

Snowy Valleys Council



SNOWY VALLEYS EXTRAORDINARY COUNCIL MEETING BUSINESS PAPER 29 JUNE 2017

THE MEETING WILL BE HELD AT 2.00PM
IN THE SNOWY VALLEYS COUNCIL CHAMBERS, 76 CAPPER STREET, TUMUT

Disclosure of Pecuniary Interests at meetings

- Item from Bluet Local Government Handbook

[14.125] A Councillor or a Council Committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable. The person must not be present at, or in the sight of, the meeting either at any time during which the matter is being considered or discussed or at any time during which a vote is being taken on any question relating to the matter (s 451). A Councillor who has declared a pecuniary interest in a matter before the council but has withdrawn from the meeting because of that declaration is not counted in considering whether the meeting is quorate for that matter.

Disclosure of Political Donations and Gifts

The Environmental Planning and Assessment Act 1979 places obligations on Councillors, staff, applicants and any person who makes a public submission, to disclose information relating to political donations and gifts during the environmental plan making or development assessment process.

Furthermore, for each planning decision made at a Council or Committee Meeting, the names of Councillors who supported the decision and those that oppose the decision must be recorded.

The fact that political donations or gifts have been made by applicants / proponents of a planning application should not affect whether an application is approved or refused. Political donations or gifts should not be relevant in making a determination. The matter should be determined on its merits. Nor do they provide grounds for challenging the determination of any applications.

For further information, visit www.planning.nsw.gov.au/donations

Public Recording of Meetings prohibited without Council authority

A person may use any recording device, including audio and visual recording and any device capable of recording speech, to record the proceedings of a meeting of a council or a committee of a council only by the resolution of the council or committee.

A person may, be expelled from a meeting of a council or a committee of a council or using or having used a tape recorder without consent.

Photography

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the General Manager.

Public Forum (extract from the Code of Meeting Practice)

a) All prospective public forum speakers must advise the General Manager of their wish to address Council by the Monday prior to a Council meeting.

They must also provide a verbal or written précis of the subject matter at that time.

b) The public forum section shall only operate for a period of thirty (30) minutes immediately after apologies have been formally received.

c) Preference shall be given to addressees who wish to speak to any item before Council at that particular meeting.

d) The maximum time allowed for each speaker will be 5 minutes.

e) Not more than two members of a group may speak.

f) All persons addressing the meeting shall speak to the Chair.

g) The Chairperson may curtail the public participation where the information being presented is considered repetitive or irrelevant.

h) Councillors may ask questions of the person/s addressing Council only if so approved by the Chair.

i) Councillors will not enter into general debate with the speakers.

j) The Mayor is to approve of variations to this procedure in urgent / compelling circumstances.

k) All people / organisations who wish to address Council be made aware of the above condition.



Thursday 29 June 2017
Snowy Valleys Council Chambers
Capper Street, Tumut
2.00pm

EXTRAORDINARY AGENDA

1. OPENING OF MEETING

2. APOLOGIES AND LEAVE OF ABSENCE

3. DECLARATIONS OF PECUNIARY INTEREST

Pursuant to Section 451 of the Local Government Act (1993), Councillors are required to declare any direct or indirect pecuniary interest in any matters being considered by Council.

4. ADMISSION OF LATE REPORTS

5. GOVERNANCE AND FINANCIAL REPORTS

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7. COMMITTEE OF THE WHOLE

8. MEETING CLOSURE

5. GOVERNANCE AND FINANCIAL REPORTS

5.1 ADOPTION OF INTEGRATED PLANNING DOCUMENTS 2017-2018

Author: ALLAN TONKIN

Responsible Manager: KAY WHITEHEAD

Purpose of Report:

To present to Council the Integrated Planning and Reporting documents for 2017-2018 for adoption following public exhibition.

Recommendation:**That Council**

1. **adopt the Draft Delivery Program incorporating the Operational Plan 2017-2018 and Revenue Policy following consideration of public submissions received.**
2. **make the rate using the following Ad Valorem amounts, including under Sec 548 (3)(a) the maximum amount of a minimum ordinary a rate to be \$514.00:**

Tumbarumba site:

Category	Base Amount	Ad Valorem (per 1 cent)	Estimated Yield
Farmland	92.90	0.4107	1,591,939.76
Residential	220.16	0.5575	469,443.03
Rural Residential	241.09	0.4139	219,369.48
Business		1.2035	141,070.09
Rural Clubs		0.4812	4,667.64
Inundated		0.8071	20,685.97
			\$2,447,175.97

Tumut site:

Category	Ad Valorem (per 1 cent)	Estimated Yield
Farmland	0.51352	2,247,735.33
Residential	0.97799	2,928,918.22
Rural Residential	0.71906	458,882.11
Business	1.51482	880,810.22
Inundated	0.91340	16,879.63
Balance		\$6,533,225.51

3. **adopt the Draft Fees and Charges Schedule 2017-2018**
4. **adopt the Draft Operational Budget 2017-2018**
5. **that the interest on overdue rates for 2017-2018 be set at the rate of 7.5% as determined by the Minister in accordance with the Local Government Act 1993**

Report:

At the Ordinary meeting held 25 May 2017, Council resolved to adopt the Draft Integrated and planning documentation for 2017-2018 for the newly formed Snowy Valleys Council. Council per the Local Government Act 1993 and Regulations is required to place the adopted draft on public exhibition seeking public submissions.

The plans were advertised in the various local media and on Council's website. Copies were placed in a number of premises across the Council area.

Submission closed on Thursday, 22 June, 2017 and four (4) submissions were received. These submissions are attached and consisted of:

- A submission raising objections to the Section 64 and 94 Contribution the former Tumut Shire. The submission highlighted the cost of Section 64 contributions for water and sewer infrastructure, inconsistencies in various towns and villages and the problem of contributions acting as a deterrent to land development. Council have committed to conduct a comprehensive review of both Section 94 and Section 64 developer contributions early in the 2017/18 financial year and the matters raised in the submission will be included in the review.
- Three submissions objecting to the increase of waste charges in the former Tumbarumba Shire, being:
 - The waste gate charge has increased from \$16 to \$25 per m3. This increase is warranted as the fee has not increased since 2011 and transport and disposal costs at the regional landfill have increased.
 - Introduction of the \$25 Waste Access Charge - all occupied properties in the former Tumbarumba Shire. This fee has been introduced to fund the implementation of two “free waste weekends” in the former Tumbarumba Shire that was heavily requested by residents on social media throughout the year. One submission requested that Council implement a voucher system instead of the “free weekend”. The voucher system was trialed in the former Tumut Shire and was removed as it was problematic to administrator and easy to swindle.

Council is proposing to undertaken a further reviews of waste management in the 2017/18 financial year.

Options

Nil

Budget Implications:

The Operational Budget forecasts Council’s budget for the financial year 2017-2018. All actions in the Delivery Program 2017-2021 have been allocated a budget. The Delivery Program 2017-2021 includes a statement of Council’s Revenue Policy which includes the proposed rates, fees and charges. The Schedule of Fees & Charges 2017-2018 depicts the fees and charges payable to Council.

Legal/Statutory Implications:

Nil

Risk Management - Business Risk:

Nil

Risk Management - WHS and Public Risk:

Nil

Council Seal:

No

Attachments

- 1 2017 – 2018 Delivery Program Incorporating the 2017/18 Operational Plan (under separate cover) [⇨](#)
- 2 2017 – 2018 Fees & Charges Schedule (under separate cover) [⇨](#)
- 3 2017 – 2018 Operational Budget (under separate cover) [⇨](#)
- 4 Submission – Fees & Charges – Developer Contributions [↓](#)
- 5 Submission – Waste Charge [↓](#)
- 6 Submission - Proposed increase in Tumbarumba Waste Transfer Fees [↓](#)
- 7 Submission - Waste Services [↓](#)

Submission – Fees and Charges – Developer Contributions

Sent: Monday, 19 June 2017 12:53 PM

To: Admin

Subject: 20170619 - Submission - Draft Fees Proposal for the Murrumbidgee Region

To the Acting Interim General Manager,

The proposal to keep the developer contributions for sewer and water for a start are far too high, secondly they need to be proportionate to the value of land, so to keep the land viable.

When the fees council charge to develop a block of land in Batlow/ Brungle/ Talbingo or Adelong are nearly 50% of the value of the land it means that the land become unviable to develop. Therefore no one does anything.

Griffith has contributions around 3k for sewer and 1.5k for water. Why can they make it work?

Tumbarumba has no contributions as they can recognise that it won't work charging for what we should be encouraging. The more blocks developed mean the more money coming into town and the more rates than last year allowing to pay for increase in demand.

I'm not saying they should get rid of them all together but they should be heavily reduced and when developers do large subdivisions they should get discounts.

With the proposed Snowy Scheme starting again it would be a great time for the region to get a boost but we don't want to scare them off to the Snowy Monaro Region as the land is worth more.

Their fees might be the same but they are now reducing them for areas like Adaminaby etc as they have realised that you can't charge the same fees, it needs to be relevant to land valuations.

One solution could be to charge 10% of the average land value this would promote growth with developers being able to factor this in as developer costs are also very high now.

This means 8k in Tumut town, Adelong 4k, Batlow/ Brungle/ Talbingo \$2k combined fees.

This way they are still getting something but also promoting growth.

(As an old farmer once told me you can milk the cow but you can't rip the teets off).

Fees on roads like Boundary Road, East St and Tumut Plains need to be reviewed and such areas should be looked at for further rezoning as we are running out of land that can be developed. The fees in these areas were council should be looking to encourage more development and not make developer pay all. Even some of our biggest earthmoving developers can't make these blocks viable then how would any other developer do it. It all comes down to costs if they are too high for the potential reward then it won't happen and people will look elsewhere.

Any queries give us a call to discuss

Submission – Proposed increase in Tumbarumba Waste Transfer Fees

The Interim General Manager

Snowy Valleys Council

Post Office Box 61

Tumbarumba

NSW 2653

Received

17 June 2017

Tumbarumba office

17th June 2017

Re: Proposed Increase in Tumbarumba Waste Transfer Fees

Dear Kay,

A number of members of the [redacted] have expressed concern regarding the proposed increase in fees in the 2017/18 fees and charges for Transfer Station charges from \$ 16 m3 to \$25 m3.

This increase represents a 56% increase in waste delivery cost, for no additional service.

The [redacted] understands that 2 waste station "free days" are proposed, however this proposition is of little use to businesses, which do not have "kerb side" collection, but rely of regular deliveries to the Waste Station, and will be faced with a much higher expenditure on waste disposal.

Discussion with owners of shops, supermarkets and businesses have all expressed concern with this proposed increase, and all noted that this proposed increase is massively in excess of CPI , and will be an additional operational cost which reduce the profitability of their businesses.

The [redacted] would ask this submission be considered prior to a final decision on this fee is made.

Yours sincerely

[redacted]

[redacted]

[redacted]

Submission – Waste Charge

Snowy Valleys Council
PO Box 61
Tumbarumba NSW 2653

21 June 2017

Attn: General Manager,

Subject: Submission - Waste Charge

I wish to oppose and ask Council to re-evaluate their options for the new waste charges proposed by the Snowy Valleys Council, for the 2017/2018 financial year in respect to the waste disposal charges and additional new charge for the two free waste days for the former Tumbarumba Local Government area (LGA).

I ask that Council reconsider this additional charge and keep the Tumbarumba/Khancoban waste in line with previous year's charges or consider offering two free waste vouchers on the annual rates notice, rather than the two free waste days in Tumbarumba LGA. The vouchers could also be considered for the former Tumut local government area to align the services offered in the new Snowy Valleys Council.

Numerous Council's (ref 1. below) offer this across this and other states and I believe this provides a more flexible and equitable system for rate payers. If Council considers offering the two waste vouchers in the former Tumbarumba LGA or four waste vouchers in former Tumut LGA they would offer a more sensible system, whereby consumers can utilise it when it is suitable for one's self, within the applicable financial year and if they choose not to use it they forfeit it on their own terms rather than the current system which is not fair, consumers are potentially paying for a service they may not be able to utilise due to other commitments whether this is work, family, health or other. It may also increase burning/dumping as they are paying for an additional service and do not see they should pay for the increased waste disposal fee.

I have also noted that Council has removed the \$48.00 unoccupied waste charge and replace it with the \$25.00 charge for the former Tumbarumba LGA, would it not be more reasonable keeping the \$48.00 unoccupied charge and applying an alternative charge on occupied properties or alternatively applying the charge across the entire Tumbarumba Local Government Area. Depending how the new system will function is questionable on how it will be audited, whether the person delivering that trailer of waste is actually paying for that service or is a non-paying ratepayer that has decided to clean up their block for a day and dispatch of it on the free waste day, at the expense of the paying rate payers.

In conclusion I ask Council to consider the waste vouchers over free waste days or abolishing the idea completely and obtain the previous unoccupied and disposal waste fee path. If Council continues questions will still be raised as former Tumut LGA receives four free waste days and former Tumbarumba receives two free waste days, if vouchers could be applied over both former LGAs it would remove any indifference from the two former LGAs and ensure the service is only being provided for those who are paying for that service and provides the most fair system for rate payers.

Kind regards

Towong Shire Victoria offers two waste disposal vouchers, each voucher is for up to one cubic metre, as sited on annual 16/17 rates notice.

Logan City Council QLD offers four tip vouchers on annual rates notice, <http://www.logan.qld.gov.au/environment-water-and-waste/waste-and-recycling/free-tipping-waste-vouchers>

Port Macquarie-Hastings Council New South Wales offers two free tip tickets <http://www.pmhc.nsw.gov.au/Resident-Services/Rubbish/Other-waste-services/Tip-tickets-free-drop-off>

Hume City Council Victoria offers a tip pass on the annual rates notice <https://www.hume.vic.gov.au/Waste-Environment/Waste-Services/Hard-Rubbish-Collection>

Dorset Council Tasmania offers "tokens" on your annual rates notice for waste up to two cubic meters per token.

Submission – Waste Services

Kay Whitehead
Acting General Manager
Snowy Valleys Council

Hi Kay,

I would like to inform you of the letter that I have placed in the Tumbarumba Times and I would like Council to consider this letter as my submission to the 2017/2018 Budget documents.

Dear Sir

As a rate payer and citizen of the former Tumbarumba shire I would like to reply to Trina Thompson's letter in our local paper. As some one that attended all meetings held in Tumbarumba and the one meeting that was held in Tumut in the lead up to the announcement of the forced merger of Tumut and Tumbarumba shires, I would like to point out that both our former Mayor and our Former General manager was only instrumental of giving us all the information regarding a merger with another shire. The Majority of us at the meeting requested that our elected councillors along with our general manger put a case forward that we stand alone. (if Tumut council did the same maybe we wouldn't be in the mess we are now).

As to the accusation that the rates would escalate I refer to Tumbarumba Times May 31st article "Waste services to be closely aligned" Gate charge at Tumut Waste and Recycling was \$50, and at Tumbarumba \$12 to bring these into alignment the New fee will be \$45 across the new council a rate rise of over 35% for Tumbarumba residents (Will our land rates be next).

Another article stated " Free waste weekend" a fee of \$25 will be charged for the privilege, is this the postage fee or wait, is there more The article also states it costs council around \$30,000 each time they are held, if each rate payer within the towns that receive this service pay \$25 for the " free" day (some like myself and others including the elderly who will not use this service) without being an accountant they would actually be making a profit at the rate payers expense.

Trina the good citizens were never fooled with the emperor's new clothes and we don't wear rose tinted glasses either.

Bring on the demerger



5. GOVERNANCE AND FINANCIAL REPORTS

5.2 FEES FOR COUNCILLORS AND MAYOR 2017-2018

Author: JOHN PROCTOR

Responsible Manager: KAY WHITEHEAD

Purpose of Report:

To inform Council of the Annual Report and Determination from the Local Government Remuneration Tribunal and to adopt the Mayor and Councillors fees for the 2017 – 2018 financial year.

Recommendation:

That Council set the annual fees payable to the Mayor and Councillors for 2017/2018 at the maximum level for Rural Council category (\$11,570 Councillor Annual Fee and \$25,250 Mayor Additional Fee) based on the 2017 determination of the Local Government Remuneration Tribunal.

Report:

The 2017 Annual Report and Determination of the Local Government Remuneration Tribunal have been released, setting the scale of fees payable to elected representatives for all councils in NSW under sections 239 and 241 of the Local Government Act 1993.

The Tribunal has determined that an increase of 2.5 per cent in fees on the previous year's fees is warranted. Snowy Valleys Council has been classified as a Rural Council which is consistent with the former Tumut and Tumbarumba Councils classification prior to being merged.

The Local Government Remuneration Tribunal has determined that the range of annual fees payable to Councillors and Mayors for the 2017 - 2018 period in the Rural Council category is:

Councillor Annual Fee: \$8,750 - \$11,570
Mayor Additional Fee: \$9,310- \$25,250.

Prior to being merged both the former Tumut & Tumbarumba Councils had set the annual fee for Councillor and Mayor at the maximum level for 2015/16. The former Tumut Council elected not to increase the annual fee in 2016/17.

	2015/2016		2016/2017	
	Councillor	Mayor	Councillor	Mayor
Tumbarumba	11,010	24,030	11,290	24,630
Tumut	11,010	24,030	11,010	24,030

Options

Elect to set the fee somewhere between the minimum and maximum rate permissible.

Budget Implications:

Councillor and Mayor annual fees have been included in the 2017/18 operational budget

Legal/Statutory Implications:

Section 248 and 249 of the Local Government Act sets out the requirements for fixing and payment of annual fees for Councillors and Mayor

Risk Management - Business Risk:

Nil

Risk Management - WHS and Public Risk:

Nil

Council Seal:

Nil

Attachments

- 1 Local Government Remuneration Tribunal - Annual Report and Determination 2017 (under separate cover) [⇒](#)

5. GOVERNANCE AND FINANCIAL REPORTS

5.3 ADOPTION OF COUNCIL POLICY

Author: SHIRLEY WILLIAMS

Responsible Manager: KAY WHITEHEAD

Purpose of Report:

It is proposed that Council adopt the policies listed below following the period of public display. No submissions were received.

Recommendation:

That Council adopt the following policies:

- 1. Contaminated Land Policy**
- 2. Gifts and Benefits Policy**
- 3. Lease Licence of Council Crown Land Policy**
- 4. Wood First Policy**

Report:

At the Council Meeting held on 27 April 2017, Council resolved to place the Draft Contaminated Land Policy, Draft Gifts and Benefits Policy, Draft Lease Licence of Council Crown Land Policy and the Draft Wood First Policy on public exhibition for a period of 28 days. This period of display has now lapsed and no submissions were received.

Options

Council may opt to amend the policy, or may opt not to adopt the policy presented at this time.

Budget Implications:

The budget has an allocation for incidentals, training, attendance at functions and the provision of facilities.

Legal/Statutory Implications:

Nil

Risk Management - Business Risk:

The preparation and review of this policy every four years ensures compliance and transparency.

Risk Management - WHS and Public Risk:

Nil

Council Seal:

No

Attachments

- 1 Contaminated Land Policy (under separate cover) [⇒](#)
- 2 Gifts and Benefits Policy [↓](#)
- 3 Lease Licence of Council Crown Land Policy [↓](#)
- 4 Wood First Policy [↓](#)



DRAFT Gifts and Benefits Policy

Policy Number: SVC-EXE-PO-009-01

Aim

To provide direction to Councillors, members of staff and delegates on the acceptance and registration of gifts and benefits offered in relation to Council's functions and/or an individual's role and responsibility with Council.

For the purpose of this policy, all gifts and benefits (other than token or nominal gifts and benefits) offered and/or received during the course of duty must be recorded in Council's Gifts and Benefits register.

Legislation

Crimes Act 1900 (NSW)

Section 249B(1) of the Crimes Act 1900 (NSW) creates an offence if any employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. This also pertains to receiving benefits for showing favour or disfavour to any person in relation to their official duties.

Local Government Act 1993

Section 440 of the Act requires that councils adopt a code of conduct. The section states that serious corrupt conduct, of which bribery is an example, may lead to the dismissal or temporary suspension from office of a Councillor or of a staff member.

Independent Commission against Corruption Act 1988 (ICAC Act)

Under s11 of the ICAC Act, the General Manager has a duty to inform the ICAC about any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct.

Definitions

Gifts – may include, but are not limited to, items such as money, alcohol, vouchers, clothes, products or tickets to a sporting or entertainment event.

Benefits – may include but are not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event.

Bribes – are gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

Hospitality – means the provision of meals, refreshments or other forms of entertainment.

Staff – means all persons employed by Council other than Councillors.

Token Value – means the monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts Register. This value is \$50 and therefore any gift or benefit valued at less than \$50 is considered to be of token value in accordance with this policy. The intent of the donor however, must also be considered when deciding whether to accept a token value gift or benefit.

Non-Civic Function or Event – means a function or event where the Council official does not have any formal role at the function or event to represent the Council.

Council Official – means Councillors, Council staff, volunteers or delegated persons as defined the Local Government Act.

Scope

This policy applies to all employees of the Snowy Valleys Council.

This policy operates in addition to all other obligations under the Local Government Act 1993, and any other legislation, or relevant codes and polices regarding the disclosure of any interest.

Gifts and Benefits are dealt with under clause 8 of the Code of Conduct (Personal Benefit).

This policy expands on the provisions of the Code of Conduct and establishes a procedure for disclosing and, where necessary, surrendering certain gifts and benefits.

Overview

To provide clear guidelines for Councillors, staff members and delegates to enable them to deal with any offer of a gift or benefit.

To protect Councillors, staff members and delegates from being compromised and to avoid the public perception of bias.

To provide a safe working environment by removing situations which can cause undue stress and anxiety.

To demonstrate to suppliers, citizens and other agencies that Council will deal with all matters in an impartial, open and accountable manner.

A Councillor, member of staff or delegate must:-

- (a) Not seek or accept a bribe, or other improper inducement;
- (b) Not accept any Cash or cash-like gift of any value
- (c) Not take advantage of his or her official position to improperly influence other councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing a private benefit for himself or herself or for some other person;
- (d) Generally, not by virtue of his or her official position, accept or acquire a personal profit or advantage of a pecuniary value; however, they may:-
 - (i) Accept a token or nominal value (low value) gift or benefit.
 - (ii) Accept a more than token nominal value (high value) gift or benefit in special circumstances, e.g. an item left to you in someone's will, with the approval of Council.

You would need to contact your supervisor to arrange a formal report to Council.

As a general rule, representatives of Council should not accept gifts and benefits of more than nominal or token value, and gifts and benefits are not to be solicited under any circumstances.

Gifts and benefits of token or nominal value are classified as those that are inconsequential or Trivial and not offered on a regular basis. All gifts or benefits of more than token or nominal value must become the property of Council, and will be dispersed equitably.

You must never accept any gift or benefit:-

- If the person offering it, or a fair person, would expect you to be influenced in the way you do your job or carry out your duties;
- If you would feel a sense of obligation or debt to the person offering the gift or benefit; or
- If you or the Council are likely to be compromised.

You must never accept an offer of money, regardless of the amount.

All gifts, benefits and hospitality (other than of a token/nominal nature) must be declared and recorded on Council's publicly available Gifts and Benefits Register against the name of the recipient. The name of the person who offered the gift and their agency or organisation must also be included.

There must also be a record of the decision that was taken in relation to the gift or benefit, and the declaration form must be signed and dated by the recipient, and by the authorising Director, or General Manager (in the case of a Councillor and Directors), so that it can be shown that the Council was open and transparent in dealing with the gift or benefit.

Councillors and Designated Persons lodging pecuniary interest returns under Section 449 of the *Local Government Act, 1993 (NSW) 1993* are not required under Schedule 3 of the Act to disclose gifts or benefits under the value of \$500, unless they are among gifts totalling more than \$500 made by the same person over a twelve (12) month period. In the interests of openness and transparency, Designated Persons are also required to declare and record the offer and/or receipt of all gifts or benefits of more than token/nominal value in the Gifts and Benefits Register.

The value of the gift must be considered when determining whether a gift or benefit may be accepted. A gift of token value may be accepted i.e. a gift of less than \$50 in value. A token gift may include: inexpensive pen or stationery, key ring, coffee mug, promotional cap/hat, box of chocolates, flowers, modest value bottle of wine, food or drink.

Examples of gifts usually exceeding token value and which therefore must be declared through the Gifts and Benefits Register would include: tickets to sporting or entertainment events, electronic devices such as mobile phones, personal organisers and laptop computers, jewellery, works of art, discounted products for personal use, use of facilities such as gyms and holiday homes, free or discounted travel, items of clothing.

Even if the gift is determined to be of token value, the intent of the gift or benefit being offered must always be considered and where the intent is inappropriate the gift should not be accepted.

It may be difficult to determine the true value of a gift or benefit and whether it is above or below the token value of \$50. Council officials must adopt the approach of "if in doubt, complete the Gifts and Benefits Register".

Prizes and incentive schemes

On some occasions a Council official may receive a gift or prize as a result of entering a competition while engaged in official duties. For example, they may win a raffle or lucky door prize drawn at a conference or win a prize that was promoted as an incentive associated with their role as a Council official.

Gifts received as prizes must be considered on a case by case basis, taking into account the nature of Council's relationship with the prize donor. If Council has business dealings with the organisation that provided the prize or discretionary power that could be exercised in the prize donor's favour, accepting the prize may lead to perceptions of improper influence.

The Gifts and Benefits Register must be used to declare and manage gifts or benefits offered as a prize or incentive.

Responsibilities**Council – Elected members of Council**

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

General Manager

The General Manager has the discretion to dispose of gifts or benefits, deemed to be those of the Council, in an appropriate manner.

Directors, Managers and Team Leaders

Are responsible for

- The implementation of the policy and procedures in their work area.
- The monitoring of implementation and compliance with the policy and associated Procedure.

Corporate Support Officer

The Corporate Support Officer, who will process the information into the Gifts and Benefits Register.

Human Resources Officer

Is responsible for presenting this policy to employees at induction.

Contact Officer: Corporate Support Officer

Associated Documents

External - Nil

Internal - Nil

Superseding Policy No. and Title:

Gifts & Benefits Policy – Gov.23 – Former Tumut Shire Council

Gifts & Benefits Policy – TSC-EXE-PO-059 – Former Tumbarumba Shire Council

Policy prepared by: Corporate Support Officer

History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0		30.03.2017		Presented to Policy Review Committee
		27.04.2017		Adopted Ordinary Council Meeting for Public Exhibition



DRAFT Lease / Licence of Vacant Council / Crown Land Policy

Policy Number: SVC -COR-PO-008-01

Aim

This policy enables Council to consider applications for the leasing and licensing of Council controlled land assets, including Crown Land and unused/closed public roads while ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application. It excludes the hire of community buildings, sporting venues and facilities.

1. To lease Council owned land to the public on a three year term with an option of extension for a further three years.
2. To licence Crown Land or reserves that Council has been entrusted with to the public for a three year term.
3. To lease unused/closed Public Roads to the owner or lessee of land adjoining the public road if the road is not being used by the public for a maximum of 5 years.

To lease land that is not utilised by council in the short term for the purpose of maintaining the land in a clean and weed free condition usually for the purpose of grazing.

Legislation

Local Government Act, 1993 and associated regulations
Crown Lands Act 1989 and associated regulations
Roads Act 1993 No 33

Definitions

Council Land – Freehold land owned by Council.

Crown Land – Belonging to the crown and entrusted to Council.

Unused/closed Public Road – Council is the roads authority over land.

Lease – A contract by which one party conveys land, property, services and provides exclusive possession of a defined area of land, for a specified time, usually in return for a periodic payment.

Licence – A permit from an authority to own or use something and provides permission to use land, it allows someone access to the land of another for an agreed purpose, it provides non-exclusive use of the land.

Scope

This policy applies to all Council owned or controlled land within Snowy Valleys Council Local Government area.

Overview

Council owns or has control of a number of parcels of vacant land. These parcels of land generally are of three types being Council freehold land, unused/closed public roads and Crown Reserve lands provided under trustee status to Council by the Minister for Lands.

Council will allow leases or licences to be held over designated Council controlled land assets to ensure that the property is maintained and used in a responsible and appropriate manner, allow the occupant legal tenure over the property, and to encourage capital improvements to be made to the property.

Council land is usually leased to members of the public for a three year term with an option to renew for a further three years.

Crown Land cannot be leased and is only available under a licence agreement for terms of up to three (3) years at a time once approval from the Minister of Lands has been granted.

Unused/closed public roads are usually leased to the owner or lessee of land adjoining the public road for a period of no more than 5 years including options to renew.

Council controlled land, including Crown Land that is landlocked can only be leased/licence by an adjoining property owner or lessee. In the event multiple adjoining property owners want to lease the one parcel of land this will be determined by a resolution of Council.

Approval for the renewal of an existing lease and/or licence to be delegated to the General Manager, provided the terms and conditions are in accordance with Council policies and procedures.

Council recognises that many existing lessees or licensees of community land (and Crown Land), notably sporting bodies and community groups, have strong historical and/or social and/or recreational ties to the facilities they use. In some cases, they have contributed cash or in kind to the development of these facilities.

In considering new or continued leases or licences of such facilities, Council will take these factors into account and may, at its discretion and subject to a report to Council, not require an Expression of Interest to be called as required in section above.

Process

1. Expressions of Interest will be called from the public when the current lease expires. If there is more than one party interest in the one property, a report will be presented to council. Expressions of Interest for Crown Land must meet the minimum licence fee set by the Minister for Lands.
2. Land that is landlocked, adjoining property owners will have the opportunity to take on the lease/licence.
3. Licence fee will apply as set out in agreement and paid to Council; in addition the licensee will pay annual rates to Council and to the Hume Livestock and Pest Authority Board upon demand.
4. The Council hereby leases/licences and authorises the Lessee/Licensee to enter upon and use for the purpose of grazing use only that piece of land described in the Lease/Licence Agreement.
5. During the continuance of this Lease/Licence the Lessee/Licensee shall utilise the land for the purposes of grazing domestic livestock.
6. The Lessee/Licensee pays the Council the specified licence fee and rates levied when due and payable annually.
7. The Lease/Licence remains in force for the period specified within the agreement.
8. The Lessee/Licensee shall comply with the special conditions.
9. Council does not make or give any warranty, promise or covenant to the Lessee/Licensee for quiet enjoyment of the lease licence area.
10. Termination of this agreement may be terminated by either part by one months' notice in writing to the other and shall be sufficiently served if left at the last known address of the Lessee/Licensee.

Special Conditions

1. **Purpose** - The Lessee/Licensee shall have the use of the area for the purpose of grazing, other activities shall not be conducted without the written permission of Council.
2. **Control of Rubbish** - The Lessee/Licensee shall keep the said area and buildings clean and tidy and all papers and other rubbish shall be collected and removed.
3. **Licensee not to Permit Nuisance** - The Lessee/Licensee shall not do or permit or suffer anything in or upon the land which may be or become a nuisance or annoyance or cause of damage to the owner or to the owners or occupiers of other property in the neighbourhood. The Trust reserves the right to remove form or refuse entry to the reserve/land any person regardless of any arrangements or contract with the lessee/licensee.
4. **Protection of Trees** - During the continuance of this Licence the Lessee/Licensee will not cut down, fall, injure or destroy any growing or living timber standing or being upon the land. No removal of dead timber for firewood permitted.
5. **Control of Noxious Weeds and Animals** - The Lessee/Licensee will during the continuance of this Licence use all proper means for keeping down and exterminating upon the land all rabbits and other vermin and noxious animals and insects and all noxious weeds and plants and comply with all laws and regulations now or hereafter in force with relation to the keeping down or extermination of same.
6. **Fencing** - The Lessee/Licensee shall provide and maintain stock proof fencing where necessary around the perimeter of the land so as to prevent stock from straying. When installing or replacing fences the Lessee/Licensee should consult with adjoining landowners prior to erection.

The Lessee/Licensee must regularly inspect the stock proof fencing that encloses the stock on the land to satisfy themselves that the fencing is stock proof. The Lessee/Licensee must be aware that they hold absolute legal liability for any damage or loss to any party caused by the escape of grazing animals from the subject land. Council cannot accept liability for damage or loss to any party caused by animals escaping the subject land due to a failure of the Lessee/Licensee to inspect and maintain stock proof fencing.

7. **Insurance** – The Lessee/Licensee shall take out a public risk insurance policy with a reputable insurance office, insuring them against such of the said matters as can be insured against to the sum of not less than twenty million dollars (\$20,000,000) and shall be produced at any time when required by the Council with the last renewal receipt for payment of such premium thereon. The Lessee/Licensee shall indemnify and keep indemnified the Council against all actions, suits, claims, debts, obligations and other liabilities during the continuation of the Licence and further.

The Lessee/Licensee shall maintain all other insurances as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the licensee on the demise premises. Copy of such is to be forwarded to the Council.

8. **Council Access** - The Council may by its Agents, Servants or Workman enter upon the land described in the Schedule hereto or any part thereof during the continuance of this agreement. No relationship of the landlord and tenant is or is intended to be created between the parties hereto by virtue of this lease/licence or in any way whatsoever.

9. **Sublet** - The Lessee/Licensee shall not assign, sub-let or otherwise deal with the demised premises without the consent of Council.
10. **Fixtures** – The ownership of existing fixtures will be decided prior to the establishment of a new lease or licence. Any new fixtures erected after a new lease or licence is granted will be owned by the Lessee/Licensee and must be maintained during the period of the lease/licence. The transfer of fixtures owned by an outgoing Lessee / Licensee is their responsibility.
11. The Lessee/Licensee shall not interfere with any other person authorised by the Trust/Council to use the reserve or any part thereof.

Responsibilities

Council – Elected members of Council

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

General Manager

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.

Directors, Managers and Team Leaders

Are responsible for;

- The implementation of the policy and procedures in their work area.
- The monitoring of implementation and compliance with the policy and associated Procedure.

Director Corporate Services and Governance – Tumut Office

To implement/administer all leases/licences of Council owned and controlled land under the guidelines as set out in this policy.

Rates Officer – Tumbarumba Office

To implement/administer all leases/licences of Council owned and controlled land under the guidelines as set out in this policy.

Weeds Officer

Conduct annual Noxious Weeds Inspection of land and report to Lessee/Licensee findings.

Key Performance Indicators

All leases of Council owned and controlled property is treated under the guidelines of this policy.

Contact Officer: Director Corporate Services & Governance – Tumut
Rates Officer – Tumbarumba

Associated Documents

- External** - Licence Agreement from Crown Lands Department between the parties involved
- Internal** - Lease agreement between the parties involved

Superseding Policy No. and Title:

Lease/Licence of Council/Crown Land Policy – GOV.11 v1.4 – Tumut Shire Council
 Lease of Vacant Council Owned or Controlled Land Policy incorporating Procedure – TSC-COR-PO-123-0 – Tumbarumba Shire Council

Policy prepared by: Corporate Planning Coordinator

History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0	5.01.2017			Prepared by Corporate Planning Coordinator – Policy Review Committee to review
0		30.03.2017		Presented to Policy Review Committee
		27.04.2017		Adopted Ordinary Council Meeting for Public Exhibition



DRAFT Wood First Policy

Policy Number: SVC-EXE-PO-007-01

Aim

This policy aims to encourage the use of wood as Council's preferred material for both the construction and fit out of Council buildings and infrastructure, where it is appropriate to do so.

It recognises the importance of the timber manufacturing and forestry product industries, not only to the area, but to the wider Eastern Riverina region and the state and national economies. It aims to support sustainable economic development in the Snowy Valleys and region, and encourage value adding products within the timber industry.

Definitions

Wood is defined as responsibly and sustainably sourced timber with the logo of a chain of custody certification scheme such as the Australian Forestry Standard / Program for the Endorsement of Forest Certification Schemes.



Scope

This policy applies to all of the Snowy Valleys Council Local Government Area.

Overview

Snowy Valleys Council sits at the heart of NSW's softwood timber and forestry industries. Snowy Valleys Council will encourage increased utilisation of wood in Council construction and refurbishment projects, by:

- Sourcing locally produced wood products for construction and fit out, where possible.
- Including in design briefs, Council's preference is for using wood as the preferred material for construction and fit out, where wood is a suitable material for the project.
- Seeking out design or architectural expertise in creating practical, efficient, versatile and cost-effective building and design solutions using wood.
- Ensuring that all comparisons to the cost of building with other materials will take into account all long-term and life cycle benefits and maintenance costs of using wood.
- Actively working to attract new, innovative wood products manufacturers to the Snowy Valleys area.
- Using responsibly sourced timber that meets relevant responsibly sourced standards.
- Encouraging contractors to include wood options in their proposals to Council.
- Demonstrating leadership by advocating for other councils in NSW to implement their own 'wood first' policies.

The actions listed above will assist in demonstrating Council's commitment to supporting the timber and forestry industries, and will help to showcase the economic, environmental and construction benefits of using wood as a 'first choice' building material.

Responsibilities

Council – Elected members of Council

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

General Manager

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

Contact Officer: General Manager

Superseding Policy No. and Title:

Wood First Policy – ENV.14 v1.0 – Tumut Shire Council

Wood First Policy – TSC-EXE-PO-128-0 – Tumbarumba Shire Council

Policy prepared by: General Manager

History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0	15.03.2017			Prepared by Corporate Support Officer (Tumut Office)
0		30.03.2017		Presented to Policy Review Committee
		27.04.2017		Adopted Ordinary Council Meeting for Public Exhibition

6. MANAGEMENT REPORTS**6.1 ADOPTION OF SNOWY VALLEYS COUNCIL DISABILITY INCLUSION ACTION PLAN**

Author: TRACY WIGGINS

Responsible Manager: KAY WHITEHEAD

Purpose of Report:

Council to consider adoption of the Snowy Valleys Council Disability Inclusion Action Plan.

Recommendation:

1. That Council adopt the Snowy Valleys Council Disability Inclusion Action Plan and forward the Plan to the Disability Council NSW for approval.
2. That a Disability Inclusion Access Reference Group be formed and approved for ongoing consultation and Disability Inclusion Action Plan reviews.

Report:

Council consideration the draft Snowy Valleys Council Disability Inclusion Action Plan at its May meeting and resolved to place the plan on public exhibition for consultation for a period of 28 days before formal adoption.

The Plan has been advertised and placed on public display and no submissions were received therefore it is recommended that Council now adopt the Plan.

Action Plans will outline the practical steps NSW Government agencies will put in place to break down barriers and promote access to services, information and employment and promote the rights of people with disability.

The actions in the plan include feedback from the consultation process that occurred throughout Snowy Valleys Council. The consultation process occurred between March 2016 and March 2017, and consisted of face to face forums and surveys. People with disability and carers were a focus of the consultation process.

The largest contribution to surveys came from Snowy Valleys Council staff. Across SVC the feedback was consistent with many of the same themes.

The Snowy Valleys Council Draft Disability Inclusion Action Plan actions have been incorporated into the 2017-2018 Snowy Valleys Council Operational Plan and will be included in the new Community Strategic Plan when developed by Council.

Options:

Nil

Budget Implications:

The focus area 'Liveable communities', will have the largest financial commitment, as many of the needed actions will have costs due to time and money (people resources to undertake audits); and resources and materials needed e.g. upgrading parks and recreational facilities to meet disability requirements or to be disability friendly.

The timeframe for large cost actions has been projected over longer periods of time to allow for them to be incorporated in budgets.

Legal/Statutory Implications:

Under the Disability Inclusion Regulation 2014, local government councils are to have Action Plans in place by 1 July 2017. The overarching policy and legislation falls from the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Risk Management - Business Risk:

Nil

Risk Management - WHS and Public Risk:

Risk has been calculated against each of the actions.

Council Seal:

No

Attachments

- 1 Snowy Valleys Council Disability Inclusion Action Plan (under separate cover) [↗](#)