RECOMMENDATION

That Council receive this report for information.

## 17/11/02 COMMITTEE RECOMMENDATION (PRICE/MONTGOMERY)

That:

1. **Committee receive this report for information.**
  2. **Committee resolve to review the list of properties that it may wish to bid on at the next sale and review the reserve prices prior to auction.**
- 

## REPORT

### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

**An Inclusive, Caring Community**

Not applicable

**Sustainable Spaces and Places**

Not applicable

**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

## BACKGROUND AND KEY ISSUES

The purpose of this report is to provide Council with the results of the Sale of Land for Unpaid Rates auction held on Saturday, 4 August 2017. These properties were sold in accordance with Section 713 of the *Local Government Act 1993*.

Of the 32 properties listed for sale, 28 sold on the day and four were passed in. Ten additional properties were originally listed and subsequently withdrawn as the property debts were paid in full (\$110,769.53)

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prior to auction. The General Manager’s nominee used his delegation to purchase 14 properties, enabling Council to write off the outstanding debts and negotiate via Private Treaty to on sell the properties once settlement occurred. Six of these properties had been passed in at prior auctions. The four passed in properties were burnt out residences, which Council had resolved to not purchase as per Council resolution 17/04/26.

Summary of debts owed all properties

	28 Sold	4 Unsold	Total
Rates and charges owing	546,973.41	65,678.77	612,652.18
Sales expenses	<u>50,410.84</u>	<u>364.75</u>	<u>50,775.59</u>
Total outstanding	597,384.25	66,043.52	663,427.77
Total Sale Proceeds	426,500.00		
Less net payment to owners	<u>176,391.81</u>	<u>250,108.19</u>	
Write off (rates, charges, interest and debtor)		\$347,276.06	

**FINANCIAL IMPACT TO COUNCIL**

The write off of non-recoverable debt reduces Council outstanding debt ratio and provides a true reflection of the income available to Council in the current financial year.

For the current financial year, the budget for this bad debt write off is \$200,000 as included in the Operational Plan and Budget 2017-2018. A budgeted variation of \$161,000 is requested as part of the first quarter review to cover part of these costs and future possible sundry debtors write offs this financial year which will be reported via a separate report as required.

As per Council’s resolution \$301,000 was transferred from Unrestricted Cash to the Real Property Reserve to fund the 14 properties Council purchased.

Further reviews will be undertaken to assess any additional operating costs associated with purchasing additional properties.

**STATUTORY AND POLICY IMPLICATIONS**

Section 713 of the *Local Government Act 1993* provides that Council is empowered to affect a sale of land for rates and charges when:

- In the case of vacant land, it has remained unpaid for more than one year, and the rates owing are higher than the valuation; or
- In the case of any other land, it has remained unpaid for more than five (5) years from the date on which it became payable.

**RISK IMPLICATIONS**

Council’s intent is to reduce the number of properties on its books, however, there is a risk that some properties may not be able to be sold. A separate report dealing with Councils options has addressed this issue.




## ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

## PREVIOUS COUNCIL DECISIONS

At the 27 April 2017 Ordinary Council meeting Council resolved the following:

### **17/04/26 RESOLVED (MONTGOMERY/ CRAWFORD):**

- 1. That in accordance with the provisions of Section 713 of the Local Government Act, Council sell the properties detailed in the property schedule (Appendix 22) for rates arrears and charges.**
- 2. That Council notify all persons having an interest in the land of the sale.**
- 3. That Council's Auctioneer for all properties be Moree Real Estate.**
- 4. That advertisement for the auction be placed in the NSW Government Gazette, The Moree Champion, on Council's website and on Council's Facebook page. The advertisement must conform to the provisions of Section (715)1 of the Local Government Act.**
- 5. That Council delegate the General Manager authority to set a reserve sale price for each property listed in Appendix 22 in consultation with Moree Real Estate. The reserve is to be set having regard to all relevant legislative and common law considerations.**
- 6. That listed properties be withdrawn from sale only if full payment of outstanding rates, charges and expenses is made to Council.**
- 7. That the General Manager or his nominee be given delegated authority to purchase land sold for unpaid rates on behalf of Council for the reserve value, as per those listed in attachment 1 and 2 of Appendix 22. Properties listed in Attachment 3 will be excluded.**
- 8. That if any property status changes (as referred to in Appendix 22), that the General Manager, or his nominee, be given delegated authority to make this change prior to the Auction.**
- 9. That subsequent to the auction, an amount equivalent to the purchase price of the property Council has purchased be transferred from unrestricted cash to the real property reserve. The purchase of the land is to be funded from Council's Real Property Reserves.**
- 10. That the acquired property be classified as "Operational" under the Local Government Act 1993.**
- 11. That property which does not sell at auction be offered for sale by private treaty having regard to the provisions of Section 716 of the Local Government Act 1993.**
- 12. That all documents in relation to the Sale of Land be executed under Council Seal.**

## ATTACHMENTS

There are no attachments.



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Report Title	<b>2 Operational Plan and Budget 2017-2018 Report on Progress – Quarter 1: July to September 2017 and Quarterly Budget Review Statement</b>
Report by	Executive
Contact	General Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 17/200

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### 17/11/03 COMMITTEE RECOMMENDATION (MONTGOMERY/TRAMBY)

- 1 That the first quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2017-18 be received for information.
- 2 That the Quarterly Budget Review Statement for the period ending 30 September be received for information.
- 3 That variations to the Original Budget, as detailed in the Attachment 1, be adopted.

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### REPORT

#### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

**An Inclusive, Caring Community**

Not applicable

**Sustainable Spaces and Places**

Not applicable

**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L1.2 Deliver the desired services throughout the Shire to meet community needs in an effective, efficient and financially viable way, having regard to compliance and risk obligations

#### BACKGROUND AND KEY ISSUES

With the implementation of Council's strategic planning and reporting software, MANEX considers that progress reports in relation to Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2017-2018 (**Quarterly Progress Report**) and the Quarterly Budget Review Statement (**QBRS**) should be reviewed by Council as a single report each financial quarter, given the interaction and interdependence of the Quarterly Progress Report and QBRS.

As such, this report provides background information for both of these, with the revised format of the Quarter 1 Report comprising:

1. An explanatory overview of the Quarterly Progress Report

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2. A detailed status report across the 19 Functional Areas contained in the Operational Plan 2017-2018 for Quarter 1
3. The QBRS
4. A Project Snapshot for Quarter 1.

Information in relation to the Quarterly Progress Report and QBRS is detailed below.

### **Quarterly Progress Report:**

When the Council adopted the Moree Plains 2027 Community Strategic Plan, it committed to reporting on the Delivery Program and Operational Plan Functional Area indicators on a six (6) monthly basis. These reports would cover the period of July to December and January to June each financial year. Additionally, under Section 404 of the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

To better inform Council and senior management of progress, emerging issues and concerns, progress reports are provided quarterly.

The Q1 Quarterly Progress Report is Moree Plains Shire Council's progress report for the period of 1 July 2017 to 30 September 2017 on the adopted Delivery Program 2017-2021 and Operational Plan 2017-2018.

This report provides a snapshot of what has been achieved in the first quarter of the current financial year. It allows the Council and the community to view the progress that the Council has made and provide detail on Council activities.

Through reporting, the Council is able to continually monitor its performance and make necessary adjustments on a regular basis to ensure that targets are being met, and reviewed if required. Regular monitoring also provides another method of risk management and provides points of reference when carrying out tasks, activities and projects.

### **Quarterly Budget Review Statement:**

In accordance with the *Local Government (General) Regulation 2005* Clause 203:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

The QBRS is the format prescribed by the Office of Local Government and sets the minimum requirements for presentation of Councils progress against budget, revised estimate of income and expenditure for the year and recommendations for budget variations.

The QBRS comprises the following attachments:

1. Statement by the responsible accounting officer on council's position at the end of the year based on the information in the QBRS
2. Budget Review Contracts and Other Expenses

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3. Budget Review Consultancies and Legal Fees
4. Budget Review Income and Expense Statement – Consolidated
5. Budget Review Statement of Cashflows
6. Variations Recommendations to Capital Income and Cashflow
7. Key Performance Measures - Consolidated;
8. Operating Budget by Function;
9. Variation Recommendations – Operating Income and Expenditure
10. Budget Review Income and Expenses:
  - i. General and Other (includes General Fund, Max Fund, Gwydir Day Care and Waste Fund)
  - ii. Water Supply
  - iii. Sewer Services
11. Budget Review Capital Budget.

The Operating Budget by Function excludes all capital income, focusing on the operating income and expenditure of Council's various activities. The budget in this format also aligns with the activities undertaken by Council as adopted in the Operational Plan. For this reason recommendations for budget variances are explained in this format to align with the commitments made in the Operational Plan.

## **FINANCIAL IMPACT TO COUNCIL**

The financial impact to Council of the proposed variations is detailed in the attachment.

## **STATUTORY AND POLICY IMPLICATIONS**

The following sections of the *Local Government Act 1993* and Local Government (General) Regulation 2005 detail Councils reporting obligations in respect of the Delivery Program and Operational Plan and Budget.

### **LOCAL GOVERNMENT ACT 1993 No 30**

#### **404 Delivery program**

- (1) *A council must have a program (its delivery program) detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.*
- (2) *The delivery program must include a method of assessment to determine the effectiveness of each principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.*
- (3) *The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.*
- (4) *A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.*
- (5) *The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*




## LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 203

### Budget review statements and revision of estimates

#### 203 Budget review statements and revision of estimates

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

### RISK IMPLICATIONS

Council commits, through the Delivery Program and associated Resourcing Strategy (Long Term Financial Plan, Workforce Plan and Asset Management Plan/s) to deliver certain services, activities and projects during the Council tenure. Regular review of progress made against these commitments mitigates the risk of Council not delivering on commitments on time and on budget and highlights at an early stage where there is a risk of not delivering.

### ASSET MANAGEMENT IMPLICATIONS

Completion of asset maintenance projects in accordance with our Asset Management Plan/s ensures Council can continue to provide the infrastructure needed to deliver the services committed to in the Delivery Program.

### PREVIOUS COUNCIL DECISIONS

This is the first time this matter has come before Council.

### ATTACHMENTS

**Attachment 1** Operational Plan 2017-18 Q1 Report – 1 July 2017 to 30 September 2017 (to be provided under separate cover).



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<b>Report 2</b>	<b>Operational Plan and Budget 2017-2018 Report on Progress – Quarter 1: July to September 2017 and Quarterly Budget Review Statement</b>
<b>Attachment 1</b>	Operational Plan 2017-18 Q1 Report – 1 July 2017 to 30 September 2017

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**(To be provided under separate cover)**

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<b>Report Title</b>	<b>3 Annual Internal Audit Update</b>
<b>Report by</b>	Corporate Services
<b>Contact</b>	Andrew Probert, Finance Manager
<b>Attachments</b>	One (1) attachment; refer to Attachments section
<b>File</b>	FILE13/756

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## 17/11/04 COMMITTEE RECOMMENDATION (MONTGOMERY/CRAWFORD)

That Council receive this report for information.

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### REPORT

#### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

**An Inclusive, Caring Community**

Not applicable

**Sustainable Spaces and Places**

Not applicable

**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

### BACKGROUND AND KEY ISSUES

In September 2010 the Department of Local Government now the Office of Local Government released the Internal Audit Guidelines which recommend that all councils have an internal audit function for the following reasons:

- it supports good internal governance
- to ensure consistency with other levels of government
- to improve the effectiveness of risk management, control and governance processes helps to instil public confidence in an organisation's ability to operate effectively.

The first Strategic Internal Audit Plan was from 1 July 2011 to 30 June 2014 and was completed by Forsyths Chartered Accountants in 2015 including a review of audits completed. The second plan completed and approved by the General Manager and endorsed by the Audit Committee in 2015 and runs to 2018. From this Plan audits are completed two at a time with finding presented to the appropriate staff for action. The findings are placed on the Internal Audit Action Register for execution by the responsible

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council officer. This is a living document and changes are provided in red to enable the reader to easily identify changes.

The objective of the Plan is to assist management in increasing the awareness of internal audit and corporate governance across the organisation. The internal audit program aims to generally improve and ensure compliance with system control, increase management focus on compliance and assist in the improvement of strategies and processes.

This includes having a risk based audit methodology, ensuring all recommendations have agreed action plans, monitoring progress in implementing recommendations and maintaining an internal audit manual that governs the internal audit function.

During the 2016/17 financial year the following reviews have been completed:

Asset Maintenance and Renewal Plans	Jan-17
Asset Management	Jan-17
Remote Area Services	May-17
Moree Regional Airport	May-17
IT Control Environment*	Jun-17

\*A second review (Fraud Prevention Processes) was schedule for June but was delayed until August due to auditor staff shortages.

All of Forsyths' review findings and action items were distributed to Councillor via an information memo on 9 November 2017.

## **FINANCIAL IMPACT TO COUNCIL**

Ensuring good corporate governance provides the platform for adequate cash flow throughout the year and places Council in a position to deliver projects and services to the community as per the Operational Plan 2017/18.

## **STATUTORY AND POLICY IMPLICATIONS**

The NSW Auditor-General's Report to Parliament – Compliance Review Report – Internal Audit and Risk Management Policy for New South Wales Public Sector recommended

*Key attributes of a sound regulatory compliance management framework include having:*

- *the objective and strategy of the framework endorsed by the department head or statutory body*
- *compliance obligations identified and assessed*
- *accountability and responsibility for compliant outcomes clearly articulated and assigned*
- *competence and training needs identified so employees meet their compliance obligations*
- *controls in place to manage compliance obligations*
- *performance of the compliance program monitored, measured and reported.*

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Sound internal audit processes assist in ensuring the organisation is able to identify areas of risk and put in place measure of control in order to reduce potential fraud and loss. This is covered in Part 9, Division 5, Clause 209 with Local Government (General) Regulation (2005).

### **209 Particular responsibilities of the general manager**

*The general manager of a council must ensure that:*

- (a) the provisions of the Act, this Regulation and any other written law relating to councils' financial obligations or the keeping of accounts by councils are complied with, and*
- (b) effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the council's administration, and*
- (c) authorising and recording procedures are established to provide effective control over the council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, including a proper division of accounting responsibilities among the council's staff, and*
- (d) lines of authority and the responsibilities of members of the council's staff for related tasks are clearly defined.*

### **RISK IMPLICATIONS**

Potential finance losses and damage to Council's reputation.

### **ASSET MANAGEMENT IMPLICATIONS**

No asset management implications have been identified.

### **PREVIOUS COUNCIL DECISIONS**

The 2016 Annual Internal Update was provided to Council at the **x** December 2016 Finance and Governance Committee.

### **16/12/05 COMMITTEE RECOMMENDATION (PRICE/CRAWFORD):**

***That the Finance and Governance Committee receive this report for information.***

### **ATTACHMENTS**

**Attachment 2** Internal Audit Action Register



**(To be provided under separate cover)**

16 November 2017



**CHAIR**



**DIRECTOR OF CORPORATE SERVICES**

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## Questions on Notice

### Councillor Price

1. **When are the updated Asset Management Plans going to be brought back to Council for reconsideration?**

*A further response is required.*

### Councillor Tramby

2. **DA concerned confused rate payer. Sec 94. Long service levy \$15,5k levy. What is this?**

Director of Planning and Community Development, Angus Witherby:

*The Long Service Levy is designed by the State Government to create long service leave for workers within the construction industry who don't normally gain LSL through employment. It is a State Government program that we have no say in.*

**I suggest we add an explanation on the form to clarify this and advise this is a State Government charge.**

*Yes we will include this information on development consents and to applicants. No further response is required.*

3. **Is Council aware that at Kempsey Airport a plane hit a kangaroo. Costs were up to \$200,000 in damages, no one was injured but Kempsey Shire was held responsible as it was unfenced. We should check our responsibilities for Boomi Airport.**

*A further response is required.*

4. **In regards to electric motor cars. There is an opportunity for 40 sites in NSW for electric fast charging facilities. The group are looking for Council support and they are going to fund it. We should look into this to nominate Moree as a location.**

Director of Planning and Community Development, Angus Witherby:

*We already have a Tesla electric car charging facility identified for Moree.*

**This is fast charging for all electric cars, 30 minutes, Tesla take all night.**

*I will follow up.*

*A further response is required.*



## Strategic Planning Proposals and Current Project Updates

Executive Projects Manager, John Carleton, provided the following update:

*The Inland Rail Environmental Impact Statement (EIS) for the Narrabri to North Star length has been released. This was made available on public display yesterday and will be available until 15 December 2017. The EIS is available at our Max Centre Office, Moree Community Library and the Dhiiyaan Aboriginal Centre. USBs will be available to purchase where you can download the 7 volumes (4,000 pages). Please talk to the community about coming and providing input. ARTC have arranged providing drop in sessions at Moree, Croppa Creek and North Star. There will be a session held at Balo Square next week at 9am. A second session will be held 28 November 2017 from 3-6pm. They are happy to answer questions. We have expressed to Inland Rail we are in this game seriously and we want our community to be heard. There are recent media releases from the Federal Government and the ARTC and we have done our own media release which is going out. We are going above and beyond to get this information out there including Facebook and website media. Internally, the project team have been meeting to review the EIS. We provided a submission to Inland Rail and they took on board some of our comments. We are now provided the opportunity to make another submission which is due back on 15 December 2017. You would like Councillors to meet to discuss submission prior to 15 December 2017. A meeting is to be held 4pm Thursday, 7 December 2017 to discuss with Councillors.*

It was noted that tomorrow, Friday, 17 November 2017 at 5.30pm, the Dhiiyaan Aboriginal Centre opening is being held. All Councillors are invited to attend. Adam Marshall MP will be opening the centre.

### Councillor Price

I will provide a full written report about the Roads Congress. The ALGA President was very inclusive, there were a number of open forum sessions and our opinions were taken on board. MPSC was mentioned several times for roads.

## Overseas Trade and Investment

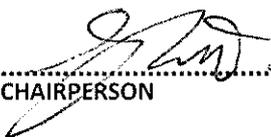
Nil.

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There being no further business, the meeting closed at the time being 4.52pm

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SIGNED BY THE CHAIR OF THE  
FINANCE AND GOVERNANCE  
COMMITTEE, WHOSE SIGNATURE  
APPEARS BELOW.

  
.....  
CHAIRPERSON

ADOPTED AT THE FINANCE AND  
GOVERNANCE COMMITTEE MEETING  
OF THE MOREE PLAINS SHIRE  
COUNCIL HELD ON

25/01/2018  
.....  
DATE

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