



**SNOWY VALLEYS COUNCIL MEETING
BUSINESS PAPER
15 OCTOBER 2020**

THE MEETING WILL BE HELD AT 2.00PM
VIA VIDEO LINK

Disclosure of Pecuniary Interests at meetings (extract from the Code of Conduct – Section 4)

4.28 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.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

(a) at any time during which the matter is being considered or discussed by the council or committee, or

(b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

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.

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

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. (*Sec. 375A of the Local Government Act 1993*)

Use of mobile phones and the unauthorised recording of meetings (extract from the Code of Meeting Practice – Section 15)

15.21 Councillors, council staff and members of the public must ensure that mobile phones

are turned to silent during meetings of the council and committees of the council.

15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Livestreaming of Meetings

(extract from the Code of Meeting Practice – Section 5)

This meeting is live streamed on Council's website to allow the community to follow Council debates and decisions without the need to attend meetings in person. Members of the public attending or speaking at a meeting agree to have their image, voice and personal information (including name and address) recorded and publicly broadcast. Snowy Valleys Council does not accept liability for any defamatory remarks or inappropriate comments that are made during the course of a meeting. Any part of the meeting that is held in closed session will not be streamed.

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Photography

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the Chief Executive Officer.

Public Forum

(extract from the Code of Meeting Practice – Section 4)

4.1 The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.

4.2 Public forums are to be chaired by the mayor or their nominee.

Those attending must comply with the terms and conditions of the Code of Meeting Practice which can be viewed on Council's website;

<http://www.snowyvalleys.nsw.gov.au/Council/Governance/Policies>



Thursday 15 October 2020
Snowy Valleys Council Chambers
Via Video Link
2.00pm

AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.

2. APOLOGIES AND LEAVE OF ABSENCE

3. DECLARATIONS OF PECUNIARY INTEREST

Pursuant to Section 4 of the Code of Conduct, Councillors are required to declare any direct or indirect pecuniary interest in any matters being considered by Council.

4. PUBLIC FORUM

5. CONFIRMATION OF MINUTES

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6. CORRESPONDENCE/PETITIONS

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8. MAYORAL MINUTE

NIL

9. URGENT BUSINESS WITHOUT NOTICE

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14. MEETING CLOSURE

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting - 17 September 2020

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 17 September 2020 be received and confirmed as an accurate record

**THE MINUTES OF THE COUNCIL MEETING HELD VIA VIDEO LINK, ON THURSDAY
17 SEPTEMBER 2020 COMMENCING AT 2.01PM**

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, Councillor Margaret Isselmann, Councillor John Larter, Councillor Geoff Pritchard, Councillor Cor Smit, Councillor Bruce Wright.

IN ATTENDANCE: Chief Executive Officer Matthew Hyde, Executive Director Infrastructure Heinz Kausche, Executive Director Community and Corporate Paul Holton, Executive Chief of Staff Shelley Jones, Chief Financial Officer Susanne Andres and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Mayor James Hayes.

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTEREST

Cr Julia Ham declared a pecuniary interest in relation to report # 10.6 Training Opportunity – Online Advanced Leadership Program – Women & Leadership Australia and will leave the room during discussion and voting.

4. PUBLIC FORUM

Nil

5. CONFIRMATION OF MINUTES

M190/20 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 20 August 2020 be received.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

5.1 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION**7.1 NOTICE OF MOTION - LOCAL GOVERNMENT NSW REFORM OF THE AGED AUSTRALIAN CONSTITUTION**

M191/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on Reform of the Aged Australian Constitution from Cr Geoff Pritchard.
2. That interested Councillors initiate discussion with community groups and individuals about reform of the Australian Constitution.

Cr Geoff Pritchard/Cr Cor Smit

CARRIED UNANIMOUSLY

7.2 NOTICE OF RESCISSION - PUBLIC HEALTH COMMITTEE - COVID-19

M192/20 RESOLVED:
THAT COUNCIL:

1. Receive the Notice of Motion to Rescind Resolution M146/20 – Public Health Committee COVID-19 from Mayor, Cr James Hayes.
2. Rescind Resolution M146/20 – Public Health Committee COVID-19

Cr James Hayes/Cr Cate Cross

Division**For**

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Isselmann
Cr Smit
Cr Wright

Against

Cr Larter
Cr Pritchard

7/2

CARRIED

M193/20 RESOLVED:

A motion was moved and seconded that Council continue to respond to the COVID-19 pandemic or other emergencies potentially impacting on Snowy Valleys while it is considered by the Snowy Valley's CEO to be a threat to the Snowy Valleys community, through the Mayor, interested Councillors and the CEO meet regularly to discuss and keep all Councillors updated regularly.

Cr James Hayes/Cr Cate Cross

Division
For
Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Isselmann
Cr Larter
Cr Smit
Cr Wright
8/1
Against
Cr Pritchard

CARRIED**8. MAYORAL MINUTE**

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

The Chief Executive Officer advised that he had received two (2) nominations for the position of Deputy Mayor being one from Councillor Julia Ham, seconded by Cr Cate Cross and one from Cr John Larter, seconded by Mayor, Cr James Hayes. Both nominations have been signed off by the nominees, meeting the requirements of the Act. No further nominations.

10.1 ELECTION OF DEPUTY MAYOR FOR THE TERM 2020 - 2021**M194/20 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the Election of Deputy Mayor from the Chief Executive Officer.
2. Determine the voting method in the event of there being more than one candidate, as an open ballot.

3. Invite further nominations for the election of Deputy Mayor for the term 2020-2021 from the floor.
4. Conduct the election for Deputy Mayor in accordance with the Local Government (General) Regulation 2005 Schedule 7.
5. Elect a Deputy Mayor in accordance with Section 231 of the Local Government Act for the term 2020-2021.
6. Confirm the successful candidate by resolution.

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

RESOLVED that voting be conducted by open ballot via a show of hands.

M195/20

Cr Bruce Wright/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

M196/20 RESOLVED that following the determination of open ballot, the CEO now conduct the election for Deputy Mayor in accordance with the Local Government (General) Regulation 2005 Schedule 7.

Cr Margaret Isselmann/ Cr Bruce Wright

CARRIED UNANIMOUSLY

The CEO reiterated that nominations have been received for Cr Julia Ham and Cr John Larter and requested a show of hands for each, results being:

1. Cr Julia Ham: Cross, Wright, Smit, Ham (4)
2. Cr John Larter: Isselmann, Pritchard, Larter, Hayes, Benjamin (5)

M197/20 RESOLVED to confirm the successful candidate for Deputy Mayor as Cr John Larter for the 2020-2021 Term.

Cr Margaret Isselmann/Cr Bruce Wright

CARRIED UNANIMOUSLY

10.2 DETERMINATION OF THE NUMBER OF COUNCILLORS

M198/20 RESOLVED:

THAT COUNCIL:

1. Receive the report on Determination of the Number of Councillors for the term of office following the September 2021 elections from the Chief Executive Officer.

2. In accordance with Section 224 (2) of the Local Government Act 1993, determine the number of Councillors to be unchanged, being nine (one of whom is the Mayor).

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

10.3 ADDITIONAL REQUESTS FOR COUNCILLOR ATTENDANCE AT LGNSW ANNUAL CONFERENCE - NOVEMBER 2020

**M199/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on LGNSW Annual Conference – November 2020 from the Chief Executive Officer.
2. Approve the attendance of Cllr Geoff Pritchard and Cllr Margaret Isselmann at the LGNSW Conference in addition to those Councillors approved to attend in accordance with resolution M168/20.
3. Note the new cost structure for the online format of the conference.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

10.4 PROPOSED MOTIONS FOR THE LGNSW ANNUAL CONFERENCE 2020

**M200/20 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Proposed Motions for the LGNSW Annual Conference 2020 from the Chief Executive Officer.
2. Approve the following motions for submission to the LGNSW Annual Conference 2020:
 - a. That in the wake of the 2019-2020 bushfires, LGNSW lobbies the Australian and NSW Governments to commit funding to take advantage of the unique opportunity to undertake effective and pre-emptive weed eradication initiatives to control the weed population, in particular blackberry, and reduce the potential fuel load for future fire seasons.
 - b. Following the much-welcomed April funding package from the NSW Government of \$82 million for 260 council-run early childhood education and care (ECEC) services in response to the COVID-19 pandemic; that LGNSW:
 - i. Advocates to the NSW Government to continue to recognise the essential role of local government in early childhood education and care, and fund it accordingly, particularly as

council-run services often cater to vulnerable, low-income families, regional and rural communities and children with disability; and

- ii. Enhances LGNSW's Strong and Inclusive Communities Position Statement, and the Services in Rural Communities Position Statement, by including the recognition that local government is an essential provider of services to young people 0 – 24 years old.
- c. That LGNSW lobbies the NSW Government to partner with Councils and commit funding to better plan for bushfire management of Crown Lands, with a particular emphasis on the control of vegetation and weeds (in accordance with the Biosecurity Act 2015) to help mitigate the bushfire risk to community.
- d. That LGNSW lobby the NSW Government to enable local government greater management, divestment and approval abilities for Crown Land packages vested in councils, and provide appropriate funding to offset the additional cost and resource burden.
- e. That LGNSW continue to lobby the Federal Government to not only increase Financial Assistance Grants (FAGs) funding to 1%, but to include an additional roads and bridges allocation to disaster impacted councils for the restoration and repair of damaged road networks.
- f. That LGNSW lobby the NSW Government to amend the eligibility criteria for the Job Keeper funds to allow a fairer distribution to impacted councils who have not had to 'stand down' staff as a result of the pandemic.
- g. That LGNSW lobby the NSW Government to ensure that Local Government is appropriately funded and well placed to implement prevention, response and recovery initiatives resulting from the recommendations of the Royal Commission into Natural Disaster Arrangements and the NSW Bushfire Inquiry.

Cr Bruce Wright/Cr Cate Cross

CARRIED UNANIMOUSLY

10.5 MURRAY DARLING ASSOCIATION - 76TH NATIONAL CONFERENCE & AGM - 14TH TO 16TH SEPTEMBER 2020

M201/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Murray Darling Association 76th National Conference and Annual General Meeting (September 2020) from the Executive Chief of Staff.

2. Approve the attendance of Clr Geoff Pritchard at the Murray Darling Association National Conference from the 14 to 16 September 2020.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

Councillor Julia Ham left the meeting at 2.49pm due to her declared Pecuniary Interest in the following item.

M202/20 RESOLVED to move into Committee of the Whole.

Cr Margaret Isselmann/Cr Bruce Wright

CARRIED UNANIMOUSLY

M203/20 RESOLVED to move out of Committee of the Whole.

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

10.6 TRAINING OPPORTUNITY - ONLINE ADVANCED LEADERSHIP PROGRAM - WOMEN & LEADERSHIP AUSTRALIA

M204/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the online year-long Training Opportunity for the Advanced Leadership Program, Women & Leadership Australia from the Executive Chief of Staff.
2. Approve part funding for Cr Julia Ham for the Advanced Leadership Program (ALP) to the value of \$1,000.00.

Cr Margaret Isselmann/Cr Cate Cross

CARRIED UNANIMOUSLY

Cr Julia Ham returned to the meeting at 3.01pm.

10.7 2021 COUNCIL MEETING DATES

M205/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the 2021 Council Meeting Dates from the Executive Chief of Staff
2. Approve the Ordinary meeting dates for 2021 as follows:
Thursday 18 February 2021
Thursday 18 March 2021

Thursday 15 April 2021
Thursday 20 May 2021
Thursday 17 June 2021
Thursday 15 July 2021
Thursday 19 August 2021
Thursday 16 September 2021
Thursday 21 October 2021
Thursday 18 November 2021
Thursday 9 December 2021

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

10.8 STATEMENT OF INVESTMENTS - AUGUST 2020

M206/20 RESOLVED:
THAT COUNCIL:

1. Receive the Statement of Investments as at 31 August 2020 from the Chief Financial Officer.

Cr Julia Ham/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

10.9 FINANCIAL REPORT AUGUST 2020

M207/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on financial performance as at 31 August 2020.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

10.10 WRITE-OFF OF DEBTS

M208/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on debt write-offs from the Chief Financial Officer
2. Note the write-offs and adjustments totalling \$13,379.02 made under delegated authority for the period 1 July 2019 to 4 September 2020

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

M209/20 RESOLVED:

A motion was moved and seconded that Point 3 of report 10.10 'Authorise the write-off of the debt of \$31,321.91 as specified in the confidential attachment to the report' be considered in the Confidential Section of the meeting as it relates to the *Local Government Act 1993 Section 10A 2 (a) personal matters concerning particular individuals (other than councillors)*.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

10.11 ADOPTION OF AUDIT MATRIX BUSINESS RULES**M210/20 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Adoption of Audit Matrix Business Rules from the Executive Chief of Staff
2. Adopt the Audit Matrix Business Rules - SVC-GOV-PR-074-01

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

M211/20 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

M212/20 RESOLVED to move out of Committee of the Whole.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

11.1 TRANSGRID - HUMELINK**M213/20 RESOLVED:**

THAT COUNCIL:

1. Receive the report on TransGrid – Humelink from the Chief Executive Officer;
2. Continue to work with TransGrid and CASA in relation to the potential impact on the Tumut Aerodrome;

3. Continue to advocate for the Snowy Valleys community to be adequately consulted and compensated with a preference to annual payments of compensation;
4. Continue to request consideration for the corridor placement be preferentially located on public land where possible;
5. Advocate through the Mayor and Councillors for a legacy program to invest in the future of the impacted communities in the Snowy Valleys area;
6. Provide a copy of the report and Council's resolution to the local members and MLCs;
7. Request that TransGrid provide mobile connectivity along the defined corridor where there is no current secure mobile connectivity.

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

M214/20 RESOLVED to move into Committee of the Whole.

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

M215/20 RESOLVED to move out of Committee of the Whole.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

11.2 FITZROY STREET PLAYGROUND - FLYING FOX

M216/20 RESOLVED:
THAT COUNCIL:

1. Receive this report on securing the Flying Fox located at the Fitzroy Street Playground from overnight access from the Executive Director Infrastructure;
2. Approve the installation of a fence around the Flying Fox located at the Fitzroy Street Playground with an automatic locking gate to restrict overnight access to the Flying Fox, noting that Council previously resolved locking of the Flying Fox;
3. Endorse the allocation of \$36,000 as part of the quarterly budget review process to install a fence and automatic locking gate around the Flying Fox at the Fitzroy Street Playground;
4. Note that the capital cost to install the fence and automatic locking gate will be recovered through saving made by not needing to manually lock and unlock the flying each day.

Cr Cor Smit/Cr John Larter

Division**For**

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Larter
Cr Pritchard
Cr Smit
Cr Wright

Against

Cr Isselmann

8/1

CARRIED**11.3 WASTE WEEKEND REVIEW****M217/20 RESOLVED:**
THAT COUNCIL:

1. Receive this report on the trial of a free waste disposal voucher system from the Executive Director Infrastructure
2. Approve proceeding with a 6 month trial of a free waste disposal voucher system commencing on the 4 January 2021, noting that the current free waste weekends will continue through the trial period
3. Receive a further report in June 2021, following the trail of the free waste voucher system, and if successful, consider replacing the existing waste free weekends with the a free waste disposal voucher system

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**M218/20 RESOLVED** to move into Committee of the Whole.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY**M219/20 RESOLVED** to move out of Committee of the Whole.

Cr Margaret Isselmann/Cr John Larter

CARRIED UNANIMOUSLY

11.4 SVC CAPITAL SPORTS GRANTS - 2020-2021**M220/20 RESOLVED:**

THAT COUNCIL:

1. Receive this report on the Capital Sports Grants from the Executive Director Infrastructure
2. Endorse the projects recommended for funding by the Capital Sports Grant Assessment Panel, being:
 - a) Adelong Swimming Club - \$4,400
 - b) Gundagai Adelong Junior Rugby League - \$5,500
 - c) Tumut Swimming Club - \$2,500
 - d) Tumut Golf Club - \$10,000
 - e) Tumut Clay Target Club - \$3,000
 - f) Tumut Rifle Club - \$4,600
 - g) Tumut Basketball Club - \$10,000

Cr John Larter/Cr Margaret Isselmann

CARRIED UNANIMOUSLY**11.5 TUMBARUMBA CARAVAN 2019-2020 OPERATING RESULTS****M221/20 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the 2019 – 2020 operating result for the Tumbarumba Caravan Park from the Executive Director Community and Corporate.
2. Note the report on the 2019 – 2020 operating result for the Tumbarumba Caravan Park.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY**11.6 DRAFT COMPANION ANIMAL MANAGEMENT POLICY - FOR PUBLIC EXHIBITION****M222/20 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the Draft Companion Animal Management Policy (SVC-ENV-PO-107) from Executive Director Community & Corporate
2. Approve the Draft Companion Animal Management Policy for Public Exhibition for a period of no less than 28 days

3. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy
4. Adopt the policy if no submissions are received on the day after the completion of the public exhibition period

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

**11.7 SVC CLIMATE CHANGE ADAPTATION ADVISORY COMMITTEE -
EXPRESSION OF INTEREST AND TERMS OF REFERENCE**

M223/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on SVC Climate Change Adaptation Advisory Committee – Expression of Interest and Terms of Reference from the Executive Director Community and Corporate.
2. Adopt the SVC Climate Change Adaptation Advisory Committee Terms of Reference.
3. Authorise the Chief Executive Officer to call for Expressions of Interest from members of the community to establish the SVC Climate Change Adaptation Advisory Committee in accordance with the Terms of Reference as attached to this report.

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

M224/20 RESOLVED to move into Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

M225/20 RESOLVED to move out of Committee of the Whole.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

11.8 DISBANDING OF S355 TUMBAFEST COMMITTEE

M226/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on disbanding the Section 355 Tumbafest Committee from the Executive Director Community and Corporate;

2. Dissolve the Tumbafest Committee and remove from the master 'List of Committees';
3. Approve the donation and transfer of assets of the s355 Tumbafest Committee to Tumbafest Incorporated;
4. Approve the donation of funds held in the Tumbafest Committee bank account (\$32,354.78 as at 2 September 2020) and term deposit (\$80,000) to Tumbafest Incorporated;
5. Endorse the current sponsorship agreement which includes monetary and in-kind support between Snowy Valleys Council and Tumbafest Incorporated;
6. Terminate the contract for professional services with the Tumbafest Event Coordinator;
7. Acknowledge the efforts of the many Tumbafest committee members and volunteers over the years and thank them for their service and contribution;
8. Authorise the Chief Executive Officer to prepare and execute a deed of release to finalise assets transfer.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

11.9 TUMBARUMBA MEN'S SHED COMMITTEE HEALTH CHECK

M227/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Tumbarumba Men's Shed Committee Health Check;
2. Support the Tumbarumba Men's Shed Association motion as listed in the minutes of the 24 August 2020 meeting to undertake the actions required to become an incorporated entity;
3. Support the Tumbarumba Men's Shed Association motion to disband the s355 Committee once incorporated.

Cr Bruce Wright/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

M228/20 RESOLVED that items 12.1, 12.2 and 12.3 be dealt with together.

Cr Cate Cross/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

12.1 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 2
12.2 JULY 2020; 30 JULY 2020; 27 AUGUST 2020
12.3

M229/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the minutes for 02 July 2020 meeting of the Disability Inclusion Access Reference Group (DIARG) Committee from the Executive Director Corporate and Community.
2. Note the minutes of the DIARG Committee meeting held on 02 July 2020.
3. Receive the report on the minutes - Disability Inclusion Access Reference Group (DIARG) – 30 July 2020 from Executive Director Community & Corporate.
4. Note the minutes of the DIARG Committee meeting held on 30 July 2020.
5. Receive the report on the minutes - Disability Inclusion Access Reference Group (DIARG) – 27 August 2020 from Executive Director Community & Corporate.
6. Note the minutes of the DIARG Committee meeting held on 27 August 2020.

Cr Cate Cross/ Cr Geoff Pritchard

CARRIED UNANIMOUSLY

M230/20 RESOLVED to move into Committee of the Whole.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

M231/20 RESOLVED to move out of Committee of the Whole.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

12.4 MINUTES - LOCAL TRAFFIC COMMITTEE - 26 AUGUST, 2020

M232/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Local Traffic Committee meeting held on the 26 August 2020 from Executive Director Infrastructure
2. Note the Minutes of the Local Traffic Committee meeting held on 26 August, 2020
3. Endorse the following recommendations from the minutes:
 - a. 4.1 –Transport for New South Wales to assess the speed zone of the

- streets and roads around the Batlow CBD and recommend a 40km/hr zone
- b. 4.2 –Transport for New South Wales to assess the speed zone and recommend a 40km speed zone for Tumut Street, Adelong between Campbell Street and Quartz Street
 - c. 4.3 – advisory signs be placed on Quidong Road advising road users of the road conditions
 - d. 4.4 - conduct a traffic review and road safety audit for Yellowin Road and replace the regulatory 100km/hr speed zone with a suitable sign and/ or advisory signs be placed on Yellowin Road advising road users of the road conditions
 - e. 4.5 - three short term one hour parking bays be approved at entrance to the Wellbeing Hub at the Tumut High School
 - f. 4.6 - support the special event application for the Tumut Cycle Classic to enable this event to go ahead, subject to Council's standard conditions and receipt of both a Certificate of Currency listing Transport for NSW, NSW Police and Snowy Valleys Council as interested parties and also, a road occupancy licence
 - g. 4.7 - support the Special Event Application for the Snowy Mountains Cycle Challenge to enable this event to go ahead, subject to Council's standard conditions and receipt of both a Certificate of Currency listing Transport for NSW, NSW Police and Snowy Valleys Council as interested parties. Also, a road occupancy licence
 - h. 5.3 - the brick substation located in the road reserve at the intersection of Kurrajong/Memorial Avenue, Batlow be removed as part of the bushfire clean up
 - i. 5.4 - further suitable sites for safe parking of the heavy vehicles be investigated and to promote safety for the drivers and other road users for the duration of the Snowy Hydro 2.0 project
 - j. 5.5 - school parking bays with bus zones be designed for outside the Brungle Public School
 - k. 5.6 - school parking bays with bus zones be designed for outside the Rosewood Public School
 - l. 5.7 - school parking bays with bus zones be designed for the Tumut Street, Adelong central business district
 - m. 5.9 - Talbingo speed zone request, existing speed zone needs to be determined and traffic count made (during summer holiday period when visitor numbers are higher) to determine the need for a speed zone assessment

- n. 5.12 - designs for a suitable pedestrian facility at Batlow be presented at the next Local Traffic Committee

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

12.5 MINUTES - BATLOW DEVELOPMENT LEAGUE (BDL) - 5 AUGUST 2020

M233/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Batlow Development League (BDL) from Executive Director Community & Corporate.
2. Note the Minutes of the Batlow Development League meeting held on 5 August 2020.
3. Note the following recommendation from the BDL minutes:
4. Request that the CEO write to the Batlow Development League and advise that at its meeting held on 20 August 2020 Council resolved to lease a further .75 ha of the former Batlow Cannery site to Roberts Nurseries.

Cr Cor Smit/Cr John Larter

CARRIED UNANIMOUSLY

12.6 MINUTES - FESTIVAL OF THE FALLING LEAF COMMITTEE ANNUAL GENERAL MEETING - 18 AUGUST 2020

M234/20 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Festival of the Falling Leaf Committee AGM held on the 18 August 2020.
2. Note the Minutes of the Festival of the Falling Leaf Committee AGM meeting held on the 18 August 2020.
3. Accept the nominations of new and returning committee members:
 - a) Sam Phillips (Festival Manager / Chairperson)
 - b) Margaret Hillier (Treasurer)
 - c) Michelle Symons (Sponsorship Coordinator)
 - d) Lyndal Cass (Fundraising Coordinator)
 - e) Sam Phillips (Entertainment Coordinator)
 - f) Peter Jones (Festival Street Parade)
 - g) Roger Williams (Fireworks Event Coordinator)

Cr Margaret Isselmann/Cr Cor Smit

CARRIED UNANIMOUSLY

12.7 MINUTES - KHANCOBAN UNITED VOLUNTEERS ASSOCIATION COMMITTEE - 5 AUGUST 2020**M235/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Khancoban United Volunteers Association Committee (KUVA).
2. Note the Minutes of the Khancoban United Volunteers Association Committee meeting held on 5 August 2020.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY**12.8 MINUTES - ROCK THE TURF FESTIVAL ANNUAL GENERAL MEETING - 6 AUGUST 2020****M236/20 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Rock the Turf Festival Annual General Meeting held on the 6 August.
2. Note the Minutes of the Rock the Turf Annual General meeting held on the 6 August 2020.
3. Accept the nominations of new and returning committee members listed below:
 - a) Clayton Denson (Chair/Festival Manager)
 - b) Matt Wysman (Treasurer)
 - c) Mia Toppin (Secretary)
 - d) Ian Flegg (Ground Coordinator)
 - e) David Toppin (Publicity Officer/Social Media Coordinator)
 - f) Clayton Denson (Entertainment/Stage Manager)
 - g) Jacki Flegg (Gate & Ticketing Coordinator)
 - h) Rebecca Denson (Goods & Stallholder Coordinator)
 - i) John Whitley (COVID Marshall)

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY**13. CONFIDENTIAL****M237/20 RESOLVED:**

That Council move into Confidential to consider the matters listed in the confidential section of the agenda and point 3 of Item 10.10 in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified.

13.1 RESOURCE RECOVERY SERVICES AGREEMENT (SVC & VALMAR)

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.10 WRITE-OFF OF DEBTS

Item 10.10 is confidential under the Local Government Act 1993 Section 10A 2 (a) as it relates to personal matters concerning particular individuals (other than councilors).

Cr John Larter/Cr Cor Smit

CARRIED UNANIMOUSLY

At this stage, the time being 4.37pm Council went into Confidential.

13.1 RESOURCE RECOVERY SERVICES AGREEMENT (SVC & VALMAR)

M238/20 RESOLVED:
THAT COUNCIL:

1. Receive this report on the new Resource Recovery Services Agreement from the Executive Director Infrastructure
2. Note the attached Draft Resource Recovery Services Agreement to operate the Gilmore and Tumberumba Resource Recovery Facilities
3. Delegate the Chief Executive Officer to execute the Resource Recovery Services Agreement between Snowy Valleys Council and Valmar Support Services on behalf of Council
4. Approve the sale of heavy machinery to Valmar for an agreed amount of \$20,000 subject to the execution of the agreement by both parties
5. Delegate to the Chief Executive Officer to approve any negotiated variations to the Services Agreement that may be required over the term of the agreement which provide efficient and effective waste management solutions for Council

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

10.10 WRITE-OFF OF DEBTS – POINT 3

RECOMMENDATION
THAT COUNCIL:

3. Authorise the write-off of the debt of \$31,321.91 as specified in the confidential attachment to the report.

The motion lapsed for want of a mover and seconder.

M239/20 RESOLVED to move out of Confidential Session into open Session.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 4.51pm.

7. NOTICE OF MOTION/NOTICE OF RESCISSION**Item 7.1 RURAL FIRE SERVICE BUSHFIRE PREPAREDNESS PLANS**

Author: Cr Julia Ham

Notice of Motion

The community have a desire for information ahead of the bushfire season to gain confidence that the lead agency and the support agencies have evaluated the risk and assisted landowners to be prepared.

Cr Ham has asked for the following Notice of Motion to be forward to the October 2020 Council meeting:

“That Council request the Rural Fire Services provide an update to Council as a matter of priority about the actions being taken specifically in the Snowy Valleys area to assist residents to prepare for any bushfire threat this season and advise what recommendations the Rural Fire Service will be making to landholders including the Crown, State and Federal Government Agencies on priorities and action recommended to protect lives and minimise the threat to community buildings, flora and fauna”.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the Notice of Motion on Bushfire Preparedness from Councillor Julia Ham;**
- 2. Request the Rural Fire Service provide an update to Council as a matter of priority about the actions being taken specifically in the Snowy Valleys area to assist residents to prepare for any bushfire threat this season;**
- 3. Request the Rural Fire Service advise what recommendations the Rural Fire Service will be making to landholders including the Crown, State and Federal Government Agencies on priorities and action recommended to protect lives and minimise the threat to community building, local industries, flora and fauna;**
- 4. Endorse the Snowy Valleys Council participation in the Get Ready Program.**

Officers Comment:**Local Emergency Management Committee**

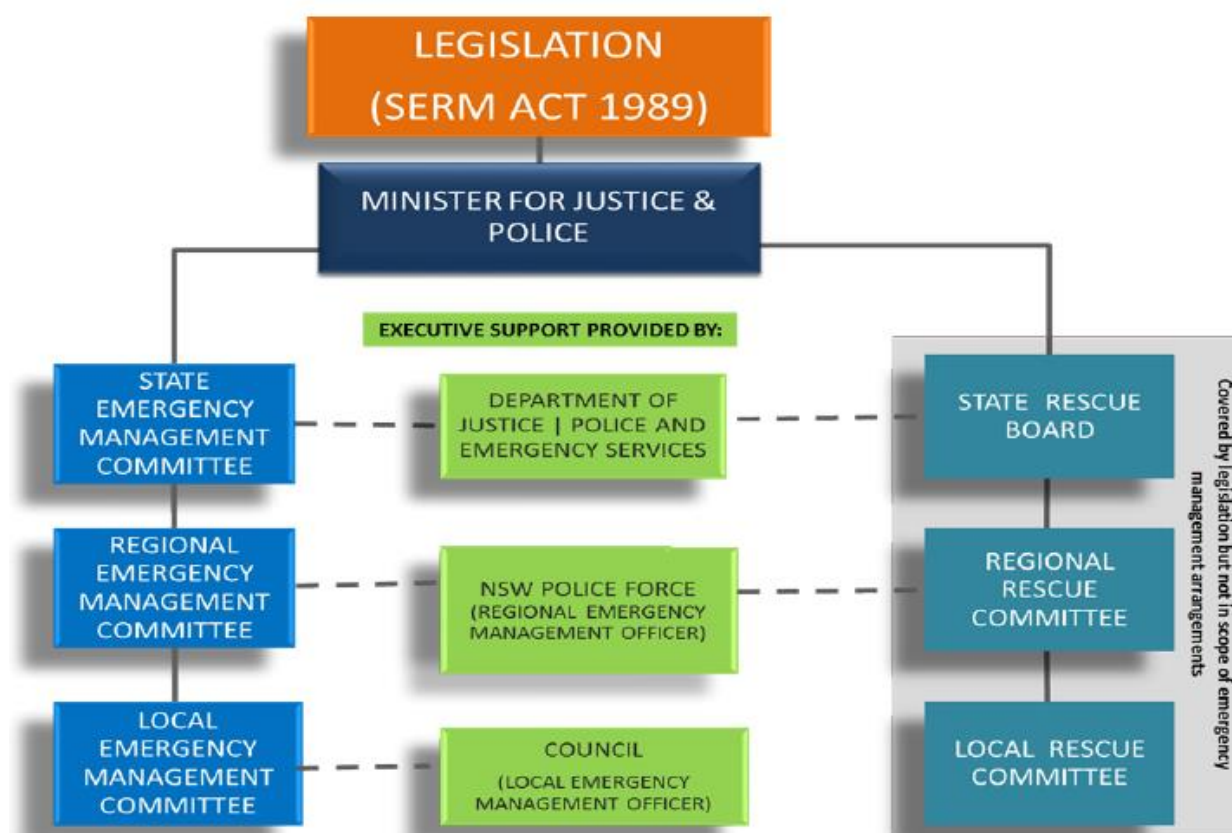
Emergencies can occur within communities due to the impact of a wide variety of man-made and natural events. In accordance with the *State Emergency and Rescue Management Act 1989* (SERM Act) Council has a role to play in assisting the emergency services community managing these emergency events.

Council facilitates the Local Emergency Management Committee (LEMC) which is comprised of representatives from each of the area’s emergency organisations, who are responsible for the

formation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies.

Purpose of the Local Emergency Management Committee

- Prepare and review plans relating to the prevention of, preparation for, response to, and recovery from emergencies in the local government area for which it is constituted
- Give effect to and carry out emergency management policy and practice
- Review and monitor emergency management policy and practice across the region
- Develop and conduct local emergency management training exercises
- Facilitate local emergency management capability through inter-agency co-ordination, co-operation and information sharing



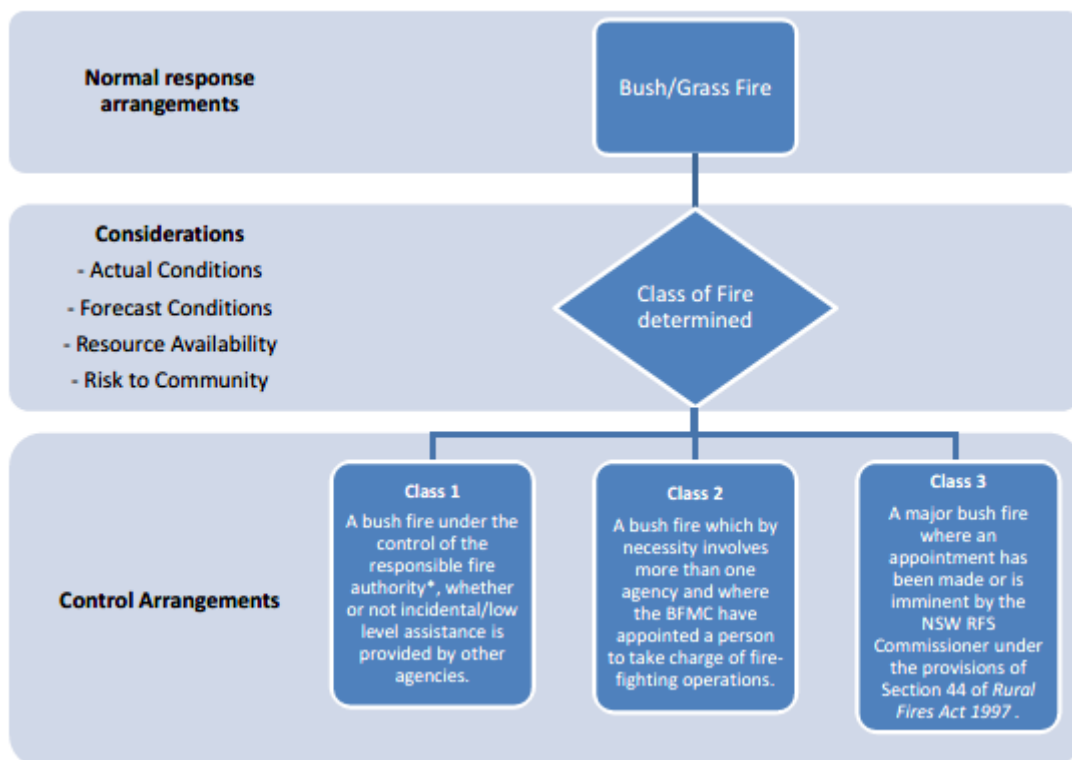
The combat agencies that lead the response in the following emergencies are:

- Animal Health Emergency – NSW Agriculture
- Aviation Emergency – Emergency Operations Controller
- Bushfire – NSW Rural Fire Service (NSW RFS)
- Fire – Urban – Fire and Rescue NSW (FRNSW)
- Flood Storm and Tempest – NSW State Emergency Service (NSW SES)
- Hazardous Material – Land Based – Fire and Rescue NSW
- Hazardous Material – State Waters – NSW Maritime and NSW Ports Corporation
- Hazardous Material – Inland waters – Fire and Rescue NSW
- Marine Oil Spill – NSW Maritime Oil Spill

The following gives an example of an agency's role in leading an emergency response:

Bushfire – NSW Rural Fire Service

- The NSW RFS is responsible for the response to and management of fires in rural fire districts, and the FRNSW for fires within fire districts.
- In addition, the NSW RFS Commissioner will take charge of bush fire-fighting operations anywhere in NSW if, in his/her opinion, certain conditions set out in section 44 of the *Rural Fires Act 1997* are met.
- Involvement of personnel from agencies other than the fire service in charge of a fire is at the discretion of that fire service notwithstanding legislative authority/requirements.
- All personnel operating on a fire ground are subject to the direction of the Incident Controller (IC), irrespective of their source agency. The IC is subject to the direction of the relevant fire service Commissioner through the established chain of command.



Flood Storm and Tempest – NSW State Emergency Service

The NSW SES response role for floods at the State level covers:

- Ensuring that the State Emergency Operations Controller (SEOC) and supporting emergency services and functional areas are briefed on flood operations;
- When required, assisting the Incident Management Team (IMT) in the coordination of reconnaissance of areas likely to be affected by floods;
- Providing support to the IMT in the dissemination of warnings through media, the NSW SES website and utilisation of Emergency Alert.
- Coordinating logistics support to the NSW SES and supporting emergency services and functional areas;
- Providing an information service to support the information needs of a community during a flood;
- Coordinating public information management strategies;
- Assisting councils to organise temporary repairs or improvements to levees;

- Assisting the Agriculture and Animals Services Functional area with fodder supply operations;
- Maintaining strategic situational awareness of flood risk and response across the state;
- Depending upon the scale of the event establishing a Joint Media Information Centre as near as is practicable to the areas affected by flooding; and
- Providing operational updates incorporating the activities of supporting emergency services and functional areas to all agencies listed under this Plan and to all state level supporting operations centres and relevant members of parliament.

'Get Ready' Program

Resilience NSW is working with the Canberra Joint Organisation (CRJO) and its member Councils to launch a 'Get Ready' program. The Get Ready program is a NSW Government program that promotes disaster preparedness and resilience in local communities. Coordinated by Resilience NSW and developed in collaboration with the NSW emergency service organisations, it is designed for Councils and local organisations to help communities get ready for disasters.

In particular, Get Ready is a program aimed at supporting Councils and communities to engage and raise awareness of preparedness and resilience initiatives.

For Snowy Valleys Council, the Get Ready program will involve the use of the communications materials issued by Resilience NSW and will support the soon to be launched state 'dashboards' for emergency information.

The customised Get Ready branding is also intended to help the audience recognise where the information is coming from and quickly identify the type of content being presented.

A copy of the 'Get Ready NSW Fact Sheet' is attached to the business paper.

Attachments

- 1 Get Ready NSW Fact Sheet (under separate cover) [⇒](#)

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 PUBLIC HEARINGS - BOUNDARIES REVIEW COMMISSION - SNOWY VALLEYS****REPORT AUTHOR:** CHIEF EXECUTIVE OFFICER**RESPONSIBLE DIRECTOR:** CHIEF EXECUTIVE OFFICER**EXECUTIVE SUMMARY:**

On 24 September 2020 the Local Government Boundaries Commission issued a press release advising dates for the public inquiry into the demerger proposal affecting Snowy Valleys Council.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Public Hearings – Boundaries Review Commission – Snowy Valleys from Chief Executive Officer.**
2. **Endorse Councillors to address the public inquiry should they wish to do so.**
3. **Ratify the position of Council’s pre-Boundaries Commission referral resolution that Council:**
 - ***Not support a demerger proposal to the NSW Government, and through this resolution, offer the wider community reassurance of continued commitment to developing Snowy Valleys Council into a high performing sustainable Council;***
4. **Ratify the position of Council’s post-Boundaries Commission referral resolution that Council:**
 - ***Welcoming the Boundaries Commission to our community to meet with interested parties including Council; and***
 - ***Endorse the Boundaries Commission process to provide an independent report to the Minister under the factors listed in the Local Government Act to resolve the issues as soon as possible, at no additional cost to Snowy Valleys Council and to be resolved prior to the next Council election.***
5. **Advise the Boundaries Commission that the Mayor and CEO will present to the Public Hearings being held in November 2020 on behalf of the Snowy Valleys Council.**

BACKGROUND:

Council has three standing resolutions on the matter:

11 Dec 2018 – Resolution Number M334/18

That Council not support a demerger proposal to the NSW Government, and through this resolution, offer the wider community reassurance of continued commitment to developing Snowy Valleys Council into a high performing sustainable Council.

28 January 2020 – Resolution Number M10/20

Lodge a submission to the NSW Minister for Local Government on the Proposal to create a new local government area affecting the area of Snowy Valleys Council in support of referring the matter to the Boundaries Commission to provide an independent report to the Minister under the factors listed in the Local Government Act to resolve the issues as soon

as possible, at no additional cost to Snowy Valleys Council and to be resolved prior to the next Council election.

19 March 2020 – Resolution Number M35/20

Write to the NSW Premier and Minister for Local Government requesting a written outline of the implementation process and requirements should a decision be made to Review the Boundaries of the Snowy Valleys Council to the Snowy Valley Council and the former Tumbarumba Shire Council and request to be advised how the community will be informed of this information.

Write to the Boundaries Review Commission welcoming them to our community to meet with interested parties including Council.

Council received a response from the Minister for Local Government, the Hon. Shelley Hancock MP on 7 May 2020 advising that she believes it is not appropriate for her to comment on the matter while the statutory process is underway and a decision is yet to be made.

REPORT:

The Chairman of the Boundaries Commission has contacted the writer and advised there will be an opportunity for both the Council and the Save the Tumbarumba Shire Inc. to address the Public Inquiry.

The Boundaries Commission has advised that they are likely to release some information to the public prior to the public inquiry that has resulted from the work that Deloitte Touche Tohmatsu was commissioned by the Boundaries Commission to do on the financial aspects of the proposals to demerge Snowy Valleys Council.

The legislation requires the Boundaries Commission to address:

- the financial viability of the existing councils and the new councils (if a demerger proposal is implemented) in the medium term (2 to 5 years)
- identification and quantification of any savings, efficiencies and/or additional costs resulting from the 2016 mergers
- identification and quantification of any potential savings, efficiencies and/or additional costs for existing and new councils should a proposal be implemented
- identification and quantification of any financial impacts from changes in population and forecast population over the medium term
- identification and analysis of the staffing arrangements including change in staff numbers and total staffing costs over the period 2016-17 to 2019-20
- identification and analysis of the level of backlog in infrastructure maintenance
- identification of whether an existing council has developed a rates harmonisation strategy.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.3 Council has sound organisational health and has a culture which promotes action, innovation, accountability and transparency

Operational Actions

4.3.9 Implement actions from Council's Sustainability Road Map

SUSTAINABILITY ASSESSMENT:

Deloitte Touche Tohmatsu has been commissioned by the Boundaries Commission to model the sustainability of:

- Snowy Valleys Council
- The former Tumbarumba Shire as a new entity
- The ongoing Snowy Valleys Council without the former Tumbarumba Shire entity.

It is anticipated that some of this modelling will be available prior to the inquiry hearings and is not available at the time of writing this report.

Financial and Resources Implications

The Sustainability modelling being completed by Deloitte Touche Tohmatsu is expected to include financial modelling.

Costs and Benefits:

The Sustainability modelling being completed by Deloitte Touche Tohmatsu is expected to include modelling on the costs and benefits.

Policy, Legal and Statutory Implications:

It is the writer's understanding that there is currently no legislation or guideline in NSW to determine how a de-amalgamation might be enacted if the Minister supports this position. Considerations and factors unknown have been listed in previous reports to Council on the matter.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

- Corporate Governance and compliance – low – The Minister and State are in control of the legislative compliance with the process.
- Environmental and Public Health – low – the public inquiry is not expected to have an impact on the environment
- Financial – low – the costs of the process are being met by the state. It is unknown who will fund the actions required by the Minister's determination.
- Human Resources – major – the resourcing to answer enquiries from Deloitte Touche Tohmatsu has meant that critical work has been delayed or redirected. The wellbeing of staff having this matter not resolved has had a significant impact on organisational culture.
- Information Technology – insignificant – the inquiry process is not expected to impact on Council's Information Systems.
- Projects – moderate – the inquiry process has impacted on staff resourcing through responses required to Tohmatsu and to resourcing communications. These are resources that would have otherwise been directed to business as usual hence there is expected to be some moderate delays in projects due to redeployment of resources.
- Reputation – catastrophic – there is likely to be adverse state and possibly national media coverage and public and political interest greater than 4 weeks.
- Service Delivery – moderate – there is likely to be a moderate impact on service delivery and operations and this will take time and resources to recover and restore official processes.
- Stakeholders and Political – moderate – likely to have multiple significant level of complaints and GIPA requests.
- Work Health and Safety – minor – likely to have a wellbeing impact on staff which may result in a near miss or lost time injury.

OPTIONS:

Council may choose an alternative position on the matter. Specifically, in relation to the address to the public inquiry Council may resolve that the Mayor or/and CEO provide an official address. Council may also choose to lodge a submission to the Boundaries Commission – Council has not currently lodged a submission.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Boundaries Commission matter is considered political. The writer has attempted to keep the staff informed about the process and as per the advice from the Office of Local Government we have continued to concentrate on business as usual.

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.2 REVIEW OF CODE OF CONDUCT AND THE PROCEDURES FOR THE CODE OF CONDUCT**

REPORT AUTHOR: GOVERNANCE OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

Section 440 of the Local Government Act 1993 (the Act) requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW as published by the NSW Office of Local Government (OLG).

The 2020 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed under the Local Government (General) Regulations 2005 in August 2020. These updated policy documents take effect from this date.

In response, Snowy Valleys Council has prepared the following documents ready for Council adoption:

- 2020 Code of Conduct
- 2020 Procedures for the Administration of the Model Code of Conduct

There is no provision for Council to dilute or change the minimum standards prescribed in the Model Code of Conduct in their own Code of Conduct.

There is no requirement under the Local Government Act 1993 for these documents to be placed on public exhibition.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the Review of Code of Conduct and the Procedures for the Code of Conduct.**
2. **Adopt the Code of Conduct SVC-RP-STY-001-03.**
3. **Rescind the Code of Conduct SVC-RP-STY-001-02**
4. **Adopt the Procedures for the Administration of the Model Code of Conduct SVC-RP-STY-002-03**
5. **Rescind the Procedures for the Administration of the Model Code of Conduct SVC-RP-STY-002-02**

BACKGROUND:

The 2020 Model Code of Conduct for Local Council in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Council in NSW were prescribed on 14 August 2020 Circular 20-32.

Councillors, Council employees and delegates of Council must comply with the applicable provisions of this code of conduct. Council contractors, committees, and volunteers are also required to observe the relevant provisions of the code of conduct.

The objectives of the code and its associated procedures are to:

- Enable council officials to uphold the highest standards of behaviour, to ensure communities have trust and confidence in local government.
- Promote a clear guideline for the conduct of councillors, employees and relevant parties when acting as public officials of Council.
- Make Council's requirements and procedures regarding its code of conduct readily accessible and understandable to the public.
- Provide fair complaints management with flexibility to resolve less serious matters informally and strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

REPORT:

The NSW Government have reviewed and updated the Model Code of Conduct for Local Councils in NSW as “part of its commitment to improving the integrity, transparency and accountability of the local government sector”.

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

The changes include strengthening investigation processes and penalties for councillor misconduct to target the small minority engaging in bad behaviour and protect the good reputation of the majority of councillors in NSW.

The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.

Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.

The new Model Code of Conduct and Procedures take effect immediately upon adoption by Council.

The major changes/updates are captured in the table below:

Comparison between the current and new versions of the Model Code of Conduct

Part	Existing 2018 Code	New 2020 Code
Definitions	Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to	Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee

Part	Existing 2018 Code	New 2020 Code
	Council committee member: a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee	Council committee member: a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Part 3. General Conduct Obligations 3.6 Harassment and discrimination	3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.	3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status) , sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender relationship status, infectious disease, carer's family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation
Part 3. General Conduct Obligations 3.9 Bullying	3.9 a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and	3.9 a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and [added comma]
Part 3. General Conduct Obligations 3.12 Work Health & Safety section	WH&S Act	WHS Act
Part 6. Personal Benefit	6.2 A reference to a gift or benefit in this Part does not include: a) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to....	6.2 A reference to a gift or benefit in this Part does not include: A reference to a gift or benefit in this Part does not include: a) items with a value of \$10 or less b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them d) a benefit or facility provided by the council to an employee or councillor e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such

Part	Existing 2018 Code	New 2020 Code
		as, but not limited to....
<p>Part 6. Personal Benefit</p> <p>Gifts and Benefits of token value</p>	<p>6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:</p> <p>a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50</p> <p>b) gifts of alcohol that do not exceed a value of \$50</p> <p>c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like</p> <p>d) prizes or awards that do not exceed \$50 in value.</p>	<p>6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50 100. They include, but are not limited to:</p> <p>a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50 100</p> <p>b) gifts of alcohol that do not exceed a value of \$50 100</p> <p>c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like</p> <p>d) prizes or awards that do not exceed \$50 100 in value.</p>
<p>Part 6. Personal Benefit</p> <p>Gifts and Benefits of more than token value</p>	<p>6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.</p> <p>6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.</p> <p>6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.</p>	<p>6.9 Gifts or benefits that exceed \$50 100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.</p> <p>6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50 100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.</p> <p>6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 100 in value.</p>
<p>Part 6. Personal Benefit</p> <p>“Cash-like gifts”</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to...</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to... [add comma]</p>

Part	Existing 2018 Code	New 2020 Code
Part. 6 Relationship between council officials Inappropriate interactions	7.6 e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting	7.6 e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
Part 9. Maintaining the Integrity of this Code Compliance with requirements under the Procedures	9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.	[removed]
Part 9. Maintaining the Integrity of this Code Disclosure of information about the consideration of a matter under the Procedures	9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.	9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

Comparison between the current and new versions of the Model Procedures for the Administration of the Model Code of Conduct

Part	Existing 2018 Code	New 2020 Code
Definitions	<p>Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to</p> <p>Council committee member: a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee</p>	<p>Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee</p> <p>Council committee member: a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee</p>
Part 3. Administrative Framework The establishment of a panel of conduct reviewers	<p>3.1 The council must by resolution establish a panel of conduct reviewers.</p> <p>3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.</p>	<p>3.1 The council must by resolution establish a panel of conduct reviewers.</p> <p>3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.</p>

Part	Existing 2018 Code	New 2020 Code
	<p>3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.</p> <p>3.21 c) liaise with the Office and...</p>	<p>3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.</p> <p>3.21 c) liaise with the Office, and... [add comma]</p>
<p>Part 4. How may Code of Conduct complaints be made?</p> <p>When must a code of conduct complaint be made?</p>	<p>4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.</p>	<p>4.4 A code of conduct complaint must be made within three 3 months of the alleged conduct occurring or within three 3 months of the complainant becoming aware of the alleged conduct.</p>
<p>Part 6. Preliminary assessment</p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:</p> <p>a) a panel of conduct reviewers established by the council, or</p> <p>b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.</p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:</p> <p>a) a panel of conduct reviewers established by the council, or</p> <p>b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.</p>
<p>Part 6. Preliminary assessment</p> <p>Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer</p>	<p>6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:</p> <p>a) that the complaint is a code of conduct complaint for the purposes of these procedures, and</p> <p>b) that the alleged conduct is sufficiently serious to warrant investigation, and</p> <p>c) that the matter is one that could not or should not be resolved by alternative means.</p> <p>6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following...</p>	<p>6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:</p> <p>a) that the complaint is a code of conduct complaint for the purposes of these procedures, and</p> <p>b) that the alleged conduct is sufficiently serious to warrant investigation the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and</p> <p>c) that the matter is one that could not or should not be resolved by alternative means.</p> <p>6.23 In determining whether a matter is sufficiently serious to warrant investigation formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following...</p>

Part	Existing 2018 Code	New 2020 Code
<p>Part 7. Investigations</p> <p>What matters may a conduct reviewer investigate?</p>	<p>7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.</p>	<p>7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.</p>
<p>Part 7. Investigations</p> <p>How are investigations to be commenced?</p>	<p>7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:</p> <p>e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and....</p> <p>7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.</p> <p>7.8 The notice must:</p> <p>a) advise them of the matter the investigator is investigating, and</p> <p>b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and</p> <p>c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.</p>	<p>7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:</p> <p>e) invite the respondent to make a written submission in relation to the matter within at least a period of not less than 14 days or such other period specified by the investigator in the notice, and</p> <p>7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least a period of not less than 14 days or such other period specified by the investigator in the amended notice</p> <p>7.8 The notice must:</p> <p>a) advise them of the matter the investigator is investigating, and</p> <p>b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and</p> <p>c) invite the complainant to make a written submission in relation to the matter within at least a period of not less than 14 days or such other period specified by the investigator in the notice.</p>
<p>Part 7. Investigation</p> <p>Referral or resolution of a matter after the commencement of an investigation</p>	<p>7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:...</p>	<p>7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft their final report, an investigator may determine to:...</p>
<p>Part 7. Investigation</p> <p>Draft investigation reports</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least a period of not less than 14 days or such other</p>

Part	Existing 2018 Code	New 2020 Code
	<p>specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.</p>	<p>period specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least a period of not less than 14 days or such other period specified by the investigator.</p>
<p>Part 7. Investigation</p> <p>Final investigation reports</p>	<p>7.33 Where an investigator issues a notice of investigation they must prepare a final report.</p> <p>7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach</p> <p>c) that the respondent be counselled for their conduct</p> <p>d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative</p> <p>e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation</p> <p>f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation</p> <p>g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered</p> <p>h) in the case of a breach by the general manager, that action be taken under the general manager's contract</p> <p>i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA</p> <p>j) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally</p>	<p>7.33 Where an investigator issues a notice of investigation, they must prepare a final report.. [add comma]</p> <p>[removed and replaced with new]</p> <p>7.36 At a minimum, the investigator's final report must contain the following information:</p> <p>a) Description of the allegations against the respondent</p> <p>b) The relevant provisions of the code of conduct that apply to the alleged conduct investigated</p> <p>c) A statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)</p> <p>d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means</p> <p>e) a description of any attempts made to resolve the matter by use of alternative means</p> <p>f) the steps taken to investigate the matter</p> <p>g) the facts of the matter</p> <p>h) the investigator's findings in relation to the facts of the matter and the reasons for those findings</p> <p>i) the investigator's determination and the reasons for that determination</p> <p>j) any recommendations.</p>

Part	Existing 2018 Code	New 2020 Code
	<p>censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that a person or persons undertake any training or other education.</p> <p>7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:</p> <p>a) the seriousness of the breach</p> <p>b) whether the breach can be easily remedied or rectified</p> <p>c) whether the respondent has remedied or rectified their conduct</p> <p>d) whether the respondent has expressed contrition</p> <p>e) whether there were any mitigating circumstances</p> <p>f) the age, physical or mental health or special infirmity of the respondent</p> <p>g) whether the breach is technical or trivial only</p> <p>h) any previous proven breaches</p> <p>i) whether the breach forms part of an ongoing pattern of behaviour</p> <p>j) the degree of reckless intention or negligence of the respondent</p> <p>k) the extent to which the breach has affected other parties or the council as a whole</p> <p>l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct</p> <p>m) whether the findings and recommendations can be justified in terms of the public interest and would</p>	<p>[removed and replaced with new]</p> <p>7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:</p> <p>a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or</p> <p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>[removed and replaced with new]</p> <p>7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>

Part	Existing 2018 Code	New 2020 Code
	<p>withstand public scrutiny</p> <p>n) whether an educative approach would be more appropriate than a punitive one</p> <p>o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action</p> <p>p) what action or remedy would be in the public interest.</p> <p>7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>	<p>[removed and replaced with new]</p> <p>7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</p> <p>7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that a person or persons undertake any training or other education.</p>
	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.</p> <p>7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.</p> <p>7.46 Where the investigator has determined that there has been a</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation</p> <p>[this merges 7.44, 7.45 & 7.46 into the next changes as per the row below]</p>

Part	Existing 2018 Code	New 2020 Code
	breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.	7.44 [see row above]...under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
		7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.
Part 7. Investigation Consideration of the final report by council	7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).	7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)). 37.
	7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.	7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
	7.59 A council may by resolution impose one or more of the following sanctions on a respondent: a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach b) that the respondent be counselled for their conduct c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative d) that the respondent gives an	7.58 A council may by resolution impose one or more of the following sanctions on a respondent: a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach b) that the respondent be counselled for their conduct c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative d) that the respondent gives an undertaking not to repeat the offending

Part	Existing 2018 Code	New 2020 Code
	<p>undertaking not to repeat the offending behaviour in such time and form specified by the resolution</p> <p>e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution</p> <p>f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting</p> <p>a) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach</p> <p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p>	<p>behaviour in such time and form specified by the resolution</p> <p>e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution</p> <p>f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting</p> <p>a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or</p> <p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p>
		<p>7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</p>
	<p>7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.</p> <p>7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</p> <p>7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the</p>	<p>7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.</p> <p>Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</p> <p>7.61 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the</p>

Part	Existing 2018 Code	New 2020 Code
	sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.	sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.
Part 8. Oversight and rights of review Review of decisions to make sanctions	8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.	8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59 58 , paragraph (i c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
	<p>8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:</p> <p>a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and</p> <p>b) the general manager or mayor must review any action taken by them to implement the sanction, and</p> <p>c) the general manager or mayor must consider the Office's recommendation in doing so.</p> <p>8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:....</p>	<p>8.19 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:</p> <p>a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and</p> <p>b) the general manager or mayor must review any action taken by them to implement the sanction, and</p> <p>c) the general manager or mayor must consider the Office's recommendation in doing so.</p> <p>In the case of a sanction imposed by the council by resolution under clause 7.59, where Where the Office recommends that the decision to impose a sanction be reviewed:....</p>
	8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.	8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.21 19(b) , the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.
Part 12. Confidentiality	12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.	12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least a period of not less than 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 4: Communication & Engagement

Delivery Outcomes

4.5 Council demonstrates strong leadership through a governance framework which drives progress towards achieving the community vision

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Community builds confidence and trust in council through ethical and transparent relationships and practice	Nil
Environmental	Nil	Nil
Economic	Nil	Nil
Governance	Council encourages Conduct that is in alignment with the Model Code of Conduct as prescribed by OLG. Procedures for the Administration of the Code of Conduct are in accordance with the Model Code as per section 440 and 440AA of the Local Government Act.	Nil

Financial and Resources Implications

There will be no significant increase to budgets or resources by adopting these documents. There have been no significant changes to the current documents which have any budget implications.

Training will be provided by the HR department using Snowy Valley Council staff.

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Under Section 440 of the Act, Council must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct for Local Councils in NSW and Procedures for the Model Code of Conduct for Local Councils in NSW as published by the OLG.

Council has a Code of Conduct policy that is an overarching document that allows the Code of Conduct to be applied not only to councillors and Council staff but Council advisory committees, contractors and volunteers.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

By not adopting a Code of Conduct and the Procedures that are based on the Model Code of Conduct is a direct breach of section 440 and 440AA of the Local Government Act 1993

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Consultation**

Internal Exhibition was conducted and all staff were given the opportunity to review and provide feedback in the period 29 September to 7 October 2020. No feedback was received. Training for all staff is being implemented virtually.

External Consultation

There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition.

OLG has advised that councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

Councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted code of conduct. If standards are less onerous than those prescribed under the Model Code of Conduct, they will be invalid, and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

Therefore the new 2020 Model Code of Conduct and Procedures will not be placed on public exhibition.

Attachments

- 1 OLG Circular 20-32 (under separate cover) [⇨](#)
- 2 Revised DRAFT Code of Conduct 2020 - ID3066318 (under separate cover) [⇨](#)
- 3 Revised DRAFT Procedures for the Administration of the Model Code of Conduct 2020 - ID3066317 (under separate cover) [⇨](#)

10. GOVERNANCE AND FINANCIAL REPORTS**10.3 PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED STAFF**

REPORT AUTHOR: GOVERNANCE OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

The Local Government Act 1993 (the Act) provides for the management of pecuniary interests. It places specific obligations on councillors, council delegates, key council staff and other people involved in making decisions or giving advice on council matters to act honestly and responsibly in carrying out their functions.

Those obligations include the lodgement of disclosure of interest returns annually.

A pecuniary interest in a matter is one where there is a reasonable likelihood or expectation of appreciable financial loss or gain to the person, or to other persons as defined by section 443 of the Act. This calls for an objective judgement in each case as to whether a pecuniary interest exists.

Council also manages pecuniary interests through its application of the adopted Code of Conduct. This report on Disclosure of Pecuniary Interest Returns is in compliance with Clause 4.21 of the Code of Conduct:

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 of this code, disclosing the council's or designated person's interest as specified in schedule 1 of this code within 3 months after;

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff.**
- 2. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2020 as listed in accordance with the Code of Conduct:**

Councillors: Clr Andrianna Benjamin, Clr Cate Cross, Clr Julia Ham, Clr James Hayes, Clr Margaret Isselmann, Clr John Larter, Clr Geoff Pritchard, Clr Cornelis Smit, Clr Bruce Wright.

Designated Staff:

Chief Executive Officer; Executive Director Infrastructure; Executive Chief of Staff; Executive Director Community & Corporate; Chief Financial Officer; Audit Risk & Improvement Committee Chairperson and Committee Members.

- 3. Approve for the redacted Pecuniary Interest Returns for the Councillors and Designated Staff to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.**

BACKGROUND:

It is a requirement that Council reports on Pecuniary Interest Disclosures annually.

REPORT:

Pecuniary Interest Returns received as at 30 June 2020 for Councillors and designated persons are tabled at this meeting in compliance with Clause 4.25 of the Code of Conduct:

4.25 Returns required to be lodged with the general manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

Councillors and designated persons are required under *Clause 4.21* of the Code of Conduct to lodge an "Annual Return – Disclosures of Pecuniary Interests" for the previous financial year or within 3 months after becoming a councillor or designated person. It is an important mechanism in enhancing public confidence in local administration.

The Council has issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The responsibility is with each individual to ensure their Pecuniary Interest Return is completed accurately and in compliance with the regulations and guidelines. The Code of Conduct prescribes the manner in which returns are completed, lodged and held.

Recently released Information and Privacy Commission *Guideline 1 Returns of Interests* in association with Office of Local Government's *Circular No 19/21* states that councillors and designated persons returns of interest must be made publicly available free of charge on council's website.

The combined effect of the GIPA Act and the GIPA Regulation is that the information in the returns needs to be disclosed on the website of each local council, unless to do so would impose unreasonable costs on the council, or if the council determines there was an overriding public interest against disclosing the information.

In order to decide whether there is an overriding public interest against disclosure, council needs to apply the public interest test, (See GIPA Act 2009 Section 14 attached) and weigh the public interest considerations in favour of and public interest considerations against disclosure.

Clause 3 in the Table in *Section 14 of the GIPA Act 2009* lists as a consideration against disclosure the fact that information may reveal someone's personal information, or would contravene an information privacy principle under the *Privacy and Personal Information Protection Act 1998* (NSW)(PIIP Act).

An individual has a right to protect the privacy of their personal information. Given the amount of personal information that may be contained in the returns, special care should be taken to protect this right.

The type of matter which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return.

Releasing the information contained in the returns of councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while respecting other considerations against disclosure including privacy.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 4: Communication & Engagement

Delivery Outcomes

4.3 Council has sound organisational health and has a culture which promotes action, innovation, accountability and transparency

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	N/A	N/A
Environmental	N/A	N/A
Economic	N/A	N/A
Governance	Enables Council to meet governance obligations and provides transparency	N/A

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

In accordance with Clause 4.21-4.27 of the Code of Conduct:

Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or

(b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government

Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Compliance with obligations to declare pecuniary interests supports good governance and risk management.

Not redacting some of the information contained within the returns could expose a person to a risk of harm or serious harassment and intimidation.

OPTIONS:

To release the Pecuniary Interest Returns in full for the Councillors and Designated Staff on council website in accordance with the newly adopted Information and Privacy Commission Guideline 1.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.4 OPERATIONAL PLAN FIRST QUARTER UPDATE - 30 SEPTEMBER 2020**

REPORT AUTHOR: CORPORATE PLANNER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

Council's Operational Plan is prepared annually and supports the Delivery Program (2018-2021). The Operational Plan articulates the detail of the Delivery Program by capturing those individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

Whilst Council is not required to provide a report on the first and third quarter progress, it is an important instrument to provide timely updates to Council and the community on progress and any potential impacts to the completion of actions in the current Operational Plan.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Operational Plan First Quarter Update.**
- 2. Endorses the Operational Plan First Quarter Update.**

BACKGROUND:

The first quarter update for the current 2020-2021 Operational Plan provides Council the opportunity to report to the community on its progress achieving its objectives in the Delivery Program.

REPORT:

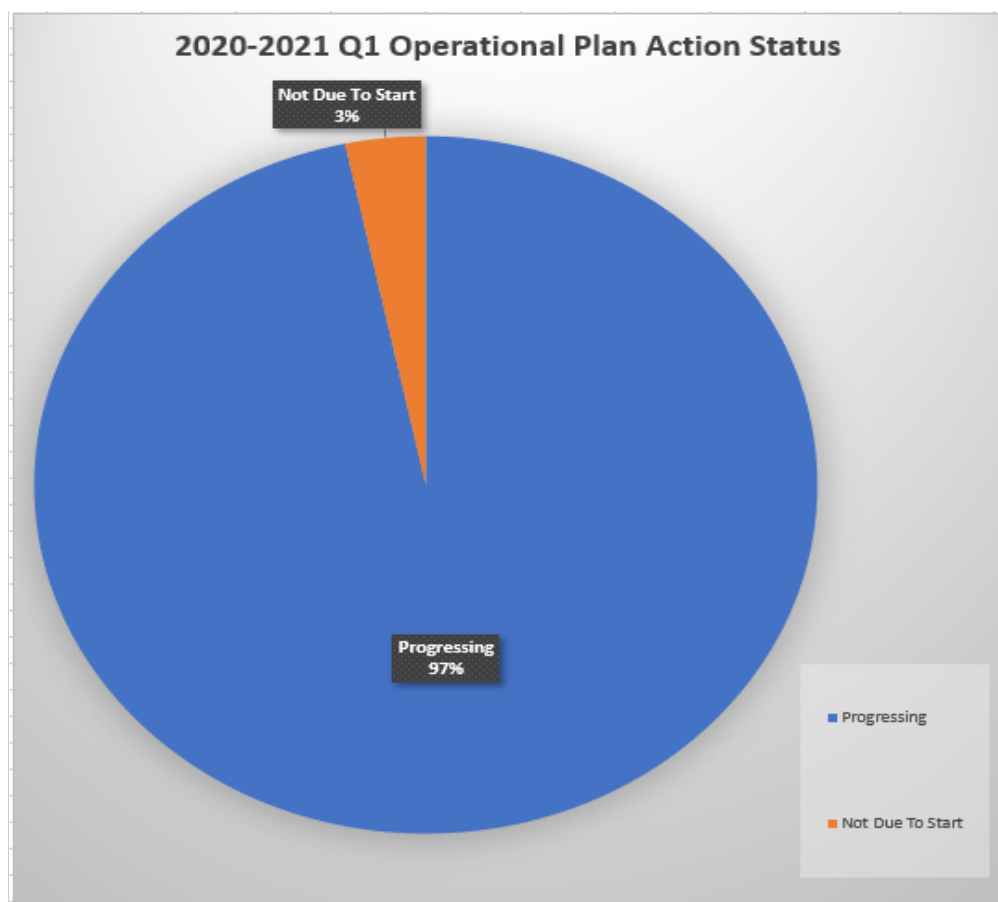
The first quarter update for the 2020-2021 Operational Plan outlines Council's progress and challenges in its delivery of the Operational Plan actions and initiatives for the period 1 July to 30 September 2020.

The 2020-2021 Operational Plan contains 121 actions and initiatives that detail the delivery of Council's services to the community.

During this period staff have continued to work under strict COVID-19 rules with social distancing and working from home arrangements (where applicable) in an attempt to reduce the risk and impact that COVID-19 has on our workplace.

Social distancing measures and public health orders have continued to require adjustment, ingenuity and flexibility from staff in how we deliver works and services, particularly in the areas of economic and community development.

As this is the Q1 report it is not unusual that the majority of projects are in progress. In summary 4 actions are not due to commence and 117 are progressing according to schedule.



LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

**Integrated Planning and Reporting Framework:
CSP Outcome 2028**

Theme 4: Communication & Engagement

Delivery Outcomes

4.5 Council demonstrates strong leadership through a governance framework which drives progress towards achieving the community vision

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate services are provided to the community and transparent reporting provides confidence in Council's ability to deliver on the community's priorities.	Some projects are awaiting the easing of COVID-19 restrictions so they can commence.
Environmental	Reporting on the provision of services that improve environmental outcomes within Council's area of influence	Some initiatives have been impacted by effects of bushfire.
Economic	The Operational Plan report assists in improving community and investor confidence in the region	COVID19 and bushfires have impacted on the timing of a number of Operational Plan initiatives relating to

	Positive	Negative
	through demonstration of gradual improvement in delivery and of key economic initiatives	economic prosperity and support, including tourism.
Governance	This report is required to demonstrate to the community and government the appropriateness and transparency of Council's decision making processes	Transparency and accuracy of reporting may be a source of community criticism

Financial and Resources Implications

The Operational Plan actions and initiatives are funded through the corresponding annual operational budget.

The financial update is reported through the Quarterly Budget Review Statement.

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Local Government Act 1993 s404 (5).

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The unknown and prolonged impact of COVID19 and fires may result in increased pressure on works delivery, projects, initiatives and actions in the Operational Plan this financial year.

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal

Council's Leadership Group have provided status updates on their relevant actions in preparation of this report, with the executive team approval.

External

Once endorsed, this progress update for the Operational Plan is available for review by the community through Council's website.

Attachments

- 1 2020-2021 Operational Action Plan Quarter 1 Review (under separate cover) [⇨](#)

10. GOVERNANCE AND FINANCIAL REPORTS**10.5 STATEMENT OF INVESTMENTS - SEPTEMBER 2020**

REPORT AUTHOR: FINANCE OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

This report is to provide an overview of Council's cash and investment portfolio performance as at 30 September 2020.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the Statement of Investments as at 30 September 2020 from the Chief Financial Officer.

BACKGROUND:

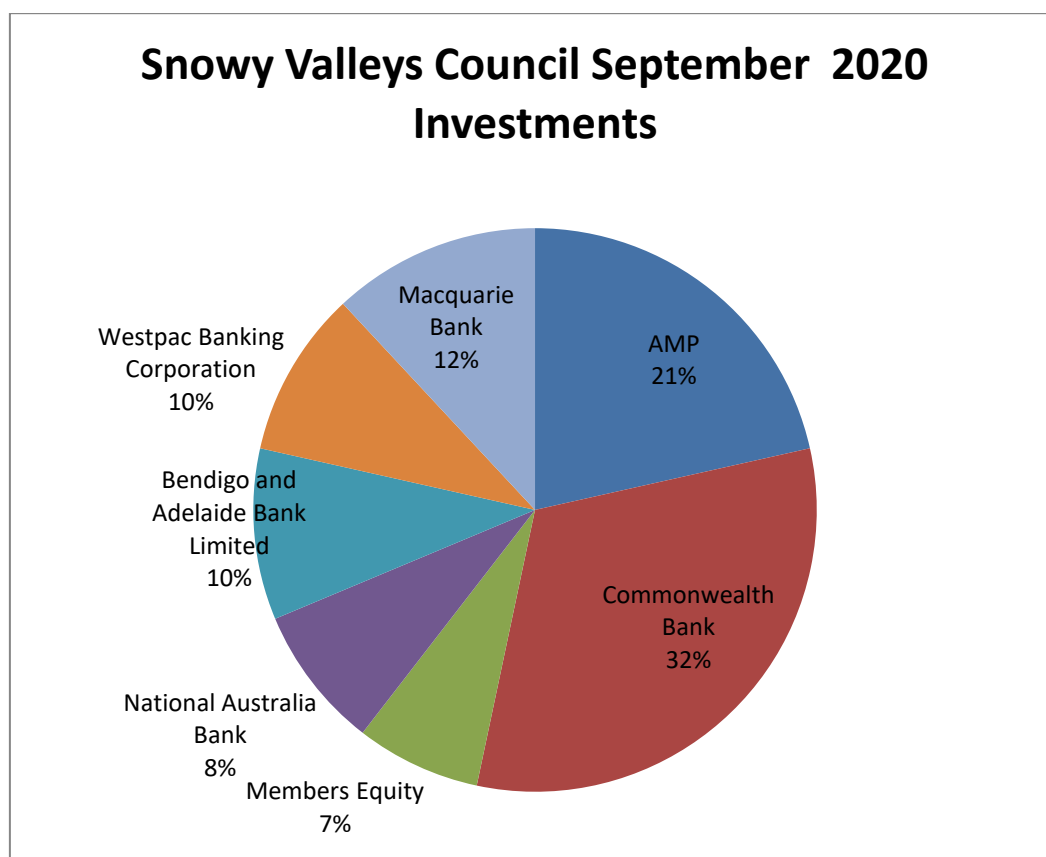
Nil

REPORT:

In accordance with Clause 212 of the Local Government (General) Regulation 2005, a monthly report is required to be submitted to Council detailing all investments of Council.

Combined Cash & Investments Table		30/09/2020				
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%	
Commonwealth Bank	\$ 13,314	\$ 1,963	\$ 11,351	IWD Gen	0.25%	
National Australia Bank	\$ 437,203	\$ 35,785	\$ 401,418	W/Acct	0.25%	
Commonwealth Bank	\$ 1,408,108	\$ 1,740,108	-\$ 332,000	W/Acct	0.25%	
Commonwealth Bank	\$ 11,911,336	\$ 13,406,753	-\$ 1,495,416	At Call (BOS)	0.50%	
Commonwealth Bank	\$ 179	\$ 1,515	-\$ 1,336	Gen-Roth	0.25%	
Total Cash & At Call Investments	\$ 13,770,141	\$ 15,186,124	-\$ 1,415,983		0.47%	

Term Deposits	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
Westpac Banking Corporation	\$ -	\$ 1,000,000	-\$ 1,000,000			
Westpac Banking Corporation	\$ 2,000,000	\$ 2,000,000	\$ -	31/12/2019	1.58%	30/10/2020
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	26/11/2019	1.50%	25/11/2020
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	26/11/2019	1.50%	25/11/2020
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	11/06/2020	1.55%	7/12/2020
Macquarie Bank	\$ 2,000,000	\$ 2,000,000	\$ -	24/03/2020	1.70%	18/12/2020
Bendigo and Adelaide Bank Limited	\$ 1,057,811	\$ 1,057,811	\$ -	6/04/2020	1.55%	6/01/2021
Bendigo and Adelaide Bank Limited	\$ 1,057,811	\$ 1,057,811	\$ -	6/04/2020	1.55%	6/01/2021
AMP	\$ 1,000,000	\$ 1,000,000	\$ -	15/01/2020	1.70%	15/01/2021
Members Equity	\$ 2,000,000	\$ 2,000,000	\$ -	25/05/2020	1.25%	19/02/2021
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2020	1.80%	18/03/2021
Macquarie Bank	\$ 3,000,000	\$ 3,000,000	\$ -	9/04/2020	1.70%	6/04/2021
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2020	1.15%	27/04/2021
Westpac Banking Corporation	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2020	0.97%	30/06/2021
Bendigo and Adelaide Bank Limited	\$ 250,000	\$ 250,000	\$ -	14/07/2020	0.95%	14/07/2021
Bendigo and Adelaide Bank Limited	\$ 250,000	\$ 250,000	\$ -	14/07/2020	0.95%	14/07/2021
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	18/07/2020	1.00%	18/07/2021
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	20/07/2020	1.00%	20/07/2021
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	17/08/2020	0.80%	17/08/2021
Bendigo and Adelaide Bank Limited	\$ 250,000	\$ 250,000	\$ -	7/09/2020	0.75%	7/09/2021
Bendigo and Adelaide Bank Limited	\$ 250,000	\$ 250,000	\$ -	7/09/2020	0.75%	7/09/2021
Members Equity	\$ 1,000,000	\$ 1,000,000	\$ -	22/09/2020	0.65%	22/09/2021
Total Term Deposits	\$ 28,115,623	\$ 29,115,623	-\$ 1,000,000		1.35%	
Total Cash & Investments	\$ 41,885,763	\$ 44,301,746	-\$ 2,415,983		1.06%	



It is hereby certified that the above investments have been made in accordance with Section 625 of the Local Government Act 1993 and the regulations thereunder, and in accordance with the Snowy Valleys Council Investment Policy.

Investments with Council's primary bankers (Commonwealth Bank of Australia) are currently over the policy limit of 30%. This is due to a recall of matured term deposits and will reduce once further investments are made.

Cash and investments have decreased by \$2.4M during September 2020.

Major income received during September included:

- Roads and Maritime Service payment \$496K

Main expenditure (excluding employee costs) during the month related to the following projects:

- Tumbarumba Pool progress payment \$381K
- New water cart \$232K
- Tree removal (claimable) \$222K
- Fleet registration \$159K

The following changes occurred to Council's term deposits and cash holdings in September:

- Westpac term deposit \$1M redeemed at month-end, yet to be re-invested
- Bendigo bank term deposits 2 x \$250K renewed for 12 months at 0.75%

Cash investment rates continue to remain low due to the uncertain economic environment and long-term outlook. Council's investment policy requires Council officers to minimise investment risk by spreading investments across a number of institutions (institutional credit framework) as well as

within its investment portfolio (overall portfolio credit framework). These risk minimisation measures impact the achievable rate of return. Council officers continue to monitor the investment market and regularly receive updates from Council's financial advisors.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework: CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.3 Council has sound organisational health and has a culture which promotes action, innovation, accountability and transparency

SUSTAINABILITY ASSESSMENT:

Financial and Resources Implications

Investments are undertaken based upon the best rate on the day and after consideration of spreading Council's investment risk across various institutions as per the Investment Policy and section 625 of the Local Government Act 1993 (NSW).

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

The information provided complies with Council's Investment Policy and Section 625 of the Local Government Act 1993.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Monthly reporting of investments keeps Council informed of current cash holdings and return on investment.

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Matters arising from this report that require further communication will be addressed at the meeting or taken on notice and a response will be provided.

Attachments

Nil

11. MANAGEMENT REPORTS**11.1 RATES HARMONISATION - ENDORSEMENT OF PROPOSED RATING STRUCTURE****REPORT AUTHOR:** CHIEF FINANCIAL OFFICER**RESPONSIBLE DIRECTOR:** CHIEF FINANCIAL OFFICER**EXECUTIVE SUMMARY:**

This report outlines the community engagement undertaken in August and September 2020 and recommends a fair and equitable rating structure for endorsement. Further community engagement will be undertaken to receive feedback on the endorsed rating structure.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Rates Harmonisation – Endorsement of proposed Rating Structure from the Chief Financial Officer;**
- 2. Endorse the recommended Rating Structure in *Table 1* for the purpose of public engagement until mid-December;**
- 3. Following consultation with Rural Clubs, Council be presented with an updated donations policy if required;**
- 4. Note that a further report on Rates Harmonisation will be presented to Council in February 2021.**

BACKGROUND:

Rates are a tax on property and are used to fund the local infrastructure and services prioritised by local communities. All merged Councils are required to harmonise their rates and develop a new, fair and consistent rating structure across their Council areas. Snowy Valleys Council is required to have a harmonised rating structure in place by 1 July 2021.

In February 2020 Council endorsed the *Snowy Valleys Council Rate Options Study* which outlined options for rate harmonisation for the purpose of seeking community feedback on the options. The community engagement process was subsequently delayed due to the impacts of Covid-19 restrictions. By the end of the financial year, the Valuer General had issued the updated land valuations and the Special Rate Variation (SRV) in the former Tumut Shire expired. Both issues impacted the rates modelling.

REPORT:

Council undertook an engagement program on the rate harmonisation options over August and September 2020. The program excluded 'in person' events in order to minimise risks associated with Covid-19. Council issued information on its website in the form of videos, Rate Option Study and supplementary information with new land valuations and expired SRV providing insight into the process. A *Rates Review Survey* which included information of the presented options was mailed out with the first quarter rates notices to every ratepayer in the Council area (> 9000 in number). The same survey was made available as an online version on Council's website. Council received 24 hard copy and 59 online responses. Community engagement was promoted through print, radio and social media. Virtual community meetings were available for everyone, although interest in these was poor with only five people attending. A number of individual telephone conversations took place where Council had been contacted to explain or comment on an issue. An additional virtual meeting was held with the combined Tumut and Tumberumba Chambers of Commerce.

Due to the limited number of responses and the opt-in nature of the engagement process, it is not possible to draw statistically relevant conclusions about community views from the feedback received. However, one clear outcome was that for most people the key question was about their personal circumstances rather than the overall fairness and equity of the rating system. A more detailed overview of the outcomes of the community engagement is contained in *Attachment 1*.

The rating structure identified below has been developed following the initial community engagement and careful evaluation of existing rates and modelling. This structure is recommended as it is considered fair, equitable, consistent and efficient and limits the variability of rates from current to future rates paid. The overall rates income to Council will not change, neither will the rates yield per category with the exception of the 10% re-distribution of rates from the business category to residential and farmland.

Category	Recommendation
Residential	50% base rate (base rate and ad valorem under S497(b) <i>NSW Local Government Act 1993</i>)
Farmland	10% base rate (base rate and ad valorem under S497(b) <i>NSW Local Government Act 1993</i>)
Business	10% re-distribution of total rates to other categories, 10% base rate (base rate and ad valorem under S497(b) <i>NSW Local Government Act 1993</i>)
Rural Residential	Eliminate subcategory (all properties revert to ordinary residential)
Inundated Lands	Eliminate subcategory (all properties revert to ordinary business)
Rural Clubs	Eliminate subcategory (all properties revert to ordinary business) and consider offsetting impacts via other Council policies, for example donations

Table 1: Recommended SVC Rating Structure

In October and November 2020 Council will be seeking feedback on the preferred rating structure. It is anticipated that this community engagement process will be similar to that undertaken in August/September and a detailed engagement plan will be developed by Council's communications team. Additionally, an online calculator will be made available for rate payers to evaluate the rates change on their individual property. Specific engagement will be undertaken with the ratepayers in the existing subcategories of inundated lands and rural clubs.

Community feedback will be presented to Council in February 2021 and Council will be expected to endorse the final rating structure. The final approval of the harmonised rates will take place with the budget approval in June 2021.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.1 Partner with local communities to create an ongoing culture of engagement to aid Council decision making

Operational Actions

4.1.2 Deliver effective engagement activities for Council's strategic and operational priorities, ensuring feedback is effectively shared internally and communicated externally

SUSTAINABILITY ASSESSMENT:**Financial and Resources Implications**

This project is funded from the New Council Implementation Fund.

Costs and Benefits:

The recommendations in this report will enable Council to make informed decisions about complex and contentious issues by providing robust analysis of the issues and gaining meaningful feedback from the community. As such, the costs of undertaking the activities covered in this report is considered a sound investment.

Policy, Legal and Statutory Implications:

The rates harmonisation project is required for Council to discharge its statutory obligations.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

There is a risk that the community will not feel it has been given a meaningful opportunity to contribute to the rates harmonisation process. It is important to give all members of the community an opportunity to participate in, and contribute to, the community engagement activities associated with rates harmonisation to ensure the feedback received reflects a diversity of views.

OPTIONS:

Council could choose not to undertake further community engagement. Council could also endorse a different structure for the various rating categories.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community engagement undertaken is outlined in the body of the report. A second round of engagement will be undertaken upon endorsement of a rating structure.

Attachments

- 1 Outcome of Community Engagement SVC Rates August - September 2020 (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.2 OURNIE HALL - RECONSTRUCTION**

REPORT AUTHOR: EXECUTIVE DIRECTOR INFRASTRUCTURE
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the support of Council for the construction of a new Community Hall in Ournie, noting that the old Ournie School building, which served as a Community Hall, was destroyed during the bushfires earlier this year.

Noting that the old school building was identified as a Council owned and maintained asset, the Ournie community are eager to work with Council in sourcing funding in addition to any potential insurance payout to build a new Community Hall that is better suited to the needs of the community.

Although from an economic perspective, the construction of a new Community Hall will impose a further financial burden on Council in respect to its whole of life cost, representatives of the Ournie community are actively seeking funding to cover the additional capital cost to construct the hall and have committed to looking after the hall to reduce the cost of its ongoing maintenance.

This report recommends that Council progress with the preparation of detailed design drawings and cost plan for the new hall based on the concept plans attached to this report, and establish a formal arrangement for partnering with the community for the for the design and construction of the hall.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive this report on the reconstruction of the Ournie Community Hall from Executive Director Infrastructure**
- 2. Note the concept drawings as referred to in this report for the proposed reconstruction of the Ournie Community Hall**
- 3. Support in principle the reconstruction of the Ournie Community Hall subject to funding**
- 4. Support the establishment of a formal arrangement with representatives of the community to partner with Council for the reconstruction of a the Ournie Community Hall**
- 5. Proceed with the preparation of detailed designs and cost plan for the reconstruction of the Ournie Community Hall**
- 6. Assess alternate ownership and management arrangements for the Ournie Community Hall**

BACKGROUND:

The old school building in Ournie was destroyed by the Dunns Road bushfires earlier this year and representatives from the Community in Ournie have requested that the building be replaced with a new Community Hall.

The old school building was listed as a Council asset, but was largely looked after by the community and used as a Community Hall.



Photo Sourced from the book published in 1998 "I Remember Ournie" showing the old school building in the 1920's – "hadn't changed much."

Below is a copy of the proposal provided by representatives of the Ournie community to replace the old school building with a new Community Hall.

"Formal Proposal for a New Ournie Hall"

Ournie is a farming district east of Jingellic, south of Tumbarumba and within the beautiful Upper Murray Region of southern New South Wales. Our community suffered significantly in the bushfires of January 2020.

Much was burnt including our beloved Ournie School Building, which we used as a Community Hall. This was our neutral ground, the meeting place where members of our community have gathered together for around one hundred years. As a Community we would like to rebuild a facility that meets our current and future needs. To this end, the Ournie Community at its own expense has engaged an Architect, Tony Pringle of Albury, to come up with a concept drawing for the new Hall. This concept was thus developed and it is strongly supported by the Community. These drawings are attached for further illustration of our plan. We envisage that meetings can be held in the Ournie Hall, that the Rural Fire Service (RFS) can hold training days, that the hall can function as a Forward Command Centre for the RFS if there is a bushfire. It can be a safe place in an emergency, a place for social activity, a place where we can offer support to each other and where others can come to support us. A place for business and pleasure, for the young, the middle aged and the elderly. For everyone.

We are seeking a building that will be bigger and better than what was there before, a building that can meet people's needs in the twenty first century. With better facilities we can rebuild our community after the trauma of bushfire. We have all suffered here, everyone lost a lot in the fire. Most farmers spend their working day alone and decent community facilities draw people out to connect with each other and to allay the effects of isolation. It is not really sensible for us to be a part of Tumbarumba or Corryong communities. These towns are too

far away. We need our own facilities and we want to try to get them. Therefore, with the assistance of Council we are aiming to access Grant funding from sources that are not usually available. Bushfire Recovery funding from both State and Federal Governments offers an opportunity for our community to have a building that is fit for purpose and an asset of which Council can be very proud. That means that not only will Ournie Residents use it, but so will others. Ournie is a very beautiful part of the world. A peaceful, quiet farming district and good community facilities provide opportunities for others to enjoy it too.

We envisage that a total sum in the vicinity \$330,000 will be required to rebuild our Hall. We note that Council has \$130,000 already from an insurance policy over the original building. Thus \$200,000 is the additional sum that is required. We believe that appropriate Government funding is available for such a project. We request that Council please support us in the quest for the funding we need in this unprecedented environment of Bushfire Recovery. Then we can build a Hall that will meet so many of our needs and those of the extended Community. Council will have an asset that was worth building and that will be used extensively. Facilities help build communities. The Ournie community is fully behind this project and is willing to do whatever is necessary to progress it. Independently, the Ournie Community has applied for funding to fit out the new building with some success. It is very exciting for us to have the prospect of a new community building where we can meet as we have before, where people can connect with each other, where everyone is included, and where resilience and wellbeing, both mental and physical are fostered. We really hope that you can see the merit in it too. “

A copy of the concept designs for the new hall are attached to this report.

Although the old school building was identified as a Council asset, the community looked after the building and there was no specific budget allocated to its maintenance or renewal.

REPORT:

As described in the proposal above, Council support is being sort to build a new Community Hall in Ournie to replace the old school building which was destroyed by fire earlier this year. The Community have identified the reconstruction of the Hall as very important to the community and its recovery from the bushfires.

Although from an economic perspective, the construction of a new Community Hall will impose a further financial burden on Council in respect to its whole of life cost, representatives of the Ournie community are actively seeking funding to cover the additional capital cost to construct the hall and have committed to looking after the hall to reduce the cost of its ongoing maintenance.

The whole of life cost modelling was discussed with representatives of the community, who responded with the following statement:

“Further to our recent discussions about the maintenance costs to Snowy Valleys Council of the new Ournie Hall, I would like to offer the volunteer services of the Ournie Community to do whatever we can to alleviate those costs.”

“We have always maintained the buildings and the grounds on the site in the past and we are willing to continue to do so in the future.”

“I hope this is of assistance.”

Further details on the financial impacts and whole of life costs for building a new Community Hall in Ournie is provided in the ‘Financial and Resource Impacts’ section of this report.

Extracts from the architect’s concept plans, arranged by the community are shown below. A full set of the concept drawings are also attached to this report.

Figure 1 – Floorplan

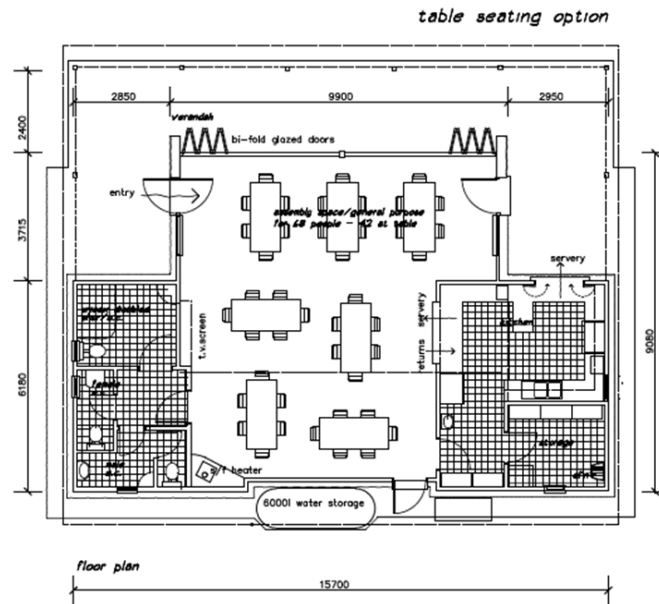
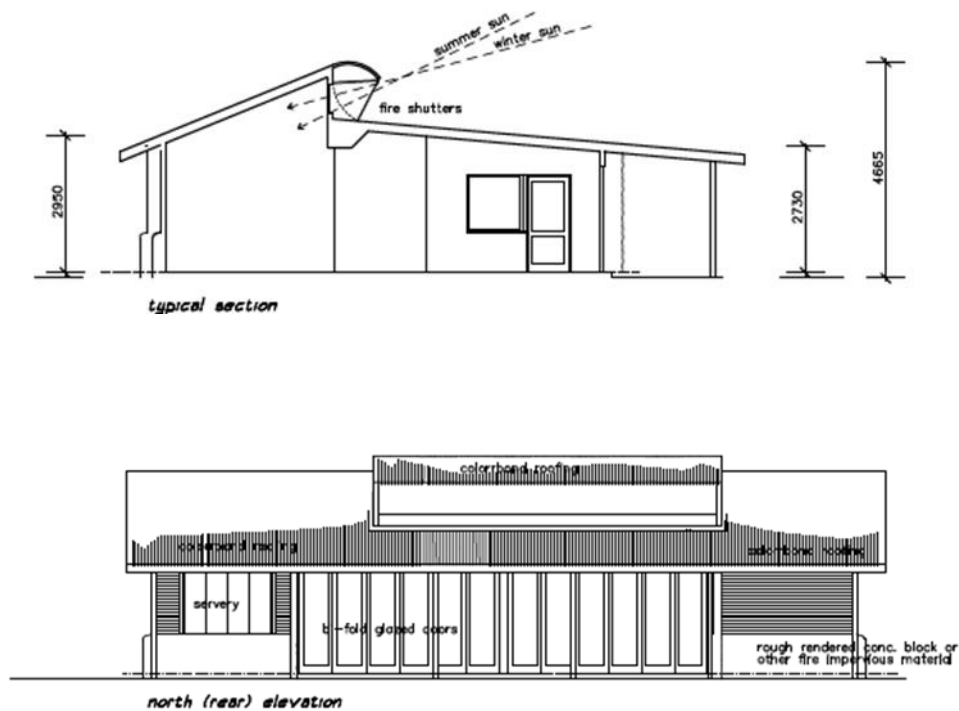


Figure 2 - Elevations



A health check of the of the Ournie Community Committee arrangements determined that a new partnering arrangement would need to be set up to enable the community to partner with Council to assist with the reconstruction and ongoing management of a new Ournie Community Hall.

At a meeting held with representatives of the community, the opportunity to hand over the construction, ownership and ongoing management of a new hall through an arrangement separate to Council was discussed. However, the community representatives did not support this type of arrangement, preferring that the new building be retained as a Council asset, similar to the existing arrangement for the old school building.

Noting the above, this report recommends the establishment of a formal partnering arrangement to enable the community to actively continue to seek funding and partner with Council on the reconstruction of a new Community Hall, its ongoing operation and ongoing maintenance.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 1: Towns and Villages

Delivery Outcomes

1.2 Provide accessible services and initiatives which support and contribute to wellbeing across all stages of life

SUSTAINABILITY ASSESSMENT:

It should be noted that the construction of a new community hall in Ournie potentially contradicts the Road to Sustainability Project Plan which was adopted by Council at its meeting held on 20 February 2020.

The Road to Sustainability Project Plan identifies actions to begin addressing Council's sustainability challenges and a range of other measures to minimise the need for any additional rate increases. This includes identifying opportunities to vary service levels and the below action relating to community buildings.

CIP9	Undertake a needs analysis for recreational activities and community buildings, considering asset renewal needs, opportunities for disposal, etc. as part of preparing the Open Space and Facilities SMP.
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The table below provides a quadruple bottom line analysis for the construction of the new community hall.

	Positive	Negative
Social	<p>Assist the wellbeing of the community and their recovery from the bushfires by providing a community space to meet and support each other.</p> <p><i>"This was our neutral ground, the meeting place where members of our community have gathered together for around one hundred years. As a Community we would like to rebuild a facility that meets our current and future needs."</i></p>	
Environmental	Utilisation and maintenance of crown land that may otherwise fall into disrepair.	If the community hall is not rebuilt, the land and existing structures may fall into disrepair.
Economic	Representatives of the community have committed to actively work with Council to seek additional funding to reconstruct the Ournie Hall and look after the ongoing operation and maintenance of the new hall and its surrounds	The whole of life cost for the reconstruction of a new community hall will incur additional costs for Council.

	Positive	Negative
Governance	This report recommends the establishment of a formal partnering arrangement to enable the community to actively continue to seek funding and advise on the reconstruction of a new Community Hall, its ongoing operation and ongoing maintenance.	A formal community committee does not currently exist.

Financial and Resources Implications

The replacement of the old Ournie School building with a new community hall will result in the increase of level of service and cost to Council.

The table below shows the potential impact on Councils budget along with the potential benefits and opportunities associated with the construction of the new building.

The figures shown in the table below are intended as a guide only, noting that the development of detailed designs and a cost plan is required to determine actual financial impacts.

The old school building was valued at \$98,250 and currently being depreciated at \$3,110.63 per year.

Whole of Life Costs		Potential impact on Council annual budget	Benefits	Opportunities
Capital Cost – subject to preparation of detailed design and cost plan. # Construction cost estimate provided by community and will need to be verified as part of the detailed design process. The old school building was valued at \$98,250.	\$300,000 - \$400,000	\$0	Assist the wellbeing of the community and their recovery from the bushfires by providing a community space to meet and support each other. <i>“This was our neutral ground, the meeting place where members of our community have gathered together for around one hundred years. As a Community we would like to rebuild a facility that meets our current and future needs.”</i>	Partnership with the community to source funding in addition to the insurance payout (currently estimated at \$124,000) for the old school building. No capital cost for Council
Depreciation – will need to be accounted for the life of the new	\$300,000 - \$400,000	\$10,000- \$14,000 per year for	Depreciation of a new asset is required to be	The life of the new building may be extended beyond 35

Whole of Life Costs		Potential impact on Council annual budget	Benefits	Opportunities
<p>asset.</p> <p>Say 35 years at \$10,000 per year</p> <p>The old school building was being depreciated at \$3,110.63.</p>		35 years.	accounted for in Councils budget and impacts on the sustainability of the organisation.	years, spreading the depreciation of a longer period.
<p>Renewal costs – repainting, replacement of furnishings etc</p> <p>Estimate \$15,000 every 10 years</p>	\$45,000	Variable condition based approach – refurbish works undertaken as needed.	Refurbishing the asset every ten years will help to extend its life and ensure it remains in good condition and its utilisation is maximised.	<p>Representatives from the Ournie Community advised that they would like to offer the volunteer services of the Ournie Community to do whatever we can to alleviate these costs.”</p> <p><i>“We have always maintained the buildings and the grounds on the site in the past and we are willing to continue to do so in the future.”</i></p>
<p>Operation and maintenance.</p> <p>Estimate \$9,000 per year includes maintenance of grounds, mowing, cleaning of facilities, servicing of septic, power etc..</p>	\$315,000	<p>\$2,000 per year for power and servicing of septic system.</p> <p>Solar may be an option for the new building – further decreasing the ongoing operational costs.</p>	There was no annual budget allocated to the maintenance and operation of the old Ournie School building – all maintenance was undertaken by the community.	<p>Similar to the above, representatives from the Ournie Community advised that they would like to offer the volunteer services of the Ournie Community to do whatever we can to alleviate these costs.”</p> <p><i>“We have always maintained the buildings and the grounds on the site in the past and we are willing to continue to do so in the future.”</i></p>

Policy, Legal and Statutory Implications:

Setting up a formal partnering arrangement with representatives of the community will assist in ensuring that the appropriate governance requirements are applied to the reconstruction of the hall and its ongoing management.

There is currently no formal committee arrangement in place which limits the capacity of the community to formally seek funding for a new hall and assist with its ongoing management.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Not replacing the old school building with a new community hall could result in reputational damage to the organisation through community expectations not being met. This risk is considered medium/high, noting that the community were significantly impacted by the fires earlier this year and have identified the construction of a new community hall as very important to the recovery and wellbeing of the community.

From a financial sustainability perspective, the replacement of the old Ournie School building with a new community hall will result in an increase of level of service and cost to Council. This risk is considered as low, noting that the Ournie community have committed to work with Council to source funding for the new hall and have committed to help with looking after the new building.

It should also be noted that increases in service levels are contradictory to Councils adopted improvement strategy and result in considerable risk to Council future sustainability.

OPTIONS:

Council may:

- endorse the recommendations made in this report
- endorse the recommendations made in this report with amendments
- reject the report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Various discussions and meeting with representatives of the community.

Attachments

- 1 New Ournie Hall Concept - Kitchen (under separate cover) ⇨
- 2 New Ournie Hall Concept - Locality Plan (under separate cover) ⇨
- 3 New Ournie Hall Concept - Floor Plan (under separate cover) ⇨
- 4 New Ournie Hall Concept - Elevations (under separate cover) ⇨

11. MANAGEMENT REPORTS**11.3 PLANNING PROPOSAL TUMUT LOCAL ENVIRONMENT PLAN 2012
(AMENDMENT NO.6)**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY:

A Planning Proposal for the Tumut Local Environmental Plan 2012 (Amendment No.6) is submitted to Council for its consideration. Its purpose is to permit artisan food and drink industries in the B2 Local Centre Zone to support the vitality of the Tumut town centre and to uplift the overall economic profile of Tumut.

It is recommended that Council proceed and request the Department of Planning Industry and Environment to provide a Gateway Determination

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Planning Proposal for the Tumut Environment Plan 2012 (Amendment No.6) from Executive Director Community & Corporate.**
- 2. Adopt the Planning Proposal for the Tumut Local Environmental Plan 2012 (Amendment No. 6) and forward it to the Department of Planning Industry and Environment with a request for a Gateway Determination.**

BACKGROUND:

Council has received a number of enquiries in respect of appropriate locations for artisan food and drink premises. Inquirers have made it clear that it would be desirable and logical to locate in the Tumut CBD.

Artisan uses, such as micro-breweries or small-scale cheese factories for example, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. The Planning Proposal will allow artisan uses in the B2 Local Centre zone that will ensure artisan uses of varying scales and intensities have diverse development options in their location.

REPORT:

The endorsement of the Planning Proposal by Council and the granting of a Gateway Determination by the Department of Planning Industry and Environment (DPIE) is essentially the DPIE agreeing that Council has complied with the relevant legislation and that the Planning Proposal can be publicly notified (subject to whatever conditions they impose).

This is the first of the five steps process consisting of:

1. The planning proposal - Council prepares the planning proposal.
2. Gateway - the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without some conditions of this nature. The

conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.

3. Community consultation - the proposal is publicly exhibited as required by the Minister. A person making a submission may also request a public hearing be held.
4. Assessment - the relevant planning authority reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.
5. The amending of the LEP - with the Minister's (or delegate's) approval the local environmental plan is published on the NSW legislation website and becomes law.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.9 Provide a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use

Operational Actions

1.9.2 Develop new draft Local Environment Plan

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	<p>Artisan uses, such as micro-breweries or small-scale cheese factories for example, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. The Planning Proposal will allow artisan uses in the B2 Local Centre zone that will ensure artisan uses of varying scales and intensities have options in their location and development.</p> <p>There is a need for Council to facilitate and support private sector investment in dining, agritourism and beverage experiences. This is critical for facilitating yield in tourism and attracting new and contemporary visitor markets.</p> <p>Diversity of entertainment options in the Tumut town centre provides potential social benefits for residents.</p>	<p>Concerns could be expressed by nearby residents and business owners in respect of issues such as noise, odour and traffic.</p> <p>It is also noted that the proposed approach allows for specific guidance and outcomes to potentially be added to future Development Control Plan (DCP) chapters. The Planning Proposal will create the ability to guide development in a consistent manner, in line with community expectations for planning, growth and governance.</p>
Environmental	<p>Land in the B2 zone has been predominantly cleared and in terms of development is well established and does not contain habitats or species of particular interest.</p>	Nil
Economic	<p>Business and tourism initiatives can be</p>	Nil

	Positive	Negative
	potentially encouraged that create employment and boost the local economy.	
Governance	Planning legislation and policies at both State and Local Government levels apply.	Nil

Financial and Resources Implications

There could be budget implications if the Department of Planning requires additional studies or surveys to be undertaken. This is unlikely to occur in this instance. There is no budget allocation for this Planning Proposal other than staff time.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

Section 3.33 of the *Environmental Planning and Assessment Act 1979* applies to planning proposals as follows:

'3.33 Planning proposal authority to prepare explanation of and justification for proposed instrument—the planning proposal (cf previous s 55)

(1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).

(2) The planning proposal is to include the following—

(a) a statement of the objectives or intended outcomes of the proposed instrument,

(b) an explanation of the provisions that are to be included in the proposed instrument,

(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),

(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

(e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

(3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.'

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

There is a risk that some members of the public may view this change as the industrialisation of the commercial district. This can be mitigated through the application of an effective communications strategy.

OPTIONS:

In addition to proceeding with the Planning Proposal Council can:

1. defer consideration of the Planning Proposal to a later date
2. make amendments to the Planning Proposal; or

3. resolve not to proceed with the Planning Proposal.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No internal or external consultation has occurred at this stage. DPIE has provided a copy of a similar type of Planning Proposal prepared by Albury City Council which has assisted with the preparation of this proposal

Future Exhibition

If Council proceeds with the preparation of the Planning Proposal the document would have to be exhibited for a minimum of 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Attachments

- 1 Amended Planning Proposal LEP Amendment No.6 - Oct.2020 - ID3067067 (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.4 COMMUNITY RECOVERY REPORT - QUARTER 1 2020-2021**

REPORT AUTHOR: COMMUNITY RECOVERY OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

EXECUTIVE SUMMARY:

This report provides Council with an update on Community Recovery activities that are in scope under the Community Recovery Officer program funded by Resilience NSW for the first quarter ending 30 September.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Community Recovery activities for Quarter 1 2020-2021.**

BACKGROUND:

The transition of bushfire recovery within Snowy Valleys Council (SVC) to the current Community Recovery Officer (CRO) model occurred on the 1st July 2020. Under the current model Resilience NSW funds a Community Recovery Officer to support local-led recovery initiatives in the Local Government Area. This role is funded until 30th June 2021.

There are seven key deliverables under this program:

Deliverable 1: Community Resilience Network – identify needs and gaps

Deliverable 2: Facilitate community recovery events

Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities

Deliverable 4: Provide access to relevant and timely recovery information

Deliverable 5: Develop a Local Recovery Plan

Deliverable 6: Develop a Transition to exit plan for government funded recovery initiatives

Deliverable 7: Other deliverables, activities, or initiatives as identified by council

REPORT:**Overview**

Quarter one has seen the transition from the Council Recovery team to the new CRO model with by the Department of Primary Industries Recovery Support Services team.

Work within communities to support existing local groups to undertake Resilience planning and activities has commenced. The recent Batlow Recovery Forum hosted by Dr Joe McGirr MP has resulted in a state government led initiative in the township to design a long term plan that defines the next steps. Whilst recovery is certainly a focus short term, the Batlow community are keen to establish enduring mechanisms to ensure that the long term ongoing development of their community.

Clean-up initiatives that are council led and facilitated continue to be undertaken despite the uncertainty that continues around recovery of costs from state and federal governments. Regardless, SVC continues to support our communities in this way.

It is now 10 months since the fire events, and the formal state funded clean-up has finished. It is clear from the recovery work on the ground by council and with other recovery partners that there is still a need to support our farmers as a significant component of their damage was deemed to be "out of scope" for the formal state funded clean-up. It is anticipated that there will be a need to support these rural communities for some time.

Rebuilds of destroyed homes have commenced around the LGA with 12% of these properties applying for Development approvals. A continued focus around educating the community of the approval process and offering tailored support for our residents to guide them through the process is available from Council.

The rate relief extension was a welcome initiative for our LGA and has seen a strong take up within our rural landholders. An unexpected benefit of this extension has been that it has allowed council to further gauge the impact of the fires with those residents that were not captured in the initial Building Impact Assessment undertaken by the RFS post fires, and provide further support to those who did not realise they could access it.

Cross Border initiatives have proven difficult under the current Covid-19 restrictions in Victoria. Communication with Towong Shire will continue in anticipation of these restrictions easing over the next quarter and beyond.

Deliverable 1: Establish a Community Resilience Network (CRN)

A survey of the existing Community Advisory Group sub committee has been issued to better understand how this group could potentially transition to a CRN model moving forward. The survey will also inform an evaluation of Council's Recovery model.

Council participated in the recent Batlow Recovery Forum and will be participating alongside community members and Resilience NSW to work on the design for the next steps.

Deliverable 2: Facilitate community recovery events

- ***Recovery Assistance Points (RAP's)***

Reconvening of the RAP's has commenced in Batlow on a monthly basis and Tumbarumba bi-monthly. A mobile outreach to our outlying towns and villages is being scoped in the second quarter for activation later this year and in the third and fourth quarters should the need be there.

The RAP sessions have been promoted as a place to come in for an informal chat and to connect with important recovery support services operating in the region such as Red Cross, the DPI and health services. Recent RAP's confirm that impacted community members are using these sessions as an opportunity to come into a familiar place to not only seek support but to feel comfortable to just come and visit.

- ***Twilight Series hosted by DPI***

SVC is supporting the DPI Bushfire Recovery Support Services in presenting a twilight series of events targeted at our rural primary producer communities. Agencies have been asked to provide expressions of interest for presentations that are shaped around the recovery of our rural communities. Dates have not been set for these events as yet however it is envisaged they will occur during daylight savings.

- **Oz Harvest Introduction to SVC Communities**

Ongoing support to Oz Harvest has been provided by Council. Oz Harvest are visiting Batlow and Tumbarumba twice per fortnight delivering fresh fruit and vegetables to those community members in need. Council provides marketing and logistical support on an ongoing basis.

- **Givit promotion and introduction to Community Organisations**

SVC has facilitated a series of meetings to introduce Givit to the communities within the LGA. Givit are a national online charity that connects generous Australians who want to donate items, services or cash with those people who need it the most, and have been an active player in the Bushfire Recovery across Australis. Community organisations and schools have been given presentations by Givit on how they can assist in providing support during recovery and beyond.

- **Mindaroo Pod Site Inspections**

A request was received from Mindaroo Foundation to assist by attending site inspections on their behalf. The opportunity was taken up to provide further engagement with community members who were successful in receiving these Pods

Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities

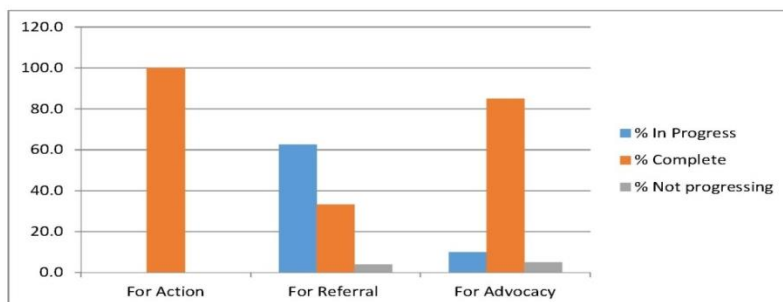
With the recent standing down of the Bushfire Recovery Committee, a review of existing recovery action plan is being undertaken and those relevant and appropriate actions will be assessed for transitioning to a new plan.

The Recovery Committee action plan status is outlined below:

**RECOVERY COMMITTEE
PROGRESS AGAINST ACTIONS
AS OF 16/9/20**

	Total number of actions	# In Progress	# Finalised	# Not progressing
For Action	35	0	35	0
For Referral	75	47	25	3
For Advocacy	20	2	17	1

	Total number of actions	% In Progress	% Complete	% Not progressing
For Action	35	0.0	100.0	0.0
For Referral	75	62.7	33.3	4.0
For Advocacy	20	10.0	85.0	5.0



Deliverable 4: Provide access to relevant and timely recovery information**• Fortnightly recovery bulletins**

Council continues to focus on delivering up to date relevant information on recovery activities, funding opportunities, support and other initiatives to our communities.

• Recovery on the Radio

CRO has a regular spot on Friday mornings to provide up to date information to our communities on recovery initiatives, events and general recovery information.

• Social Media and website

Council continues to ensure regular and current recovery information is available on the council website and through multiple Social Media platforms and Facebook groups.

• Monthly Community Advisory Committee and Bushfire recovery Committee meetings

The Recovery Committee and Community Advisory Group met in July and September, with the September meeting being the final meeting. Members have been instrumental in the distribution of information to and from communities on recovery related issues.

Council representation on Southern Region Sub Committees has been maintained.

Deliverable 5: Develop a Local Recovery Plan

Development of the Local Recovery Plan is scheduled to commence next quarter.

Deliverable 6: Develop a Transition Plan

Scheduled to commence in quarter four.

Deliverable 7. Other deliverables, activities, or initiatives as identified by council**• Rural Fencing Debris pick up**

This initiative has continued in the Southern part of the LGA and work has commenced to scope a roll out to the wider LGA.

• Roadside vegetation clearing

This work is underway with an excess of 2000 truck loads of damaged and destroyed vegetation cleared and stockpiled for environmental initiatives. This includes working with NSW Water on providing large trees with root bulbs in tact to be used for snagging of waterways, chipping for free mulch days for the community, salvaging of firewood to be provided to the communities in a safe manner.

• Generator donation from Givit.

32 Generators were provided to be distributed amongst our communities. An expression of interest process was launched to the community during the month of September. 56 applications were received and have been assessed against the eligibility criteria by an assessment panel. Notification to successful applicants and the distribution of the generators will commence in October.

- **Rate Relief program.**

Successful advocacy by SVC with Service NSW and the Office of Local Government has seen the Rate Relief program extended to rural landholders who incurred 75% damage to their property without the loss of their residence. This program, as a result, has been rolled out across the state.

- **Internal Stakeholder Group convened**

With the impending transition of recovery initiatives back to the normal business of council, an internal stakeholders working group has been convened to facilitate the flow of information relating to recovery activities within relevant council teams to ensure the best outcomes for community. This provides CRO with a whole of council support mechanism and an improved customer experience. It also provides an internal communications platform for CRO and recovery.

- **Inter Agency Support Meetings**

An Interagency Support group was established with recovery support providers operating on the ground with the region. Monthly meetings are convened to allow all agencies an opportunity to network and provide updates to information on services, grant opportunities, emerging issues they are witnessing etc.

- **Blaze Aid Camps**

Council continued to provide ongoing support to the Blaze Aid camps operating in Adelong, Tooma, Tumberumba and Jingellic during the quarter.

Priorities for next quarter

- **Recovering Together Events**

Recovery activities are deemed to be 'essential services' under the Public Health Orders. Scoping has commenced to conduct four Recovering Together events across the LGA to support our communities. Events will be conducted in Tumberumba, Batlow, Talbingo and Tumut. The concept is to provide "soft recovery" events to help embed our support agencies into the greater community with a focus on their health and wellbeing post fires. Risk Assessments are being undertaken to ensure Covid Safe management plans are in place with relevant social distancing and other protocols maintained. Initial dates throughout November are being considered.

- **Twilight Series**

SVC is supporting the DPI Bushfire Recovery Support Services in presenting a twilight series of events targeted at our rural primary producer communities. Dates have not been set for these events as yet however it is envisaged they will occur during daylight savings.

- **Snowy Valley Art Program**

Support is being provided to the Tumut Art Society and the University of Canberra to deliver Creative Writing and Visual Arts workshops to the region between November 2020 and June 2021. A series of "sample" sessions will be presented at the recovering together events scheduled through November. A stakeholder engagement evening will be presented mid November in Adelong which will be hosted by CU.

- **Arbour Festival**

Support is being provided to community to bring together this commemorative event.

For 50 days in the Pilot Hill Arboretum, commencing 28 December 2020 locals and visitors will be able to experience ephemeral Installation Artworks in a variety of traditional and contemporary mediums. The project is led by leading local bushfire-affected artists. A curated series of workshops, talks and adventures will take place to plant new ideas and give visitors a reason to bring their #EmptyEsky and take a summer holiday in the mountains.

- **BCRRF Phase 2 Funding**

Council received advice on 29 September that the Bushfire Community Recovery Resilience Funding Phase 2 has been announced.

Phase Two of the Bushfire Community Recovery and Resilience Fund (BCRRF) will support community recovery by funding \$25 million worth of projects that will promote community well-being, social and broader recovery and future disaster resilience following the bushfires. Stream 1 involves allocation of funds to local councils for smaller-scale, short term community projects. Stream 2 will involve allocation of grants to medium and long-term community projects.

Work is planned to be undertaken in October with relevant council teams and the Program Manager to determine suitable projects that align with Council's advocacy and strategic priorities for application and to establish and administer the micro grant component of Stream 1.

- **Planning of formal recovery initiatives for 2021**

A workshop is planned with all support agencies to review the formal recovery program in the region to ensure that community needs are being met and gaps are identified to inform further advocacy.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.6 Council builds strong relationships with other organisations to advocate for our communities

Operational Actions

4.6.5 Continue to advocate to government on priority critical incidents recovery actions

SUSTAINABILITY ASSESSMENT:

Financial and Resources Implications

The Community Recovery Officer program is a jointly funded program by NSW Government and the Australian Government, administered by Resilience NSW.

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Nil

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Community Recovery Officer program is dependent upon active and positive engagement with bushfire impacted communities.

Recovery activities and initiatives are discussed and determined at Council's Internal Recovery Stakeholder meeting monthly.

ATTACHMENTS

Nil

12. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - BATLOW DEVELOPMENT LEAGUE - 2 SEPTEMBER 2020**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on the Batlow Development League (BDL) from Executive Director Community & Corporate.
2. Note the Minutes of the Batlow Development League, meeting held on 2 September 2020.

BACKGROUND:

The Batlow Development League (BDL) was established with the objective of providing civic leadership to the Batlow Community and to stimulate the ongoing economic, social and cultural prosperity of the community of Batlow.

The Batlow Apple Blossom Festival committee and the Batlow CiderFest committees are subcommittees of the BDL.

REPORT:

The Batlow Development League met on 2 September 2020:

The following items were discussed:

- a) Treasurer's report of the BDL accounts to the 2 September 2020 was received and accepted.
- b) Council - Cr Smit gave a report on:
 - I. function of Section 355 Committees
 - II. Rate review are now closed and being collated
 - III. Volunteer grants are now open.
- c) Council – Executive Director Community & Corporate (Paul Holton) gave briefing and presentation on Councils Committee Framework.
- d) Decision was made that BDL will meet with sub-committees to discuss pros and cons of remaining a S355 committees.
- e) Dr Joe McGirr gave an update on:
 - 1) EPA for old packhouse building is still being followed up
 - 2) Batlow Forum was very successful – results of survey will be out soon
 - 3) Smaller forums need to be held to priorities which projects are

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

4.6 Council builds strong relationships with other organisations to advocate for our communities

Operational Actions

4.6.1 Provide governance and risk support to volunteers and section 355 committees

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Local Government Act 1993

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

Attachments

- 1 Minutes - Batlow Development League - 2 September 2020 (under separate cover)



13. CONFIDENTIAL

The Local Government Act provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature. Section 10(2) lists such matters.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

Recommendation:

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified.

13.1 LOAN SELECTION - LED REPLACEMENT PROGRAM

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (c) and (d)i as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 RFT 2020/03 - PLANT AND EQUIPMENT HIRE

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (d)ii as it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.3 RFT 2020/09 - LINEMAKING, GUARDRAIL AND TRAFFIC CONTROL

Item 13.3 is confidential under the Local Government Act 1993 Section 10A 2 (d)ii as it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.4 BATLOW CANNERY - LEASE PROPOSAL

Item 13.4 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (d)ii as it relates to personnel matters concerning particular individuals (other than councillors) and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.