



**SNOWY VALLEYS COUNCIL MEETING
BUSINESS PAPER
15 APRIL 2021**

THE MEETING WILL BE HELD AT 2.00PM
TUMUT COUNCIL CHAMBER 76 CAPPER STREET TUMUT

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 April 2021
Council Chambers, 76 Capper Street, Tumut
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

7. NOTICE OF MOTION/NOTICE OF RESCISSION

8. MAYORAL MINUTE

NIL

9. URGENT BUSINESS WITHOUT NOTICE

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14. MEETING CLOSURE

5. CONFIRMATION OF MINUTES**5.1 Ordinary Meeting - 18 March 2021****Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 18 March 2021 be received and confirmed as an accurate record

5.2 Extraordinary Meeting - 23 March 2021**Recommendation:**

That the Minutes of the Extraordinary Council Meeting held on 23 March 2021 be received and confirmed as an accurate record

THE MINUTES OF THE COUNCIL MEETING HELD IN HYBRID - TUMUT COUNCIL CHAMBERS, 76 CAPPER STREET, TUMUT AND VIA VIDEO LINK, ON THURSDAY 18 MARCH 2021 COMMENCING AT 2.00pm

PRESENT: Deputy Mayor Councillor John Larter (Chair), Councillor Andrianna Benjamin, Councillor Cate Cross, Councillor Julia Ham, 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 Deputy Mayor, Cr John Larter.

2. APOLOGIES

A Leave of Absence for the meeting has been received from Cr James Hayes and Cr Margaret Isselmann.

M28/21 RESOLVED:

That the requests for a Leave of Absence from Cr Hayes and Cr Isselmann be received and granted.

Cr Andrianna Benjamin/Cr Cate Cross

CARRIED UNANIMOUSLY

3. DECLARATIONS OF INTEREST

Cr Cate Cross declared a non-pecuniary interest in relation to report #10.2 - Waste Conference 4th to 6th May 2021, due to seeking approval to attend remotely and will remain in the discussion and vote.

Cr Andrianna Benjamin declared a pecuniary interest in relation to report #13.2 – Proposal to Lease Roths Corner Medical Centre due to being part of the initial tender process on the Roths Corner Medical Centre and will leave the room during discussion.

CEO, Matthew Hyde declared a pecuniary interest in relation to report #13.5 – Chief Executive Officer's Annual Performance Review – to December 2020, due to being his employment contract and will leave the room during discussion and vote following answering any questions Councillors may have.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

M29/21 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 18 February 2021 be received.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

5.1 BUSINESS ARISING

Nil.

6. GOVERNANCE AND FINANCIAL REPORTS

10.1 MURRAY DARLING ASSOCIATION - 77TH NATIONAL CONFERENCE & AGM - 16TH TO 19TH MAY 2021

M30/21 RESOLVED: THAT COUNCIL:

1. Receive the report on the Murray Darling Association 77th National Conference and Annual General Meeting (May 2021);
2. Approve the virtual attendance of Cr Geoff Pritchard at the Murray Darling Association National Conference from the 16th to 19th May 2021.

Cr Julia Ham/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

10.2 WASTE 2021 CONFERENCE - 4TH TO 6TH MAY 2021

M31/21 RESOLVED: THAT COUNCIL:

1. Receive the report on the Waste 2021 Conference;
2. Approve the virtual attendance of Cr Cate Cross at the Waste 2021 Conference from 4th to 6th May 2021.

Cr Julia Ham/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

10.3 DRAFT INFORMATION GUIDE 2021**M32/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Draft Information Guide 2021;
2. Endorse the Information Guide 2021 SVC-EXE-Gdl-001-03 for public exhibition for a period of no less than 28 days;
3. Note that if submissions are received during the public exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the Information Guide;
4. Adopt the Information Guide if no submissions are received on the day after the completion of the public exhibition and publish on the Council website;
5. After adoption, the Information Guide 2021 SVC-EXE-Gdl-001-03 to be published on the Council website, and the Information Guide 2020 SVC-EXE-Gdl-001-02 be removed from Council's website.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**10.4 RESCINDING OF FINANCIAL MANAGEMENT POLICY****M33/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Rescinding of Policies – Finance;
2. Rescind the Financial Management Policy FIN.07 (former Tumut Shire policy).

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY**10.5 STATEMENT OF INVESTMENTS - FEBRUARY 2021****M34/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Statement of Investments - February 2021;
2. Note the above-policy-limit investment allocation with Council's primary bankers.

Cr Julia Ham/Cr Cor Smit

CARRIED UNANIMOUSLY

10.6 FINANCIAL PERFORMANCE AS AT 31 JANUARY 2021**M35/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Financial Performance as at 31 January 2021.

Cr Julia Ham/Cr Geoff Pritchard

CARRIED UNANIMOUSLY

7. MANAGEMENT REPORTS**11.1 UPDATE ON RATES HARMONISATION PROCESS AND COMMUNITY FEEDBACK****M36/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Update on Rates Harmonisation Process and Community Feedback;
2. Confirm the proposed rating structure effective 1 July 2021 as
 - a. Residential – 50% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - b. Business – 10% redistribution to other categories, 10% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - c. Farmland – 10% base rate (base rate and ad valorem under S497(b) NSW Local Government Act 1993);
 - d. Mining – set at the business base rate (10% base rate and ad valorem under S497(b) *NSW Local Government Act 1993*).

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

11.2 RFS BOMBOWLEE BRIGADE - HANGARS 6 & 9**M37/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the RFS Bombowlee Brigade Station Hangar Swap project;
2. Confirm satisfactory completion of Hangar 6 based on the issue of an Occupation Certificate (OC) and written confirmation from the interested parties;

3. Delegate to the Mayor and the Chief Executive Officer to affix the Council seal and execute any documents relevant to the surrender of the old Licence Deed for Lot 9 and the execution of a new Licence Deed for Lot 6;
4. Delegate to the Mayor and the Chief Executive Officer to affix the Council seal and execute any documents relevant to the execution of a new Licence Deed for Lot 9.

Cr Andrianna Benjamin/Cr Julia Ham

CARRIED UNANIMOUSLY

11.3 DRAFT SNOWY VALLEYS CHILDREN'S SERVICES STRATEGIC PLAN

M38/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the Draft Snowy Valleys Children's Services Strategic Plan;
2. Note the Draft Snowy Valleys Children's Services Strategic Plan as attached;
3. Endorse the Draft Snowy Valleys Children's Services Strategic Plan for public exhibition for a period of 28 days.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.4 PLANNING PROPOSAL FOR TUMUT LEP 2012 (AMENDMENT NO. 6) - ARTISAN FOOD AND DRINK INDUSTRIES

M39/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Planning Proposal for Tumut LEP 2012 (Amendment No.6) – Artisan Food and Drink Industries;
2. Resolve to proceed and complete Amendment No.6 of the Tumut LEP 2012;
3. Advise the NSW Planning, Industry & Environment of Council's resolution.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

8. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE -
10 FEBRUARY 2021****M40/21 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 10 February 2021;
2. Note the Minutes of the Audit Risk and Improvement Committee meeting held on 10 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**12.2 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 26
NOVEMBER 2020****M41/21 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Minutes - Disability Inclusion Access Reference Group – 26 November 2020;
2. Note the minutes of the Disability Inclusion Access Reference Group meeting held on 26 November 2020.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**12.3 MINUTES - BATLOW DEVELOPMENT LEAGUE - 3 FEBRUARY 2021****M42/21 RESOLVED:**
THAT COUNCIL:

1. Receive the report on the Minutes - Batlow Development League – 3 February 2021;
2. Note the Minutes of the Batlow Development League meeting held on 3 February 2021.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

12.4 MINUTES - GLENROY HERITAGE RESERVE COMMITTEE – 8 FEBRUARY 2021**M43/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Glenroy Heritage Reserve Committee Minutes;
2. Note the Minutes of the Glenroy Heritage Reserve Committee Ordinary meeting held on 8th February 2021.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY**12.5 MINUTES - TALBINGO PROGRESS & RATEPAYERS ASSOCIATION - 15 DECEMBER 2020 AND 16 FEBRUARY 2021****M44/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Minutes - Talbingo Progress & Ratepayers Association – 15 December 2020 and 16 February 2021;
2. Note the Minutes of the Talbingo Progress & Ratepayers Association meetings held on 15 December 2020 and 16 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**M45/21 RESOLVED** that Council consider reports 12.6 and 12.7 together.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY**12.6 & 12.7 MINUTES - TUMUT DISTRICT COMMUNITY TRANSPORT ADVISORY COMMITTEE - AGM - 10 NOVEMBER 2020; ORDINARY MEETINGS OF 13 OCTOBER, 8 DECEMBER 2020 AND 9 FEBRUARY 2021****M46/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Minutes - Tumut District Community Transport Advisory Committee - AGM – held 10 November 2020;
2. Note the Minutes of the Tumut District Community Transport Advisory Committee - AGM - held 10 November 2020;
3. Endorse the appointment of the Executive and Committee as elected:
 - Chairperson – Margaret Davies

- Vice Chairperson # 1 - Suzanne Post
 - Vice Chairperson # 2 – Lorraine Oliver
 - Fundraising Coordinator – Kay Sturt
 - General Committee - Richard Pylak, Sue Cross, Jaen Dickenson, John Dickenson, Anita Killelea.
1. Receive the report on the Minutes - Tumut District Community Transport Advisory Committee – 13 October 2020, 8 December 2020 & 9 February 2021;
 2. Note the Minutes of the Tumut District Community Transport Advisory Committee meetings held on 13 October 2020, 8 December 2020 & 9 February 2021.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

9. CONFIDENTIAL

M47/21 RESOLVED:

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 WRITE-OFF OF DEBTS

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (e) as it relates to personnel matters concerning particular individuals (other than councillors) and information that would, if disclosed, prejudice the maintenance of law and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 PROPOSAL TO LEASE ROTH'S CORNER MEDICAL CENTRE

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (a) as it relates to personnel matters concerning particular individuals (other than councillors) and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.3 TENDER 2021/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11984 & 11985)

Item 13.3 is confidential under the Local Government Act 1993 Section 10A 2 (d) as it relates to 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.

13.4 CONFIDENTIAL STATEMENT TO COUNCILLORS

Item 13.4 is confidential under the Local Government Act 1993 Section 10A 2 (a) and (g) as it relates to personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.5 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW - TO DECEMBER 2020

Item 13.5 is confidential under the Local Government Act 1993 Section 10A 2 (a) as it relates to personnel matters concerning particular individuals (other than councillors) and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

At this stage, the time being 3.34pm Council went into Confidential.

13.1 WRITE-OFF OF DEBTS**M48/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Write-off of Debts;
2. Note the write-off and adjustments totalling \$7,392.69 made under delegated authority for the period 5 September 2020 to 28 February 2021.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin left the room at 3.35pm.

13.2 PROPOSAL TO LEASE ROTHS CORNER MEDICAL CENTRE**M49/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Proposal to Lease Roths Corner Medical Centre;
2. Note that a Community Advisory Panel convened to consider the lease proposal has provided unanimous support for the proposal;

3. Endorse proceeding with a lease agreement;
4. Delegate to the Mayor and Chief Executive Officer the authority to negotiate a lease agreement and to affix the Council seal and execute all documents relevant to a lease for the Roths Corner Medical Centre.

Cr Cor Smit/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin returned to the room at 3.40pm.

13.3 TENDER 2021/01 – MR677 ALPINE WAY SLOPE REHABILITATION WORKS (SLOPES 11984 & 11985)

**M50/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Request for Tender - RFT 2021/01 for the rehabilitation of two slopes (slopes 11984 and 11985) located along the Alpine Way (MR677);
2. Delegate the Chief Executive Officer to not proceed with this project if the budget allocated by TfNSW for this project is not increased to cover the full cost of the works including allowances for project management, indirect costs and contingencies;
3. Subject to item 2 in the above, resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11984 and 11985) located along the Alpine Way (MR677), being for the lump sum amount of \$1,091,398.00 including GST;
4. Subject to item 2 in the above, authorise the Chief Executive Officer to enter into a contract with Mulligan Geotechnical Pty Ltd for the rehabilitation of two slopes (slopes 11984 and 11985);
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

13.4 CONFIDENTIAL STATEMENT TO COUNCILLORS

**M51/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the submission of a Confidential Statement to Councillors.

2. Note the information provided in the Confidential Statement as attached.

Cr Cor Smit/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

13.5 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW - TO DECEMBER 2020

**M52/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Chief Executive Officer's Annual Performance Review.
2. Endorse the 2020 Chief Executive Officer's Performance Review.
3. Offer an early renewal of the CEO contract under Section 5 of the existing contract to Matthew Hyde commencing on 1 July 2021 for a period of 2 years. It should be noted that the renewal effectively gives an extension of 7 months and 3 days to allow the Council elected in September 2021 a reasonable period of time to review the performance of the CEO prior to making a decision about the future leadership of the organisation. This extension period will also bring the timing of performance reviews in line with Operational Plan review periods.
4. Endorse an increase to the total remuneration package of 2.5% at the commencement of the new contract.

Cr Cate Cross/Cr Andrianna Benjamin

CARRIED UNANIMOUSLY

The meeting returned from Confidential at 3.56pm.

The CEO read aloud the confidential resolutions 13.1 to 13.4 and the Deputy Mayor read confidential resolution 13.5.

There being no further business to discuss, the meeting closed at 4.01pm.

THE MINUTES OF THE COUNCIL MEETING HELD IN HYBRID AT COUNCIL CHAMBERS 76 CAPPER STREET TUMUT AND VIA VIDEO LINK, ON TUESDAY 23 MARCH 2021 COMMENCING AT 6.00pm

PRESENT: Mayor James Hayes (Chair), Councillor Andrianna Benjamin, 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.

2. APOLOGIES

A Leave of Absence has been received from Cr Cate Cross.

M54/21 RESOLVED:

That the Leave of Absence received from Cr Cate Cross be received and granted.

Cr Andrianna Benjamin/Cr Bruce Wright

CARRIED UNANIMOUSLY

3. DECLARATIONS OF INTEREST

Nil.

4. ADMISSION OF LATE REPORTS

M55/21 RESOLVED:

That the late report 5.2, Draft Long Term Financial Report 2021-2031 and Draft Sustainability Plan 2021 - Late Attachments being deemed to be of an urgent nature be received and dealt with.

Cr John Larter/Cr Cor Smit

CARRIED UNANIMOUSLY

5. GOVERNANCE AND FINANCIAL REPORTS

M56/21 RESOLVED to move into Committee of the Whole.

Cr Andrianna Benjamin/Cr John Larter

CARRIED UNANIMOUSLY

M57/21 RESOLVED to move out of Committee of the Whole.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

5.1 DRAFT 2021-22 INTEGRATED PLANNING & REPORTING DOCUMENTS FOR PUBLIC EXHIBITION

M58/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Draft 2021-22 Integrated Planning and Reporting Documents for Public Exhibition.
2. Endorse the following Integrated Planning and Reporting documents, and place on public exhibition for a period of 28 days:
 - a) Draft 2021-2022 Operational Plan, including:
 - i. Draft 2021-2022 Operational Budget
 - ii. Draft 2021-2022 Capital Budget;
 - b) Draft 2021-2022 Fees and Charges Schedule as tabled at the meeting;
 - c) Draft 2021-2022 Revenue Policy;
 - d) The updated Draft Long Term Financial Plan 2021-2031.
 - e) Updated Road to Sustainability Plan.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 6.49pm.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1 2021 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY

REPORT AUTHOR: EXECUTIVE ASSISTANT - DIRECTOR
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY:

Details of the 27th National General Assembly of the Australian Local Government Association (ALGA) have been announced and early bird registrations close on 7 May. Councillors may wish to consider the agenda and attendance at the meeting.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive the report on 2021 Australian Local Government Association – National General Assembly.**
2. **Nominate Councillors to attend the virtual event under the Payment of Expenses and the Provision of Facilities to Mayor and Councillors Policy.**

BACKGROUND:

The 27th National General Assembly of the Australian Local Government is an annual gathering of Local Government elected representatives and officials to further the agenda for Local Government matters and to network ideas and solutions to typical and unusual local government situations and events.

REPORT:

The 27th National General Assembly of ALGA will be held 20-23 June 2021 both in person at the National Convention Centre, Canberra, and remotely following the cancellation of last year's Assembly due to COVID-19.

The theme for the 27th Assembly is 'Working Together for our Communities', retained from last year, with a focus on economic recovery; what councils are doing on their own or in partnership/s to drive job creation and stimulate local economies.

Registrations are open now for both on site and virtual attendance with early bird rates required by 7 May 2021.

Early bird rates are:

For onsite attendance	\$989.00
For virtual attendance	\$689.00
Regional Forum – if <u>not</u> attending the National General Assembly	\$425.00
Regional Forum – if attending the National General Assembly	\$225.00

The Regional Forum will be held on Sunday 20 June at the National Convention Centre, Canberra.

In the interests of securing registration and accommodation Councillors are requested to advise of their interest in attendance.

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

Theme 2: Growth through Innovation

Delivery Outcomes

2.1 Develop strong relationships with local industry, organisations and government to ensure a sustainable local economy

Operational Actions

2.1.1 Maintain regular contact with major industry and agencies to identify, advocate and promote economic and local employment opportunities

SUSTAINABILITY ASSESSMENT:**Financial and Resources Implications**

Available Councillor Budgets (as at 31 March 2021):

<i>Name</i>	<i>Budget Available</i>	<i>Name</i>	<i>Budget Available</i>
Mayor James Hayes	\$6,439	Dep Mayor John Larter	\$4,939
Andrianna Benjamin	\$4,000	Cate Cross	\$3,939
Julia Ham	\$3,030	Margaret Isselmann	\$3,939
Geoff Pritchard	\$3,764	Cor Smit	\$3,939
Bruce Wright	\$4,000		

Costs and Benefits:

Expected Benefits – Councillors networking and increased knowledge of issues and matters affecting local government can provide ideas and solutions to local issues.

Expected Costs – the direct cost are included in the financial section and vary depending on remote or actual attendance and if accommodation is also required.

Policy, Legal and Statutory Implications:

Payment of Expenses and the Provision of Facilities to Mayor and Councillors policy needs to be considered.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Councillors need to consider the risk of attendance in person given this event will attract people in person from all over Australia.

OPTIONS:

Councillors may choose not to attend the event and receive an update from others who have attended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Councillors' attendance at a conference requires a further report to Council which will document the learnings from the attendance.

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS

10.2 FINANCIAL PERFORMANCE AS AT 28 FEBRUARY 2021

REPORT AUTHOR: COORDINATOR MANAGEMENT ACCOUNTING
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

The report provides a review of Council's income and expenditure against budget for the period from 1 July 2020 to 28 February 2021. Monthly financial reporting keeps Council informed of the progress that has been made in relation to the budget and allows for timely corrective action if required.

Overall, Council's income is considered in line with budget with a 6% variance year-to-date to budget. Income is expected to exceed budget when acquittals are raised for disaster recovery and capital works. Expenditure is 13% over budget year-to-date (down from 23% last month) due to disaster recovery works which will be recovered from various government agencies.

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on Financial Performance as at 28 February 2021.

REPORT:

Council's income at end of February 2021 was within a 6% variance year-to-date to budget, while expenditure showed a 13% variance above budget. The expenditure variance is largely due to materials and contracts for natural disaster recovery and clean up. This expenditure will be recovered from external sources on an ongoing basis and progress claims have been submitted, although have not yet been processed by the funding body.

A summarised financial report for Council is provided below for February 2021, comparing the operating year-to-date (YTD) actuals against the YTD budget. This report provides the interim results for the financial year and represents the appropriate adjustments at the time of the report, noting that more adjustments may be made. The purpose of this report is to provide an indication of Council's financial performance at a particular point in time.



Monthly Operating Result for February 2021

Overall Council Summary					
Account Description	Actual YTD	Budget YTD	% Variance YTD	\$ Variance YTD	Original Budget 21PBUD
Income					
Rates, Levies & Annual Charges	17,497,634	17,321,480	1.02%	176,153	17,360,883
User Charges & Fees	9,308,825	6,640,398	40.18%	2,668,427	9,958,359
Interest & Investment Revenue	339,330	299,997	13.11%	39,333	470,496
Other Income	2,275,914	1,660,269	37.08%	615,645	962,671
Operating Grants & Contributions	7,864,175	9,233,735	-14.83%	(1,369,559)	10,705,299
Capital Grants & Contributions	4,117,973	3,931,042	4.76%	186,931	7,309,116
Income on Sale of Assets	424,875	460,867	-7.81%	(35,992)	0
Total Income	41,828,726	39,547,788	6%	2,280,938	46,766,824
Expenses					
Employee Costs	17,861,752	15,496,537	-15.26%	(2,365,215)	16,496,813
Materials & Contracts	12,747,923	9,872,648	-29.12%	(2,875,275)	9,258,398
Depreciation & Impairment	6,879,549	6,897,099	0.25%	17,551	11,092,399
Other Expenses	3,463,949	3,677,438	5.81%	213,489	5,382,256
Interest & Investment Losses	239,645	278,064	13.82%	38,419	477,008
Cost of Assets Sold/Disposed	351,424	456,667	no budget	105,242	
Total Expenses	41,544,242	36,678,453	-13%	(\$4,865,789)	42,706,874
Operating Result	284,484	2,869,335	-90%	(2,584,851)	4,059,950

Income:

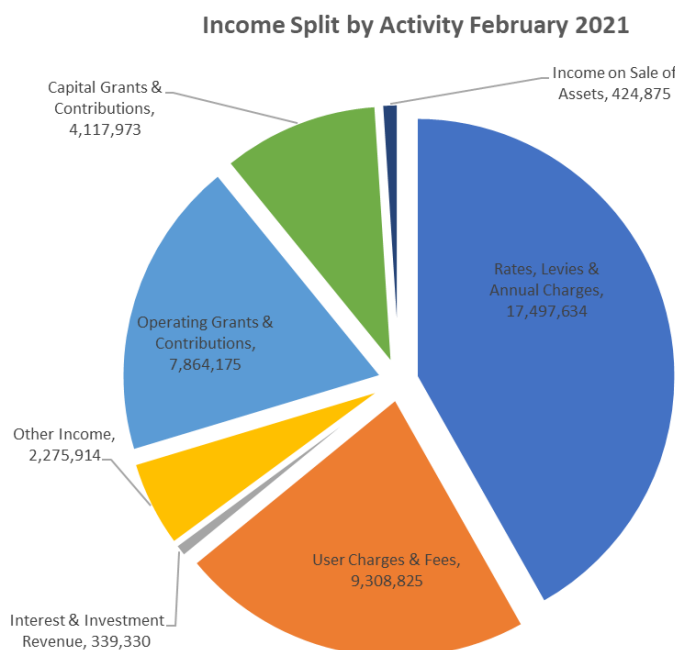
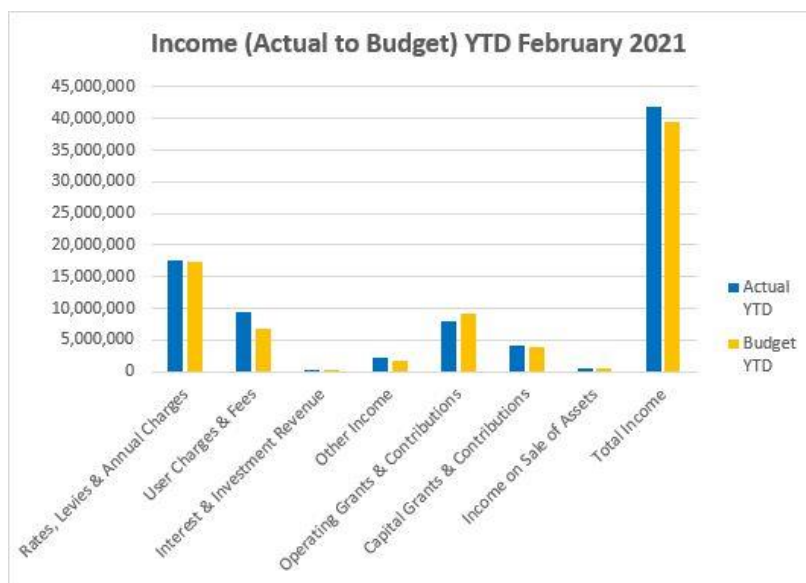
User fees and charges income is above budget by \$2,668K YTD. Income above budget includes Tumbarumba Caravan Park \$561K, Roth Medical Centre \$93K, RMCC works \$1,680K, commercial works \$175K and gravel sales \$57K. Note that the budget was prepared by apportioning the income evenly over twelve months, which does not take into effect influences such as seasonal fluctuation.

Investment revenue is above budget by \$39K due to timing of interest receipts from matured investments.

Other Income is above budget by \$616K year-to-date, including \$208K workers compensation rebate and \$324K insurance recovery.

Operating Grants is below budget by \$1,370K. Several grant acquittals that have been completed and lodged are yet to receive funds.

Capital Grants income is above budget by \$187K. Several grants have reached milestones or are completed with invoices being raised for claims and acquittals.

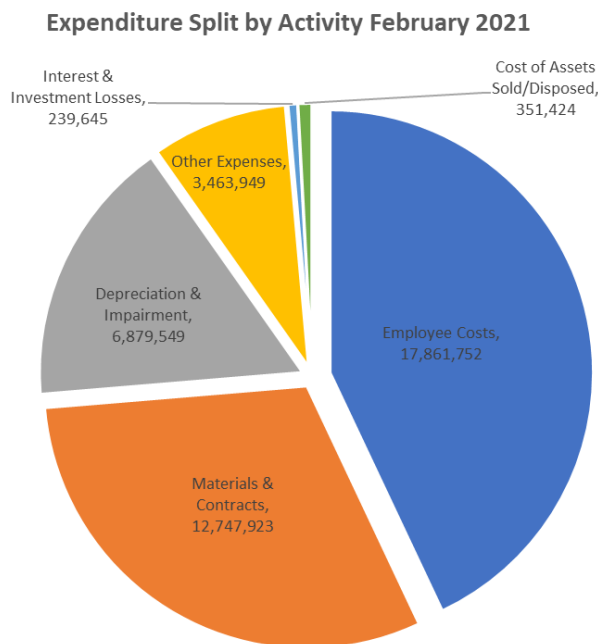
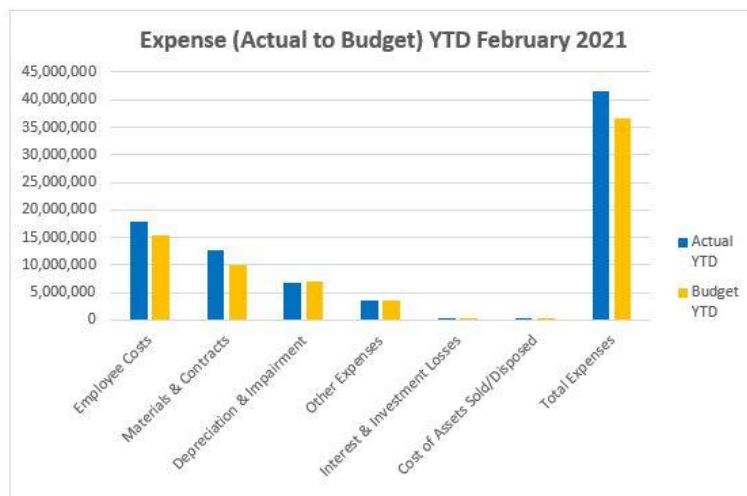


Expenditure:

Employee costs are over budget by \$2,365K. This is due to timing of leave accruals at end of the calendar year, no capitalisation of wages having been undertaken to date, and unbudgeted overtime on commercial works in addition to planned works. A considerable amount of employee costs is recoverable under disaster management funding and/or commercial work income.

Materials and Contracts expenditure is above budget by \$2,875K, the majority of which is bushfire recovery works which is recoverable, \$541K IT projects funded by NCIF2 grants, \$177K SAAS project (Technology One to the cloud), \$130K for managed services for IT network offset by savings in wages, \$261K urgent IT remediation works, \$835K for RMCC works and \$303K for commercial works which are offset by additional income or savings in other expenditure lines. Budgeted procurement reductions and capitalisation of materials and contracts not yet effected.

Interest & Investment Expense is below budget by 14%. This is due to the timing of interest payments.



Procurement

The following tenders have been advertised in the eight months YTD:

July

2020/02 – Supply of Banking and Bill Payment Services

2020/03 – Panel of Preferred Suppliers: Plant and Equipment Hire 2020/2023

August

2020/08 – Construction of Clarkes Hill Tooma Road Cutting Bushfire Damage at Maragle.

2020/09 – Panel of Preferred Suppliers: Supply of Services - # Guard Rail # Linemarking # Traffic Control

September

2020/11 – Design and Construction of Talbingo Boat Ramp Pontoon and Gangway

October

2020/04 - Replacement of Tintaldra Road Bridge Welaregang NSW 2642 and Replacement of Withers Lane Bridge Bombowlee NSW 2720

November

2020/12 – Construction of Goobarragandra Road Slopes Stabilisation at Goobarragandra NSW

December

No Tenders advertised in December

January

No tenders advertised in January

February

2021/01 – Alpine Way slope rehabilitation works (MR677, slopes 11984 and 11985)

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

4.3.1 Provide Council staff with information and tools to increase two-way organisational communication through the implementation of the Internal Communications Framework

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

N/A

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Monthly reporting informs Council and the community of the financial performance in comparison to budget at a point in time.

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

N/A

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.3 STATEMENT OF INVESTMENTS - MARCH 2021**

REPORT AUTHOR: FINANCE OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

This report provides an overview of Council's cash and investment portfolio performance as at 31 March 2021.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on Statement of Investments - March 2021.

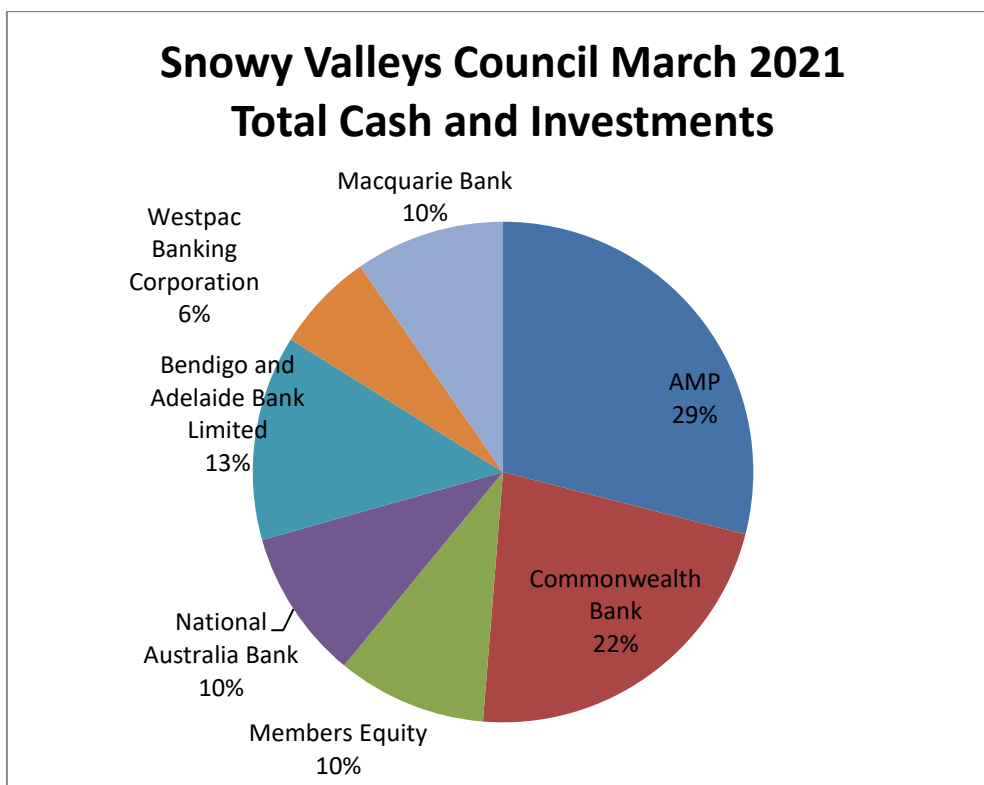
BACKGROUND:

Nil

REPORT:

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

Combined Cash & Investments Table		31/03/2021					
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%		
National Australia Bank	\$ 3,199	\$ 15,432	-\$ 12,233	W/Acct	0.10%		
Commonwealth Bank	\$ 1,975,457	\$ 2,062,600	-\$ 87,143	W/Acct	0.10%		
Commonwealth Bank	\$ 4,935,112	\$ 9,232,474	-\$ 4,297,362	At Call (BOS)	0.25%		
Commonwealth Bank	\$ 1,863	\$ 31,684	-\$ 29,821	Gen-Roth	0.10%		
Total Cash & At Call Investments	\$ 6,915,631	\$ 11,342,189	-\$ 4,426,558		0.21%		
Term Deposits	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date	
Macquarie Bank	\$ 3,000,000	\$ 3,000,000	\$ -				
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	\$ -	17/07/2020	1.00%	17/07/2021	
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	
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	25/11/2020	0.50%	25/11/2021	
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	25/11/2020	0.50%	25/11/2021	
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	7/12/2020	0.75%	7/12/2021	
Bendigo and Adelaide Bank Limited	\$ 1,057,811	\$ 1,057,811	\$ -	6/01/2021	0.45%	6/01/2022	
Bendigo and Adelaide Bank Limited	\$ 1,057,811	\$ 1,057,811	\$ -	6/01/2021	0.45%	6/01/2022	
AMP	\$ 1,000,000	\$ 1,000,000	\$ -	15/01/2021	0.75%	15/01/2022	
Members Equity	\$ 2,000,000	\$ 2,000,000	\$ -	19/02/2021	0.50%	19/02/2022	
AMP	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2021	0.75%	18/03/2022	
Total Term Deposits	\$ 24,115,623	\$ 24,115,623	\$ -		0.86%		
Total Cash & Investments	\$ 31,031,254	\$ 35,457,812	-\$ 4,426,558		0.72%		



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.

Cash and Investments decreased by \$4.4M during March 2021.

Major **cash receipts** received during March included:

- Roads to Recovery claim \$179K

Main **cash disbursements** (excluding employee costs) during the month included:

- Removal of fire damaged trees and vegetation \$1.1M
- Sealing roads \$993K
- Road stabilisation works \$571K
- Bushfire recovery earthwork \$266K

The following changes occurred to Council’s term deposits and cash holdings in March:

- AMP Bank TD \$2M renewed for 12 months at 0.75%

Cash investment rates continue to fall 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 several 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 Sections 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 investments.

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

10. GOVERNANCE AND FINANCIAL REPORTS**10.4 REVIEW OF INVESTMENT POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: CHIEF FINANCIAL OFFICER
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY:

Council's Investment Policy has been reviewed in view of current difficult market conditions and falling interest returns. Changes are proposed to allow more investment flexibility in adverse market conditions while keeping Council's investment risk largely unchanged.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on the Review of Investment Policy – For Public Exhibition;**
- 2. Approve the reviewed Investment Policy SVC-FIN-PO-067-08 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.**

BACKGROUND:

Council's investment policy was last reviewed in 2019. Investment markets and the wider economic environment have changed since then due to several factors, including the Covid-19 pandemic. It is expected that considerable economic uncertainty will remain over the next year and into the future. In this context a policy review was considered advisable.

REPORT:

Council's Investment Policy was adopted on 28 December 2019. The current continuing economic uncertainty has seen interest rates fall to extraordinary low levels. In view of falling investment returns, Council's Investment Policy has been reviewed and several changes are proposed to allow increased flexibility in Council's investment portfolio allocation to adequately respond to the difficulties currently faced in the investment market. Several recommendations were also proposed by Council's investment advisors.

Overview of market conditions and impacts on Council's investment portfolio

Covid-19 has adversely impacted financial markets, and in turn affected Council's investment portfolio. Last November, after two cuts earlier in the year, the Reserve Bank (RBA) cut the cash rate to 0.10%. It is unlikely that this rate will be lifted until employment figures improve significantly and inflation is back to the RBA target of between 2 and 3%.

Due to the readily available cash in the market, authorised deposit-taking institutions (ADIs) can currently access cheap funding from the RBA at the cash rate or lower, thus making it commercially unviable to attract deposits from other wholesale depositors like Councils. Council's investment portfolio has been negatively affected with the largest exposure in bank term deposits. The budgeted interest income over the next few years has been revised as it is likely that achievable interest returns

will remain low. Council's biggest investment risk is currently its re-investment/rollover risk. Re-investing term deposits that fall due is only possible at much lower rates. On the other hand, potential capital losses are highly unlikely since Australia's banks are well regulated and capitalised. Changes to the investment policy are proposed to address Council's re-investment risk by allowing for wider diversification and a longer investment horizon.

Changes proposed and rationale:

- Updates of titles and names.
- Removal of the short-term institution rating and reliance on long-term rating for all investments. The long-term rating is a superior rating metric and incorporates short-term considerations.
- Adding of term "Major Banks" to the institutional rating structure and the inclusion of a definition for the term. Council has little choice but to invest with the major banks even if they were downgraded from AA ranking in the future, a scenario that is not inconceivable in the current market.
- Addition of 15% option to invest in unrated deposits. There are several unrated investment vehicles available that have equivalent risks to those of fixed-term deposits. Note, that for example, TCorp's managed funds are unrated. The counterparty restrictions still apply, and while the investment vehicle may be unrated, the issuing institution will be rated between BBB and AAA.
- Increase of counterparty maximum percentage investment for AA and Major Banks from 25 to 30%. The number of authorised deposit-taking institutions (ADIs) of AA ranking is quite limited and the market uncompetitive. The increase in percentage allocation allows Council to take advantage of superior offers should they become available. Note, Council has been unable to restrict investments with Council's main bankers (CBA) over the past few months to within the current maximum percentage due to lack of alternative investment opportunities.
- Increase portfolio maximum percentage investment for AA and Major Banks from 70 to 100% and for BBB from 20 to 30%. Council should have the ability to place all investments with the major banks (AA/major banks). In the current environment, most of Council's assets are likely invested to "A" or higher given most of the lower rated ADIs have too much liquidity and are not interested in Council deposits. Should markets normalize in the future, these lower rated ADIs could be competitive again. A more relaxed allocation option gives Council the flexibility to take advantage of possibly higher rates.
- Update investment horizon metrics. It is highly recommended to allow a maximum term of 5 years (previous 3 years) in fixed interest investments to counter re-investment risk as outlined above.

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:

The policy update aims to allow Council a higher degree of flexibility in allocating its investments without increasing investment risk beyond Council's risk appetite.

Financial and Resources Implications

It is anticipated that the policy update will result in increases to currently achievable long-term investment returns.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

Council is required to invest in accordance with the *Local Government Act* and other legislation.

Policy changes of the proposed nature require Council approval and the policy to be put on public exhibition.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The policy review results in changes that leave Council's investment risk largely unchanged while allowing for more investment flexibility regarding external market influences.

OPTIONS:

Council may endorse, amend or decline the recommendations made in this report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Policy, as per the recommendation, will be advertised for a minimum of 28 days for public feedback.

Any relevant and applicable feedback will be collated by Council Officers and returned to Council for consideration.

ATTACHMENTS

- 1 SVC-FIN-PO-067-08 Review Investment Policy - ECM3095104 (under separate cover) [⇒](#)
- 2 Current SVC Investment Policy SVC-COR-PO-067-07 - ECM2034471 (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.1 SALE OF SURPLUS LAND PARCELS - GILBERT STREET, TUMBARUMBA**

REPORT AUTHOR: MANAGER TECHNICAL SERVICES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council to proceed with the sale of 2 surplus parcels of land identified as Lot 9 Section 16 in DP759003 and Lot 82 in DP 630704 located in Gilbert Street in Tumbarumba.

This land is non-operational and has no building entitlements being located within a flood prone area. The land is sectioned by a water course and can be quite inaccessible during winter.

Council have previously resolved to proceed with the sale of this land through an expression of interest process at its meeting held on 25 October 2018, but the sale of the land was not progressed due to the sale price, as adopted by Council, not being met at the time.

Council Officers have received a subsequent offer for the purchase of the land and this report seeks the approval of Council to proceed with another expression of interest process for the sale of the land in recognition of the renewed interest.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive this report on the sale of two parcels of surplus non-operational land located in Gilbert Street Tumbarumba**
- 2. Approve proceeding with the sale of Lot 9 Section 16 in DP759003 and Lot 82 in DP 630704 located in Gilbert Street in Tumbarumba through an expression of interest process.**
- 3. Delegate authority to the Chief Executive Officer to assess and determine the successful expression of interest bids for the sale of the land as described in item 2 above.**
- 4. Authorise the Chief Executive Officer to negotiate the sale price of the parcels of land as described in item 2 above, noting that all parties will meet own legal costs.**
- 5. Delegate to the Mayor and Chief Executive Officer to affix Council seal and execute documentation required to complete the sale of the parcels of land as referred to in item 2 above**

BACKGROUND:

Council resolved at its meeting held on the 25 October 2018, to proceed with the sale of two parcels of surplus non-operational land located in Gilbert Street Tumbarumba as shown in the map below.

Figure 1 – Locality Map

The subject land is identified as non-operational and surplus to Council needs. The land has no building entitlements being located within a flood prone area. The land is also sectioned by a water course and can be quite inaccessible during winter.

Due to its location and the drainage needs of the area, development of the land is unlikely.

The value of the land is limited and is likely only of value to an adjoining property owner.

The land has been maintained to a low standard and is not adequately fenced. An estimated \$1,000 per year has been spent on maintenance and impacts on the neighbours have increased with the rainfall that has occurred over the summer period. This has impacted fencing infrastructure and soil structure downstream.

Disposal of the land, under a suitable arrangement, will reduce Council's liability in respect to the ongoing maintenance and operational costs associated with the land.

At its meeting held on 25 October 2018, Council resolved the following.

10.3 SALE OF SURPLUS LAND PARCELS - GILBERT STREET, TUMBARUMBA**M293/18 RESOLVED:**

THAT COUNCIL:

1. That the report on Gilbert Street land sale be received.
2. Approve the sale of Lot 9 Section 16 in DP759003 and Lot 82 in DP630704 through an Expression of Interest process
3. Delegate authority to the General Manager to assess and determine successful expression of interest bids for the sale of the land parcels Lot 9 Section 16 in DP759003 and Lot 82 in DP630704
4. Authorise the General Manager and Mayor to negotiate the sale price of the land parcels within 40% of the market appraisal, with parties meeting own costs
5. Delegate authority to the General Manager and Mayor to execute all sale documents and affix the Council seal to documentation required to complete the sale of the parcels
6. That Council impose a building restriction to the land title over Lots 9 Section 16 in DP759003 and Lot 82 in DP630704 prior to sale of the parcels

Cr John Larter/Cr Cor Smit

However, the sale of the land did not proceed due to the sale price as described in item 4 of the resolution not being met at the time.

REPORT:

Council has since received an offer dated 19 January 2021, to purchase the parcels of surplus land, that would have complied with item 4 as resolved by Council in October 2018.

The offer dated 19 January 2021, responds to a letter from Council dated 22 May 2018, which included advice on the set reserve for the sale of the land and timeline for submission of an expression of interest ending 14 June 2019.

Recognising that the timelines for receiving an expression of interest for the purchase of the surplus land was exceeded, an independent follow up appraisal of the parcels of land was undertaken and determined that the fair market price has increased from when it was initially appraised in September 2018 and the offer was not able to be accepted within the parameters of the existing resolution of Council.

Noting the renewed interest in the purchase of the land and that there are no plans for utilisation of this land and due to the location and development restrictions, there is no anticipated need in the foreseeable future for the land to be retained by Council. This report recommends that the land be made available for sale again through an expression of interest process.

It is intended that the sale process will be undertaken through a public expression of interest process. Adjoining landowners being provided with the opportunity to lodge interest in purchasing the land.

Council Officers have obtained recent market appraisal information to provide guidance on the combined value of the parcels of land. This market appraisal provides the basis of negotiation with interested parties and as such is treated as confidential.

The sale of this surplus land is consistent with Council's sustainability philosophy to rationalise and dispose of assets that are surplus to the needs of the community.

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

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

SUSTAINABILITY ASSESSMENT:

Disposal of the land, under a suitable arrangement, will reduce Council's liability in respect to the ongoing maintenance and operational costs associated with the land.

The sale of this surplus land is consistent with Council's sustainability philosophy to rationalise and dispose of assets that are surplus to the needs of the community.

The successful sale of the surplus land will provide amenity for the new owner.

Financial and Resources Implications

It is proposed that the sale of the surplus land will be undertaken through an expression of interest process requiring preparation of the required documentation, advertising and evaluation of the offers.

Processing of the sale documentation will be undertaken by Council's appointed solicitor with all parties being responsible for their own legal costs.

Costs and Benefits:

Council will be responsible for its own conveyancing costs for the sale of the land, which is estimated to be in the order of \$2,000.

It is intended that the cost of conveyancing will be covered from the proceeds of the land sale.

Market appraisal for the land has been undertaken by a local real estate agent and is attached under separate confidential cover so as not to influence the expression of interest process.

Policy, Legal and Statutory Implications:

The sale of the surplus parcels of land is governed by the Conveyancing Act, specifically Part 4 Division 8.

A suitably qualified solicitor will be engaged to oversee the process of the land sale to ensure statutory compliance is met.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

There are no foreseen significant risks to Council relating to the sale of the surplus land.

There is a risk that the expression of interest process does not result in suitable offers for the purchase of the land and the market appraisal for the land is not met.

It is intended that Chief Executive Officer negotiate the best price for the land.

OPTIONS:

1. Council endorses the recommendations as described in this report
2. Council does not provide approval for the sale of the land.

Sale of land through a direct offer is not recommended on the basis that the recommended process provides transparency and equal opportunity for the sale and purchase of the land.

COUNCIL SEAL REQUIRED:

The Council Seal will be required as upon the execution of documents for the disposal of the parcels of land

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Direct contact by way of letter to direct neighbouring properties will be forwarded advising of Councils resolution on the matter, and inviting interested parties to lodge an expression under the guidelines.

The sale of the land parcels will be subject to an expression of interest process, which will be publicly advertised on Councils website and in the local paper. Those parties lodging a submission will be notified of the outcome of the process.

ATTACHMENTS

- 1 Letter of Offer for purchase of Gilbert Street Tumbarumba (under separate cover) - Confidential

11. MANAGEMENT REPORTS**11.2 ROAD NAMING - GOLF LINKS ESTATE PROPOSED ROAD NAME**

REPORT AUTHOR: COORDINATOR GIS & ASSET SYSTEMS
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council for the naming of the new roadway within the Golf Links Estate Subdivision.

Noting that the proposed name for the road is not included in the list of pre-approved names that form part of Councils Road Naming Policy, the specific approval of Council is required to name the road.

Council officers have followed due process in line with the Geographic Names Board requirements and recommend that Council endorse the proposal to name the section of road within the Golf Links Subdivision "Prospero Drive".

Following the resolution of Council at its meeting held on the 18 February 2021, to place the proposed road name for the Golf Links Subdivision of 'Prospero Drive' on public exhibition for a minimum of 28 days, two submissions were received as described in this report.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Road Naming – Golf Links Estate Proposed Road Name.**
2. **Approve the proposal that the road name for the Golf Links subdivision be officially recognised as "Prospero Drive,".**
3. **Serve notice of the road name endorsement to Australia Post, Registrar General and Surveyor General.**
4. **Formally gazette the naming in the Government Gazette and place a notice in the local newspaper giving a description of the road and its location.**
5. **Write to the submitters advising of the outcome of their submissions**

BACKGROUND:

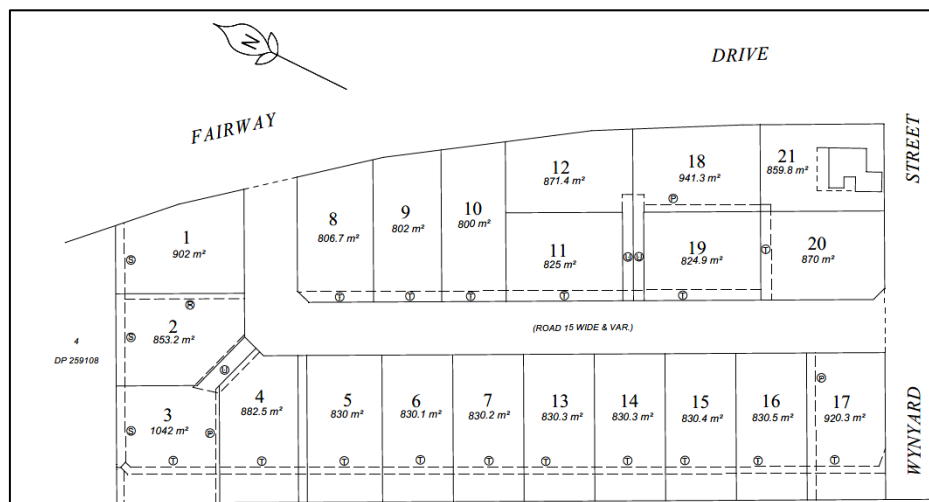
At its meeting held on the on the 18 February 2021, Council resolved the following:

11.1 ROAD NAMING - GOLF LINKS ESTATE SUBDIVISION**M15/21 RESOLVED:
THAT COUNCIL:**

1. **Receive this report on the proposed road name for the Golf Links Estate Subdivision;**

2. Endorse placing the proposal for the road name for the Golf Links Subdivision of 'Prospero Drive' on public exhibition for a minimum of 28 days including publishing the proposal in the local newspapers allowing for public comment;
3. Approve the proposal for the road name for the Golf Links Subdivision of 'Prospero Drive' if no public submissions are received and:
 - a. serve notices of the road name proposal to Australia Post, Registrar General, Surveyor General
 - b. formally have the name gazetted in the Government Gazette and place a notice in the local newspaper giving a description of the road and its location
4. Receive a further report on the proposed road name for the Golf Links Subdivision of 'Prospero Drive' if public submissions are received during the exhibition period.

As described in the report, Snowy Valleys Council was approached by Gray Surveyors and Tumut Real Estate on behalf of the developer, regarding the naming of a new road that forms part of the Golf Links Estate Subdivision.



REPORT:

Council endorsed the placing of the proposal on public display for 28 days on the 18 February 2021 and has received 2 pieces of feedback which are attached.

The feedback is attached as confidential due to personal details being provided in the submissions.

The feedback/submissions are summarised as follows:

- The first submission indicated support for the idea of the “older” history of the club being represented by “Prospero” drive but noted that Alex Henkel Drive also represents the older history of the club. It also nominated Dehnert Drive as a potential name. (see attachment under confidential section)

However, it is noted that Dehnert Drive would be unlikely to receive Geographic Names Board approval as it does not meet section 6.7.6 of addressing the required principals, in particular:

“It is a requirement that a person is to have been deceased for at least 12 months before an application to commemoratively name a road after them is deemed acceptable.”

- The second submission expressed an objection to changing the name of the access road for residence at a Wynyard street address under this proposal. The feedback also indicated that if the proposed name did not impact the address there was no objection. (see attachment under confidential section)

It is noted that the access road for the residence at Wynyard Street is not within the scope of this road name proposal.

Noting the outcomes of the feedback/submissions received within the exhibition period, it is recommended that the proposed road name for the Golf Links Subdivision of ‘Prospero Drive’ be approved by Council.

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

1.3 Protect and preserve local history and heritage

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

- Road Naming Policy SVC-ENG-PO-088-01
- Roads Act 1993 (NSW)
- NSW Address Policy and User Manual
- Guidelines for the Naming of Roads (Geographic Names Board)

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil business risk.

Some members of the community/public may not like the name.

OPTIONS:

Council may:

- approve the recommendations.
- amend the recommendations and utilise a pre-approved name as per Councils Road Naming Policy
- defer the report and seek further information

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Extensive consultation was undertaken on road names as part of the process in developing Councils Road Naming Policy.

The proposal for naming the road located within the Golf Links Subdivision as “Prospero Drive,” has been placed on public exhibition for 28 days including publishing the proposal in the local newspapers allowing for public comment which concluded with 2 comments as detailed in this report.

ATTACHMENTS

- 1 Public comment on proposed road name (under separate cover) - Confidential
- 2 Public comment on proposed road name that includes personal information (under separate cover) - Confidential

11. MANAGEMENT REPORTS**11.3 DRAFT BACKFLOW PREVENTION POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: MANAGER UTILITIES & WASTE BUSINESS
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Snowy Valleys Council provides water supply and wastewater collection services to the community.

In order to protect the quality of council's water supply it is essential that hazards are managed to prevent contamination entering the potable drinking water supply networks.

Council policies are intended to be workable and relatively simple, such that Council has the ability to provide acceptable and efficient customer service.

This report proposes a new backflow prevention policy to be placed on public exhibition for a minimum of 28 days.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive this report on the Draft Backflow Prevention Policy – for public exhibition.**
- 2. Endorse placing the draft Backflow Prevention Policy SVC-ENG-PO-112-01 on public exhibition for a period of no less than 28 days, including amendments (if any) as requested at this meeting.**
- 3. Following the required public consultation period, a further report shall be presented outlining the public submissions and any amendments to the policy if any submissions are received.**
- 4. Adopt the draft Backflow Prevention Policy as presented, including amendments (if any), if no submissions are received during the exhibition period.**

BACKGROUND:

Snowy Valleys Council provides water supply and wastewater services to most communities across the local government area.

The former Tumut Shire Council policy documents included the "Backflow Prevention Policy" (Reg.05). This report presents a new policy which incorporates details of the old policy and changes to keep it up to date.

Backflow is the flow of water from a private property, site or connected system back into the council managed reticulation network due to increased pressure in the private system or reduced pressure within the reticulation. This "backflow" has the potential to carry contaminants such as bugs, virus's or chemicals which could endanger public health.

REPORT:

The purpose of the proposed backflow prevention policy is to ensure the protection of the water supply system and reduce the potential risk of contamination entering the water supply system through an approved connection.

Council policy should be workable and relatively simple in order to ensure acceptable and prompt resolution of issues; the need to respond quickly must be supported and enabled by policy.

It is recommended that the proposed Backflow Prevention Policy be placed on public exhibition for the purpose of seeking feedback from the community, to ensure that any concerns or suggestions are considered before the policy is finalized..

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 3: Our Environment

Delivery Outcomes

3.4 Protect and manage local environment including air quality, waterways, rivers and streams

Operational Actions

3.4.2 Continue to streamline council processes to improve integration and build user confidence

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate water supply and wastewater services are provided to the community by ensuring the integrity of the water and wastewater networks.	Not all areas of the community are able to be serviced by water supply and wastewater collection systems.
Environmental	Ensuring appropriate measures and controls are in place to minimise impacts on the environment.	Nil
Economic	Providing water supply and wastewater services to as many areas of our community as possible while ensuring health and safety of the networks is maintained.	Regulatory costs could increase if poor practices are discovered.
Governance	Council provides and regulates appropriate water and wastewater systems in line with best practice management.	Nil

Financial and Resources Implications

No financial or resource implications.

However if poor practices are discovered and increased regulation and monitoring is required, it could result in increased officer time required to manage and rectify issues.

Costs and Benefits:

The expected costs of introducing this policy are negligible.

The expected benefits include improved measures and controls put in place to ensure safe and healthy water and wastewater networks continue to provide a reliable service.

Policy, Legal and Statutory Implications:

This policy complies with the following legislation, policies and procedures, including specific subsections, as appropriate:

- Local Government Act 1993,
- Local Government (General) Regulation 2005; not limited to Part 6 Water Services.
- AS/NZS 3500.1:2018 Plumbing and Drainage – Water Services
- AS/NZS 3500.2:2018 Plumbing and Drainage – Sanitary Plumbing and Drainage
- AS/NZS 2500.3:2018 Plumbing and Drainage – Stormwater Drainage
- Plumbing and Drainage Act 2011
- Water Directorate – Backflow Prevention and Cross Connection Control Guidelines
- NSW Water Management Act 2000 (Chapter 2, Section 23)
- NSW Public Health Act 2010
- Australian Drinking Water Guidelines 2011
- AS/NZS 2845.1:2010 Water Supply – Backflow Prevention Devices
- Plumbing Code of Australia

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

This policy will assist in managing the risks presented with poor plumbing practices, the potential for contaminated water entering the water supply network and un-authorized discharges to the environment.

OPTIONS:

Council may choose to:

- endorse the proposed Backflow Prevention Policy, without amendment, for public exhibition;
- endorse the proposed Backflow Prevention Policy, with amendment, for public exhibition;
- require further changes to the policy and protocols presented, relevant feedback can be incorporated and the policy resubmitted for consideration at a future meeting.
- adopt the proposed Backflow Prevention Policy (with or without amendment) and following public exhibition, should no submissions be made and/or no further changes are required.

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The policy will be placed on public exhibition for a period of 28 days for the purpose of community feedback.

Subject to any feedback or any further changes, an additional report will be presented to Council, commenting on feedback and amending the policy where this is considered appropriate.

ATTACHMENTS

- 1 DRAFT Backflow Prevention Policy - SVC-ENG-PO-112-01 (ID3057505) (under separate cover) ➡

11. MANAGEMENT REPORTS**11.4 CITIES POWER PARTNERSHIP - PROGRESS UPDATE**

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

EXECUTIVE SUMMARY:

This report provides a progress update on the Cities Power Partnership Program and the five key actions selected from the partnership pledge as adopted by Council at its meeting held on 19 November 2020.

In summary, Cities Power Partnership Program aims to bring together Mayors, Councillors and Communities to tackle Climate Change and commit to a sustainable, non-polluting energy future.

The program comprises of three phases:

Phase 1 – become a power partner – completed.

Phase 2 – power up, partners have six months to select five key actions from the partnership pledge – completed.

Phase 3 – power on, partners report on progress against key actions in a six-monthly survey

Council has previously adopted and is progressing the five key actions from the partnership pledge in relation to phase 3 as detailed in this report.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on Cities Power Partnership Program and the progress being made on delivering the 5 key actions selected from the Partnership Action Pledges as adopted by Council at its meeting held on the 19 November 2020.**
2. **Note progress made on delivering the 5 key actions selected from the Partnership Action Pledges as detailed in this report and summarised below:**
 - a. **Renewable Energy - install renewable energy (solar PV and battery storage) on Council buildings:**
 - i. **Deliverable - continue with the installation of solar photovoltaic systems on Council owned buildings and facilities as deemed feasible**
 - ii. **Progress – installation of additional solar water heating at the Adelong, Tumbrumba and Tumut pools, installation of solar lighting on the River Walk**
 - b. **Energy Efficiency - roll out energy efficient lighting across the Local Government Area:**
 - i. **Deliverable - upgrade streetlights across the Local Government Area with LEDs.**
 - ii. **Progress – the project for the upgrade of streetlights across the Local Government Area is nearing completion**

- c. Sustainable Transport - ensure Council fleet purchases meet strict greenhouse gas emission requirements and support the uptake of electric vehicles:**
 - i. Deliverable - ensure Council maintains a modern fleet that complies with the relevant greenhouse gas emission requirements and investigate options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices**
 - ii. Progress - a number of Hybrid vehicles have been introduced into Councils fleet**
 - iii. Progress - Officers have assessed options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices and due to the additional operational costs associated with electric vehicles and the limitations around budget, the introduction of an electric vehicle into Councils fleet will not be progressed at this time. It is intended that the suitability of electric vehicles will be reassessed in 24 months**
- d. Sustainable Transport - support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities:**
 - i. Deliverable - development of a Walking and Cycling Masterplan for the SVC Region for the development of existing and proposed trails and cycleways in Snowy Valleys Council**
 - ii. Progress – advised that funding application has been successful for the development of a Walking and Cycling Masterplan**
- e. Work Together and Influence - support the local community to develop capacity and skills to tackle climate change:**
 - i. Deliverable - establish a Climate Change Adaptation Advisory Committee to develop a 10-year plan to guide the Council and the community towards net-zero emissions and prepare our community for the impacts of climate change**
 - ii. Progress – Expression of Interest for representatives to participate in a Climate Change Adaptation Advisory Committee was advertised. Four Expressions of Interest were received. Seeking to approach individuals to fill vacancies**

BACKGROUND:

At its meeting held on 18 June 2020, Council resolved the following Mayoral Minute:

8.2 CITIES POWER PARTNERSHIP PROGRAM - VERBAL**M120/20 RESOLVED:**

THAT COUNCIL:

1. Receive a report investigating the joining of the Cities Power Partnership Program.

Cr James Hayes/Cr Cate Cross

CARRIED UNANIMOUSLY

In response to this Mayoral Minute, a report was prepared for the adoption of Council at its meeting held on the 20 August 2020. At the meeting Council resolved the following:

11.2 CITIES POWER PARTNERSHIP PROGRAM**M182/20 RESOLVED:**

THAT COUNCIL:

1. Receive this report on the Cities Power Partnership Program from the Executive Director Infrastructure
2. Endorse joining Cities Power Partnership Program
3. Authorise the Mayor to write to the Chief Executive Officer of the Cities Power Partnership Program, confirming Council's participation in the program, and acknowledging that Council will:
 - a. within 6 months, identify 5 items included in the Cities Power Partnership Pledge that Council will strive to achieve. (Noting that some projects already in the council pipeline could be included towards a council's pledge)
 - b. complete a 12 monthly online survey that provides the Climate Council with basic information on how Council are progressing on the 5 pledge items that Council selected
 - c. nominate a point of contact within Council that the Climate Council can liaise with on Cities Power Partnership Program matters, including contact details
 - d. confirm that Council are willing to connect and collaborate with other local Councils to share knowledge
4. Receive a further report for the adoption of 5 action items selected from the Cities Power Partnership Pledge

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

Item 4 of the above resolution was reported to Council at its meeting held on the 19 November 2020. At this meeting Council resolved the following:

11.1 CITIES POWER PARTNERSHIP PLEDGE - ADOPTION OF 5 ACTIONS**M281/20 RESOLVED:**

THAT COUNCIL:

1. Receive this report on Phase 2 The Cities Power Partnership Program to select 5 key actions from The Partnership Pledges;
2. Endorse the selection of the following 5 key actions from The Partnership Pledges:
 - a. Renewable Energy - Install renewable energy (solar PV and battery storage) on Council buildings
 - i. Deliverable - continue with the installation of solar photovoltaic systems on Council owned buildings and facilities as deemed feasible
 - b. Energy Efficiency - roll out energy efficient lighting across the municipally
 - i. Deliverable - upgrade streetlights across the municipality with LEDs.
 - c. Sustainable Transport - ensure Council fleet purchases meet strict greenhouse gas emission requirements and support the uptake of electric vehicles
 - i. Deliverable - ensure Council maintains a modern fleet that complies with the relevant greenhouse gas emission requirements and investigate options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices
 - d. Sustainable Transport - support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities
 - i. Deliverable - development of a Walking and Cycling Masterplan for the SVC Region for the development of existing and proposed trails and cycleways in Snowy Valleys Council
 - e. Work Together and Influence - support the local community to develop capacity and skills to tackle climate change
 - i. Deliverable - establish a Climate Change Adaptation Advisory Committee to develop a 10 year plan to guide the Council and the community towards net-zero emissions and prepare our community for the impacts of climate change

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

REPORT:

The Climate Council's 'Cities Power Partnership' (CPP) seeks to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities.

The CPP, is a national program that provides participants with exclusive access to domestic and international experts, an extensive online knowledge hub and Power Analytics tool, events with other local leaders and potentially exclusive access to small grants and renewable energy incentives as they become available.

The partnership also has a team dedicated to getting the clean energy successes of councils and communities publicised in the media and online.

The CPP consists of three main phases:

- Phase 1 - Become a Power Partner

Councils sign up to be a Power Partner and each Power Partner is buddied with two other local councils to knowledge share throughout the year. Power partners are profiled in national and local media, online and to the Climate Council's 200,000 members and supporters.

- Phase 2 - Power Up

Partners have six months to select five key actions from the partnership pledge ranging from renewable energy, efficiency, transport, and advocacy. They must identify a point of contact within Council who will liaise with the Climate Council and work to implement their actions. Pledges are submitted by each partner and profiled online. Power partners and their local success stories will continue to be profiled in the media. Climate Councillors will travel to a range of communities across Australia to engage in community events and talk to councils.

- Phase 3 - Power On

Partners report on progress against key actions in a six-monthly survey. Partners access local and international knowledge and inspiration at the Power Partners Summit where Partners will be brought together to celebrate the high achieving towns and cities at the Power Partners Summit.

Council committed to becoming Power Partner and selected five key actions from the Partnership Pledges which are detailed in Appendix 1 (pages 10 – 12) in the document attached to this report, *Cities Power Partnership – Information for Councils*.

The Partnership Action Pledges are grouped into the following 4 categories:

- Renewable Energy
- Energy Efficiency
- Sustainable Transport
- Work Together and Influence

Noting that Council is already proactively progressing significant Clean Energy and Climate Change Adaptation initiatives, table 1 below describes the 5 key action pledges and deliverables as adopted by Council at its meeting held on 19 November 2020 and provides an update on progress on the agreed deliverables.

Table 1 – 5 Key Action Pledges and Progress Update

Renewable Energy		
Action	Deliverables	Status
Install renewable energy (solar PV and battery storage) on Council buildings.	Continue with the installation of solar photovoltaic system on Council owned buildings and facilities as deemed feasible.	<p>Solar photovoltaic systems have been recently installed on a number of Council buildings and facilities including the Tumut, Adelong and Tumbarumba Pools.</p> <p>Solar photovoltaic systems have also been installed at Councils transfer stations.</p> <p>Solar photovoltaic lights have also been installed along a section of the River Walk.</p> <p>Councils proposed budget for 2021/22 includes an allocation of \$24,000 for the installation of a solar system on the Tumbarumba Council Office and further opportunities to enhance/increase existing solar on Council buildings are continuing to be assessed by staff.</p> <p>These include:</p> <ul style="list-style-type: none"> • Works Depot in Tumut • Works Depot in Tumbarumba • Depot in Khancoban • Aerodrome upgrade • New Ournie Hall • Tumut Evacuation Centre <p>Council already utilises solar power at most of its water and sewer treatment plants.</p>

Energy Efficiency		
Action	Deliverables	Status
Roll out energy efficient lighting across the Local Government Area	Upgrade streetlights across the Local Government Area with LEDs.	<p>The project to upgrade streetlights to LEDs across the LGA is nearing completion.</p> <p>Lighting upgrades at sporting grounds across the LGA has been changed to LED delivering considerable benefits. This includes</p> <ul style="list-style-type: none"> • Bull Paddock • Tumbarumba Sportsground & Netball Courts • Tumbarumba Showground • <p>Upgrade of lighting options internally in Council buildings to lower power usage options including:</p> <ul style="list-style-type: none"> • Batlow Library • Jingellic Toilets • Fitroy St Toilets • Tumut Pool

Sustainable Transport		
Action	Deliverables	Status
<p>Ensure Council fleet purchases meet strict greenhouse gas emission requirements and support the uptake of electric vehicles</p>	<p>Ensure Councils maintains a modern fleet that complies with the relevant greenhouse gas emission requirements and investigate options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices.</p>	<p>Council has introduced a number of Hybrid vehicles into its fleet and is monitoring the whole of life costs and suitability of these vehicles.</p> <p>Officers have also assessed options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices.</p> <p>Based on available data, from past ownership of fuelled vehicles and the electric vehicles, electric vehicles have proven to be more expensive to operate than the ULP and diesel passenger vehicles, noting the following:</p> <ul style="list-style-type: none"> • estimated cost \$1,000 per year more expensive • the EV's have a higher purchase price and while the fuel costs are lower the other fixed costs (rego, Insurance, tyres, labour-servicing) are the same • limited data available on resale value in regional Australia on EV's • in regional areas the shorter range of EVs makes them a less attractive prospect than a hybrid or traditional vehicle, particularly once the batteries have 4 years age on them and the vehicle nears the end of the warranty period. <p>Given additional operational costs associated with electric vehicles and the limitations around budget, it is recommended that Council not proceed with purchase of an electric vehicle at this time.</p> <p>Noting that the technology for electric vehicles is improving, it is also recommended that the inclusion of an electric vehicle into Councils fleet be reassessed in 24 months.</p>
<p>Support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities.</p>	<p>Development of a Walking and Cycling Masterplan for the SVC Region for the development of existing and proposed trails in SVC</p>	<p>Council has recently completed the construction of the Tumbarumba to Rosewood Rail trail, bike pump tracks at Tumbarumba and Tumut and a multi-use track in Jingellic along with a new pathway in Tumbarumba from Booth Street to the Cemetery and the completion of the '5km loop' along Boundary Street.</p> <p>Funding for the development of a Walking and Cycling Masterplan is currently being sourced.</p>

Work Together and Influence		
Action	Deliverables	Status
Support the local community to develop capacity and skills to tackle climate change	Establish a Climate Change Adaptation Advisory Committee to develop a 10-year plan to guide the Council and the community towards net-zero emissions and prepare our community for the impacts of climate change.	Council has agreed to establish a Climate Change Adaptation Advisory Committee and adopted the terms of reference. Expression of Interest for representatives to participate in a Climate Change Adaptation Advisory Committee was advertised. Four Expressions of Interest were received. Council Officers are seeking to approach individuals to fill vacancies.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework: CSP Outcome 2028

Theme 3: Our Environment

Delivery Outcomes

3.1 Demonstrate leadership in environmental sustainability by reducing Council's carbon footprint and supporting the use of clean energy

Financial and Resources Implications

Delivery of the 5 key actions detailed in this report will likely have financial and resource implications.

Actions that fall outside of funded items will be reported separately to Council for approval.

Policy, Legal and Statutory Implications:

Nil policy, legal or statutory implications identified with becoming a partner of the Cities Power Program.

Policy, legal and/or statutory implications associated with the delivery of 5 key pledge actions will be assessed and reported separately as part of the delivery process.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil business risk, work health safety and/or public risks associated with becoming a partner of the Cities Power Program have been identified.

Risks associated with the delivery of 5 key pledge actions will be assessed and reported separately as part of the delivery process.

OPTIONS:

Council may choose to:

- receive this report and note progress towards implementing the 5 key action pledges and deliverables as detailed in this report
- not proceed with any key action pledges and deliverables noting that this would be in contradiction of the requirements of the Cities Power Partnership Program. The program requires that Council commits to 5 of the key action pledges.

COUNCIL SEAL REQUIRED:

Not required.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Power partners are profiled in national and local media, online and to the Climate Council's 200,000 members and supporters.

ATTACHMENTS

- 1 Cities Power Partnership - Information for Councils (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.5 PROPOSAL TO ESTABLISH A SCULPTURE TRAIL IN SNOWY VALLEYS**

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

EXECUTIVE SUMMARY:

The Not-for-Profit organisation Sculpture by the Sea is proposing to establish a sculpture trail in Snowy Valleys.

Sculpture by the Sea has been developing plans and making funding applications to establish the trail across the Snowy Valleys Council area, with sculptures proposed to be installed in Adelong, Batlow, Tumbarumba, and Tooma.

Additionally, the Friendship Society of Australia, New Zealand and Denmark recently offered to make a donation through Sculpture by the Sea for the purpose of purchasing three sculptures, proposed to be located in the Creekscape parkland in Tumbarumba.

This report seeks Council's "in principle" support for the proposed locations of the sculpture trail and for the acceptance of the donation from the Friendship Society of Australia, New Zealand, and Denmark. The sculptures purchased through this donation would be the first sculptures installed on the trail. However, if the larger trail were not to proceed the sculptures would remain as a discreet collection based in Tumbarumba.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the Proposal to Establish a Sculpture Trail in Snowy Valleys.**
2. **Note the report on the Proposal to Establish a Sculpture Trail in Snowy Valleys.**
3. **Approve "in principle" the locations proposed for the establishment of the proposed sculpture trail as follows:**
 - a) **Adelong – along right-hand bank of Adelong Creek from the caravan park through to the last footbridge upstream of Adelong Falls.**
 - b) **Batlow - Reedy Creek Park.**
 - c) **Tumbarumba – Creekscape and adjacent parkland fronting Mate St.**
 - d) **Tooma – Corner of Tooma Road and Possum Point Road.**
4. **Accept the gift of three sculptures from the Friendship Society of Australia, New Zealand, and Denmark.**
5. **Write to the Friendship Society of Australia, New Zealand, and Denmark to thank them for their generous donation.**
6. **Write to Sculpture by the Sea to advise them of Snowy Valleys Council's acceptance of the donation and the "in principle" approval of the locations proposed for a sculpture trail.**

BACKGROUND:

Sculpture by the Sea is a not-for-profit organisation that stages annual outdoor Sculpture Exhibitions in Bondi, Sydney and Cottesloe, Perth. Sculpture by the Sea is the largest sculpture exhibition staged in Australia.

Sculpture by the Sea staged its first exhibition in 1997. The Sydney event is held during the spring (October/November) and the Perth event is held in Autumn (March).

The founding Director of Sculpture by the Sea has been in discussion with Snowy Valleys Council regarding the establishment of a Sculpture Trail in Snowy Valleys. This contact was initiated by Sculpture by the Sea in response to the Dunns Road Bushfire and the establishment of a trail is seen as a way of augmenting the tourism attractions in Snowy Valleys.

REPORT:

Sculpture by the Sea has applied to the Bushfire Local Economic Recovery Fund to secure funding to commence the establishment of a major sculpture trail in Snowy Valleys.

Sculpture by the Sea has undertaken initial site planning for the proposed sculpture trail. The maps attached provide a visual representation of the proposed locations. These are as follows:

- Adelong – along right-hand bank of Adelong Creek from the caravan park through to the last footbridge upstream of Adelong Falls.
- Batlow - Reedy Creek Park.
- Tumbarumba – Creekscape and adjacent parkland fronting Mate St.
- Tooma – Corner of Tooma Road and Possum Point Road.

Sculpture by the Sea is seeking Council's "in principle" approval for the proposed locations to support the funding application.

If approved the project will serve to inject revenue into the area, help generate jobs and create benefits for visitors and the local economy. As indicated below, anticipated benefits include:

- Contribution of 45 jobs to the local economy over time frame of installation and operations.
- \$460,000 overnight tourism revenue per annum injected into local businesses.
- \$3.2 million in economic benefits per annum (consumer surplus enjoyed by visitors and direct revenue)
- Positive economic case totalling \$4.1 million in Net Present Value terms with a Benefit Cost ratio of 1.9, over five years, rising to \$20.8 million and 3.4 respectively over 20 years.

In a recent development, the Friendship Society of Australia New Zealand and Denmark through Sculpture by the Sea has determined to gift to the Snowy Valleys Council three sculptures, one each by an artist from Denmark, Australia and New Zealand, for permanent public placement in the parkland adjacent to the Tumbarumba Creek directly behind the Parade.

The offer is made in friendship to the Snowy Valleys Council and the people of the Snowy Valleys following the bushfires of 2019/2020 as the Snowy Valleys community re-builds and recovers.

The Friendship Society of Australia New Zealand and Denmark ('the Society') has a long-standing association with Sculpture by the Sea following the staging of four editions of *Sculpture by the Sea, Aarhus* in Denmark every two years from 2009 – 2015 under the Patronage of TRH Crown Prince Frederik and Crown Princess Mary of Denmark.

The Society would like the three sculptures to be located in the same park, relatively near to each other, as a lasting symbol of friendship between Denmark, Australia and New Zealand.

Tumbarumba's Creekscape parkland has been chosen as it is a beautiful location near the centre of the town where people enjoy walking by the stream.

If this gift is accepted, it is the hope of Sculpture by the Sea that Council will agree to the gift being called the Friendship Society of Australia New Zealand and Denmark Sculpture Collection and that this collection will in due course form a part of the Snowy Valleys Sculpture Trail being proposed by Sculpture by the Sea for Snowy Valleys Council.

With advice from the Curatorial Advisory Group assembled for the Snowy Valleys Sculpture Trail a short list is being prepared of the sculptures to be considered for gifting to Snowy Valleys Council. The Society has confirmed that it wishes to gift the sculpture 'Together We Are Strong' by Keld Moseholm from Denmark. See attached image.

The gift of the sculptures includes the budget for the freight, a bronze plaque and installation of the sculptures by Sculpture by the Sea in specific locations in the Tumbarumba Creekscape following consultation with Snowy Valleys Council.

An important feature of the sculptures to be offered to Council is they be able to be permanently exhibited outdoors in a public place with minimal maintenance for at least ten years. If one or more of the sculptures is no longer in a suitable condition for public display, sculpture by the Sea will understand if it needs to be de-accessioned from the SVC collection. In this situation they ask that the sculpture be first offered back to the artist and then to Sculpture by the Sea before being removed by Snowy Valleys Council.

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

1.4 Expand, support and encourage arts and cultural events, activities and creative opportunities

Operational Actions

1.4.1 Use partnerships and memberships to encourage arts, cultural and heritage events, activities and creative opportunities

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Increased civic pride resulting from improvements to the public realm	
Environmental	The addition of high-quality public art is proven to enhance the built environment.	
Economic	Provision of attractions such as sculpture trails can increase visitation and drive better economic outcomes	
Governance	Nil	

Financial and Resources Implications

It is proposed to list the sculptures on the SVC Assets Register for insurance purposes only, as such the sculpture will not be depreciated.

Costs and Benefits:

As outlined in the body of this report the proposed sculpture will require minimal maintenance over a ten-year period. The main benefit of public art is the enhancement of the public realm.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

With any public art there is a risk of defacement of the art itself through vandalism or the possibility of injury to the public through close contact with the work. Selection of the sculptures against a criterion that includes reference to “safer by design” principles will mitigate this risk to some degree.

Listing the sculptures on the SVC Assets Register for insurance purposes will provide some financial cover should repairs to the works be required.

OPTIONS:

Council has the option to decline the offer.

Council also has the option to seek further information and refer the matter to a future meeting of Council.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Sculpture by the Sea have received 37 letters from community groups, organisations, businesses, and individuals in support of the sculpture trail project. This followed over 40 meetings held with community groups, organisations, businesses, and individuals across Snowy Valleys Council area.

A curatorial advisory group has been formed by Sculptures by the Sea to provide advice on the selection of sculptures for the larger Snowy Valleys Sculpture Trail should project funding be achieved.

This advisory group will be consulted in respect of the selection of sculpture in relation to the donation from the Australia, New Zealand and Denmark Friendship Society.

ATTACHMENTS

- 1 Document ID 3097021 -Letter of Offer of Danish Gift to the Snowy Valleys Council (under separate cover) [⇒](#)
- 2 2021 - Document ID 3096999 - Possible Sculpture Trail Sites Tooma (under separate cover) [⇒](#)
- 3 2021 - Document ID 3097001 - Possible Sculpture Trail Sites Batlow (under separate cover) [⇒](#)
- 4 2021 - Document ID 3097002 - Possible Sculpture Trail Sites Tumbarumba (under separate cover) [⇒](#)
- 5 2021 -Document ID 3097000 - Possible Sculpture Trail Sites Adelong (under separate cover) [⇒](#)
- 6 Document ID 3097022 - Keld Moseholm Sculpture (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.6 DA2020/0228 – DP 1252902 LOT 12 BOMBOWLEE AVE, BOMBOWLEE PROPOSED RURAL DWELLING WITH ATTACHED ANCILLARY GARAGE/SHED.**

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

EXECUTIVE SUMMARY:

This report recommends that Council refuse Development Approval consent for the development of a dwelling and attached ancillary garage/shed on Lot 12 Bombowlee Avenue, Tumut. The basis of the recommendation is that the subject site is in a floodway and meets the definition of a high hazard flood area.

The applicant has provided a report from a surveyor that assesses the land to be in a flood fringe and low hazard flood area. No evidence has been provided to support that assessment.

The applicant has been asked to provide further information in the form of a hydrologists report in support of the application. However, the applicant believes this to be unnecessary and has requested that the application be determined as submitted.

The Snowy Valleys Development Control Plan 2019 (DCP 2019) prohibits building other than minor works to existing buildings in High Hazard Flood Areas. Council may approve variations to DCP 2019. The applicant has not sought a variation to DCP2019 and has not provided justification for granting such a variation.

Insufficient information is available for Council to make an informed decision in support of the application and in the circumstances, Council would have significant liability in the event of a flood and any adverse outcomes that may result from such an event.

Councillors should note that an application for funding has been submitted to undertake a Flood Study in respect of the Tumut Flood Plain. Should this application be successful the study would be undertaken in 2022 and be completed in 2023. A contemporary flood study will provide sufficient information for Council to make fully informed decisions in relation to proposed developments in the Tumut Flood Plain.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on DA2020/0228 – DP 1252902 Lot 12 Bombowlee Ave, Bombowlee Proposed Rural Dwelling with attached ancillary Garage/Shed.**
- 2. Refuse consent for DA2020/0228 – DP 1252902 Lot 12 Bombowlee Ave, Bombowlee Proposed Rural Dwelling with attached ancillary Garage/Shed.**
- 3. Notify the Applicant of Council's decision.**

BACKGROUND:

DA2020/0228 was lodged on 28 July 2020. This followed various communications between the property owner and Council assessment officers. In these communications the property owner was advised that the land was considered to be in a High Hazard Flood Area.

Following lodgement of the DA, further information was requested from the applicant (Habitat Planning) on 4 August 2020. On 30 October 2020, the applicant was advised by letter that the required information had not been received and that the deadline for submission of the information was 13 November 2020. The further information was lodged on the NSW Planning Portal on 28 November 2020.

Following this the application was referred to Council's Coordinator of Survey and Design who noted that the Surveyors Hazard and Risk Assessment Report determined that the site is within a "flood fringe area" and a "Low Hazard" category as defined by the NSW Floodplain Development Manual, 2005.

Assessment staff were not satisfied that the report had accurately determined the "Hydraulic Category". Noting that no detail had been provided on how it was determined, further information was requested. Contact was made with the property owner who was advised that a hydraulic survey was to be carried out on an adjacent property and it may have been timely and prudent to enquire about including his property in this survey.

The property owner then advised that they considered the information already provided was sufficient and that Council should determine the application as submitted.

REPORT:

In accordance with the Environmental Planning and Assessment Act 1997, before Council can determine a Development Application, an evaluation of the application must be undertaken in accordance with Section 4.15. Evaluation. This section sets out the principles, instruments, plans and regulations to be considered when assessing developments.

The relevant matters of Section 4.15 for consideration for the proposed development are as follows:

1. Tumut Local Environmental Plan 2012 (LEP 2012)

- Clause 2.3 Zone Objectives and Land Use Table – the property is zoned RUI Primary Production and dwellings are permissible with consent. Although the proposed development is for a residential use in a rural area, it is generally consistent with the zone objectives.
- Clause 6.1 Earthworks – the proposed dwelling will be constructed on "bearers and joists" flooring with either steel or brick piers on pier hole footings. As such, the amount of required earthworks will be minimal as no fill will be required. This method of construction is not likely to disrupt or have any detrimental effect on drainage patterns as the subfloor area under the proposed veranda will be open. The subfloor area and actual dwelling, however, will have a brick subfloor wall. The structural stability of the brick wall to withstand flooding impacts will need to be assessed by a Practising Structural Engineer after considering the requirements of a Hydraulic Engineers/Hydrologist Report.
- Clause 6.2 Flood Planning- this is a very important clause of the LEP 2012. The subject site is flood prone land with an estimated inundation depth of up to 1.25metres above natural ground level in a 1 in 100-year flood event over the whole lot, with a flooding depth at the proposed development site of approx. 600mm. The level of inundation identifies the subject site as being in a High Hazard flood area in accordance with the NSW Floodplain Development Manual 2005.

The applicants Land Surveyor has submitted a "Hazard and Risk Assessment" Report which has determined that the site is within a "flood fringe area" and a "Low Hazard" category as defined by the NSW Floodplain Development Manual, 2005. He has also determined that *"other parts of the land are considered to be flood storage areas with a flood fringed upper layer"*.

With the anticipated depth of inundation being more than 1 metre deep (up to 1.25 metres) over the whole lot, this would place the development within a High Hazard category either within the Flood

Fringe or the Floodway. While the submitted report states that it *“may be categorised to be within a flood fringe area”*, Councils’ assessment staff are not satisfied that the report has accurately determined the “Hydraulic Category” noting that no details have been provided on how it was determined.

The NSW Floodplain Development Manual 2005 has the following definitions:

- Floodway – “those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels and that even if partially blocked, would cause a significant increase in flood levels and /or a significant redistribution of flood flow, which may in turn adversely affect other areas”.
- Flood Storage – “parts of a floodplain that are for the temporary storage of floodwater during the passage of a flood”.
- Flood Fringe – “the remaining area of land affected by flooding, after floodway and flood storage areas have been defined”.
- High Hazard – “possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage to buildings”.
- Low Hazard – “trucks could evacuate people and their possession; able-bodied adults would have little difficulty in wading to safety”.

Therefore, based on the above definitions and available Council information, the site is definitely located in a Floodway and in a “High Hazard” category.

An aerial photo of the Tumut 2012 flood shows that the Tumut River broke its banks near Foords Lane and opposite the Racecourse, sending significant flood flow into the Lacmalac Road area to cross Wee Jasper Road at Dowells Lane, causing major damage. The 2012 flood level was below the predicted 100-year flood level by approximately 300mm.

The Land Surveyor has also submitted an ‘Amended Flood Investigation Report’ that has determined an estimated 1 in 100-year flood level for the subject property based on a flood that occurred in 1984. Works undertaken to the Wee Jasper Road, including the construction of the new bridge over the Tumut River to the East of the property had not been undertaken at the time of that flood. It is unclear whether these works have been taken into consideration by the author of the report.

The only “hydraulic flood modelling/study” at Councils disposal is the Tumut Flood Study Report of January 1987. Pages 30-31 of this report state ‘inter alia, that *“no detailed analysis was carried out to determine the boundaries of the floodway at Tumut”* and recommends that *“Council adopt the main river channel and its immediate vicinity as the floodway and limit any development on the floodway where necessary, to the higher ground’*.

Subclause (3) (c) of Clause 6.2 is also an important consideration as it involves life safety. The requirements applicable to both High Hazard-Flood Fringe or High Hazard-Floodway developments as per the Floodplain Management Manual 2001 in relation to the timely, orderly and safe evacuation of people from the site have not been satisfactorily addressed by the Consultant should a design flood or greater occur.

The Development Application was referred to the NSW State Emergency Services (SES) for comments. By letter dated 8 February 2021, the SES made a submission to Council concerning the proposed development.

A copy of the submission as attached - Attachment 1

The SES state, on the front page of their letter, that *“consideration of flooding issues”* are to be undertaken in accordance with the requirements of the Floodplain Development Manual 2005 and relevant planning directives under the Environmental Planning and Assessment Act 1979. The response also lists the principles outlined in the Manual which are of importance to the SES.

It is the opinion of staff that the items listed in each of the dot points of the SES letter will not be complied with if Council were to approve the Development Application. In addition, the anticipated level of inundation is anticipated to make evacuation without assistance from SES or similar difficult, thereby placing unreasonable expectations, risks and costs on the public.

Access to and egress from the site would be very dangerous owing to floodwater being at least 1.2 metres deep over the site. It would also be contrary to the first, third, sixth, seventh, eighth, ninth and tenth dot points of the SES letter.

2. Snowy Valleys Development Control Plan 2019 (DCP 2019)

- Clause 3.2.10 Flooding – This clause states as follows:

“Development must not occur on land that is affected by the 1 in 100-year ARI event unless the development is consistent with, and meets the requirements, of the NSW Floodplain Development Manual. This includes development on land affected by stormwater flow from a mainstream, local creek or overland flow.

On land affected by flooding Council will require an assessment of the impact of new development on changes in flood behaviour (flow, flow-paths, velocity, etc.) by defining the floodway and flood storage areas and determine whether works and /or management measures are required. Building, other than minor works to existing buildings is prohibited within identified high hazard flood areas”.

Non-compliance with the NSW floodplain Development Manual 2005 has been addressed in the comments made in relation to the requirement of Clause 6.2 of the LEP 2012 above.

The attention of Councillors is brought to the final sentence of Clause 3.2.10 above which states: *“Building, other than minor works to existing buildings, is prohibited within identified high hazard flood areas.”*

As stated elsewhere in this report, it is the opinion of Council staff that the proposed development is within a “High Hazard” flood area in accordance with the NSW Floodplain Development Manual 2005 and, as such, is regarded as being prohibited under the DCP 2019.

Pursuant to Clause 1.6 of the DCP 2019, an Applicant can request Council to approve a site-specific variation to the DCP 2019. It is noted that no request for a variation has been sought by the Applicant in this regard. Any request for a variation must be accompanied by strong justifications/ reasons to support the request. Council has requested the Applicant to submit further information in the form of a Hydraulic Engineers/Hydrologist Report to justify any variation request, but the Applicant has deemed this unnecessary.

Notwithstanding the above it is the opinion of Councils staff that approval of such a variation would set an unfavourable precedent based on the risk to peoples’ safety posed by the access/egress from the site. It is also noted that for Council to consider such a request for a variation, the relevant requirements of the LEP 2012 must be satisfied.

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

1.9.3 80% of all Development Applications are assessed and determined within 60 days

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Should Council determine to refuse consent for DA2020/0228 the applicant will have the option to refer the application to the Land and Environment Court for determination. Council will be required to defend its decision at the hearing, in which case staff resources will be needed in the preparation of documentation as well as being present to participate in the hearing.

It is difficult to determine costs associated with liabilities for adverse outcomes resulting from a decision to consent to the DA, however it is highly likely that a such high-risk approach would render Council's Professional Indemnity Insurance invalid in relation to the matter.

Costs and Benefits:

The benefit associated with refusing consent for the proposed development in a floodway is to reduce risks for all parties; Council and potential occupants of the dwelling that is being proposed in the DA.

Policy, Legal and Statutory Implications:

In accordance with the *Environmental Planning and Assessment Act 1997*, before Council can determine a Development Application, an evaluation of the application must be undertaken in accordance with Section 4.15.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The subject site is known to be a floodway. Flooding to that site will occur. Approval of residential development in a known floodway presents risks to the safety for the occupants of such dwellings as well as risks to the consent authority (Council) including reputational and financial risk.

It should also be noted that Councillors may also be individually liable for any damages resulting from adverse outcomes that occur as result of the development being approved within a known floodway.

In refusing consent for the proposed development Council will mitigate the risk of any future liability for any adverse outcomes that may result from flooding to the property, as well the risks to the safety and well-being for occupants of the proposed development.

OPTIONS:

As the Consent Authority, Council has the option to give consent to the development. However, to do so without sufficient information to make an informed decision will leave Council open to liabilities for adverse outcomes that may occur because of that decision. In this case the site proposed for the development is a known Floodway and designated High Hazard Flood Area, therefore high risk in nature. In the circumstances the likelihood of adverse outcomes is also high. Whilst this option is available it is not advisable due the high risks involved.

Council also has the option to defer its determination of the matter until such time as a contemporary flood study available. As stated previously in this report such a study will not be available until 2023 at the earliest.

Should Council defer determination of the matter or determine to refuse consent, the applicant has the option to refer the matter to the Land and Environment Court for determination.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

DA2020/0228 was subject to a notification process in accordance with the requirements under section 1.7 of the SVC Development Control Plan.

ATTACHMENTS

- 1 Lot 12 DP1252902 - Bombowlee Ave Tumut Area Map (under separate cover) [⇒](#)
- 2 Lot 12 DP1252902 Aerial Photo 2012 Flood (ID3096932) (under separate cover) [⇒](#)
- 3 20210208 - NSW SES Assessment - DA 2020-0228 - Of or Input into Individual DA (under separate cover) [⇒](#)

11. MANAGEMENT REPORTS**11.7 DA2020/0247 - DP 1123419 LOT 11 BOMBOWLEE AVE, BOMBOWLEE PROPOSED RURAL DWELLING.**

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

EXECUTIVE SUMMARY:

This report recommends that Council refuse to issue Development Approval for the development of a dwelling, parking and shed on Lot 11 Bombowlee Avenue Tumut. The basis of the recommendation is that the land is in a floodway and meets the definition of a high hazard flood area.

The applicant has provided a report from a surveyor that assesses the land to be in a flood fringe and low hazard flood area. No evidence was provided to support that assessment.

At Councils request the applicant has provided further information in the form of an Independent Review – Flooding by SLR Consulting Australia Pty Ltd an environmental engineering consultancy. The review methodology involved desktop research and a review of the documentation associated with the DA application.

Whilst this review has provided information that addresses some of the concerns held by assessment officers in relation to the proposed development it does not address all issues. Of particular concern is the matter of safe access and egress from the proposed dwelling during a flood event.

The Snowy Valleys Development Control Plan 2019 (DCP 2019) prohibits building other than minor works to existing buildings in High Hazard Flood Areas. Council may approve variations to DCP 2019. The applicant has not sought a variation to DCP2019, and the application does not provide sufficient justification for granting such a variation.

The application does not address the important consideration of life safety. Requirements applicable to both High Hazard-Flood Fringe and High Hazard-Floodway developments as per the Floodplain Management Manual 2001 relating to the timely, orderly, and safe evacuation of people from the site have not been satisfactorily addressed through the application should a design flood or greater occur. In the circumstances, Council would have significant liability in the event of a flood and any negative outcomes that may result from such an event.

Councillors should note that an application for funding has been submitted to undertake a Flood Study in respect of the Tumut Flood Plain. Should this application be successful the study would be undertaken in 2022 and be completed in 2023. A contemporary flood study will provide sufficient information for Council to make fully informed decisions in relation to proposed developments in the Tumut Flood Plain.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on DA2020/0247 - DP 1123419 Lot 11 Bombowlee Ave, Bombowlee Proposed Rural Dwelling .**
- 2. Refuse consent for DA2020/0247 – DP 1123419 Lot 11 Bombowlee Ave, Bombowlee Proposed Rural Dwelling.**
- 3. Notify the Applicant of Council's decision.**

BACKGROUND:

This matter was reported to Council at its ordinary meeting held on 19 November 2020. At this meeting council resolved as follows:

11.7 M289/20 RESOLVED:

THAT COUNCIL defer making a determination in respect of DA2020/0247-Proposed dwelling with attached garage/shed – Bombowlee Ave, Bombowlee and request that Council staff report back to Council at the December 2020 meeting with conditions appropriate for Council consider the matter if council is inclined to approve DA2020/0247.

As per the above resolution, the matter was referred to Council at its meeting held on the 10 December 2020. At this meeting, Council resolved as follows:

11.5 M315/20 RESOLVED:

THAT COUNCIL:

- 1. Receive the report on Assessment of DA2020/0247 Lot 11 DP 1123419- Bombowlee Ave Bombowlee.*
- 2. Defer consideration of DA2020/0247 Lot 11 DP 1123419 - Bombowlee Ave Bombowlee until such time as a full assessment and notification process has been completed.*
- 3. Request that the CEO ensure that a full assessment and notification process is undertaken in respect of DA2020/0247 Lot 11 DP 1123419 - Bombowlee Ave Bombowlee.*

In accordance with item 2 of the resolution, staff advised adjoining and adjacent property owners as well as the NSW State Emergency Service. The notification letters were dated 14 December 2020 and the closing date for submissions was Monday 4th January 2021.

At the end of the submission period, no submissions were received by Council.

A full assessment of DA2020/0247 has been completed following the provision of further information from the applicant in the form of an Independent Review – Flooding by SLR Consulting Australia Pty Ltd an environmental engineering consultancy.

REPORT:

In accordance with the Environmental Planning and Assessment Act 1997, before Council can determine a Development Application, an evaluation of the application must be undertaken in accordance with Section 4.15 Evaluation. This section sets out the principles, instruments, plans and regulations to be considered when assessing developments.

The relevant matters of Section 4.15 for consideration for the proposed development are as follows:

1. Tumut Local Environmental Plan 2012 (LEP 2012)

- Clause 2.3 Zone Objectives and Land Use Table – the property is zoned RUI Primary Production and dwellings are permissible with consent. Although the proposed development is for a residential use in a rural area, it is generally consistent with the zone objectives.
- Clause 6.1 Earthworks – the plans submitted are only Development Application plans (for the proposed land use) and are therefore deficient in structural detail. The Sectional Views, however, appear to indicate that the proposed dwelling will be constructed on a floor slab at two levels, with the ceiling of the ground floor/floor of the first floor to be constructed on metal “bearers and joists”. A significant amount of fill is proposed to be located under the building footprint with additional fill indicated beyond the footprint. The exact extent of the proposed fill has not been detailed on the submitted plans. Based on the height of fill indicated on the submitted Sectional Plan and floor area of the proposed building, it is estimated that the proposed fill will have a volume of not less than 400 cubic metres under the building footprint.

As the property is flood prone, there is potential that the proposed fill will cause disruption to and/or detrimental effect on drainage patterns in the area.

- The structural stability of the compacted fill building pad to withstand flooding impacts will need to be assessed by a Practising Structural Engineer after considering the requirements of a Hydraulic Engineers/Hydrologist Report.
- Clause 6.2 Flood Planning- this is a very important clause of the LEP 2012. The subject site is flood prone land with an estimated inundation depth of up to 1.25metres above natural ground level in a 1 in 100-year flood event over the whole lot, with a flooding depth at the proposed development site of approx. 600mm. The level of inundation identifies the subject site as being in a High Hazard flood area in accordance with the NSW Floodplain Development Manual 2005.
- The applicants Land Surveyor has submitted a “Hazard and Risk Assessment” Report which has determined that the site is within a “flood fringe area” and a “Low Hazard” category as defined by the NSW Floodplain Development Manual, 2005. He has also determined that *“other parts of the land are considered to be flood storage areas with a flood fringed upper layer”*.
- With the anticipated depth of inundation being more than 1 metre deep (up to 1.25 metres) over the whole lot, this would place the development within a High Hazard category either within the Flood Fringe or the Floodway. While the submitted report states that it *“may be categorised to be within a flood fringe area”*, Councils’ assessment staff are not satisfied that the report has accurately determined the “Hydraulic Category” noting that no detail has been provided on how this was determined.

The NSW Floodplain Development Manual 2005 has the following definitions:

- Floodway – “those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels and that even if partially blocked, would cause a significant increase in flood levels and /or a significant redistribution of flood flow, which may in turn adversely affect other areas”.
- Flood Storage – “parts of a floodplain that are for the temporary storage of floodwater during the passage of a flood”.
- Flood Fringe – “the remaining area of land affected by flooding, after floodway and flood storage areas have been defined”.
- High Hazard – “possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage to buildings”.
- Low Hazard – “trucks could evacuate people and their possessions; able-bodied adults would have little difficulty in wading to safety”.

Therefore, based on the above definitions and the information available to Council, the site is definitely located in a Floodway and in a High Hazard category.

An aerial photo of the Tumut 2012 flood shows that the Tumut River broke its banks near Foords Lane and opposite the Racecourse, sending significant flood flow into the Lacmalac Road area to cross Wee Jasper Road at Dowells Lane, causing major damage. The 2012 flood level was below the predicted 100-year flood level by approximately 300mm.

The Land Surveyor has also submitted an ‘Amended Flood Investigation Report’ that has determined an estimated 1 in 100-year flood level for the subject property based on a flood that occurred in 1984. Works undertaken to the Wee Jasper Road, including the construction of the new bridge over the

Tumut River to the East of the property had not been undertaken at the time of that flood. It is unclear whether these works have been taken into consideration by the author of the report.

The only “hydraulic flood modelling/study” at Councils disposal is the Tumut Flood Study Report of January 1987. Pages 30-31 of this report state ‘inter alia, that “no detailed analysis was carried out to determine the boundaries of the floodway at Tumut” and recommends that “Council adopt the main river channel and its immediate vicinity as the floodway and limit any development on the floodway where necessary, to the higher ground’.

Subclause (3) (c) of Clause 6.2 is also an important consideration as it involves life safety. The requirements applicable to both High Hazard-Flood Fringe or High Hazard-Floodway developments as per the Floodplain Management Manual 2001 in relation to the timely, orderly and safe evacuation of people from the site have not been satisfactorily addressed through the application should a design flood or greater occur.

Access to and egress from the site would be very dangerous with floodwater being at least 1.2 metres deep over the site.

2. Snowy Valleys Development Control Plan 2019 (DCP 2019)

- Clause 3.2.10 Flooding – This clause states as follows:

“Development must not occur on land that is affected by the 1 in 100-year ARI event unless the development is consistent with, and meets the requirements, of the NSW Floodplain Development Manual. This includes development on land affected by stormwater flow from a mainstream, local creek or overland flow.

On land affected by flooding Council will require an assessment of the impact of new development on changes in flood behaviour (flow, flow-paths, velocity, etc.) by defining the floodway and flood storage areas and determine whether works and /or management measures are required. Building, other than minor works to existing buildings is prohibited within identified high hazard flood areas”.

Non-compliance with the NSW floodplain Development Manual 2005 has been addressed in the comments made in relation to the requirement of Clause 6.2 of the LEP 2012 above.

The attention of Councillors is brought to the final sentence of Clause 3.2.10 above which states: *“Building, other than minor works to existing buildings, is prohibited within identified high hazard flood areas.”*

As stated elsewhere in this report, it is the opinion of Council staff that the proposed development is within a “High Hazard” flood area in accordance with the NSW Floodplain Development Manual 2005 and, as such, is regarded as being prohibited under the DCP 2019.

Pursuant to Clause 1.6 of the DCP 2019, an Applicant can request Council to approve a site-specific variation to the DCP 2019. It is noted that no request for a variation has been sought by the Applicant in this regard. Any request for a variation must be accompanied by strong justifications/ reasons to support the request.

Council requested that the Applicant submit further information in the form of a Hydraulic Engineers/Hydrologist Report to justify any variation request. In response the applicant engaged SLR Consulting Australia Pty Ltd to undertake an ‘Independent Review’ of the flooding issues on the Lot. A copy of this report is attached.

The report contains inconsistencies as follows:

1. The proposed development is described as “a farm shed and granny flat”. The reference to “granny flat” is incorrect. In NSW Planning legislation, a “granny flat” is known as a “secondary dwelling”. In order to have a “secondary dwelling” on a Lot, there must be a “primary” or “main dwelling”. As there are no existing dwellings located on the Lot, there can be no “secondary dwelling”.

2. Council staff disagree with the Consultants assessment that the land is located “on the fringe of the flood plain”. This is misleading as on page 4 of the report, the Consultant states, inter alia, “*the overall site includes areas of floodway*” and “*the actual location of the proposed building is on the edge of the floodway*”.
3. The Consultant has also correctly stated, on page 4, that ‘*the site would be a high hazard area*’ but that at the “*actual building site location*”, the flood hazard would be “*low hazard*”.

Although this interpretation may be accurate, the evacuation route would still pass-through high hazard areas. The NSW SES correspondence in relation to Lot 12 Bombowlee Ave (see report elsewhere in this Business Paper) would be applicable to Lot 11 Bombowlee Ave.

Specific reference should be made to the NSW SES Development Guide which is attached to this report as well as to the report dealing with Lot 12 Bombowlee Ave. This guide reinforces the 10 dot point criteria in the NSW SES Letter to Council dated 8 February 2021.

By email dated 22 March 2021, the SLR Consultant clarified 1 and 2 above as follows:

SLR Response- *The SLR report describes as being ‘on the fringe of the floodplain’. This was not intended to suggest that the site is a ‘fringe flooding’ area, as clearly it is located on the edge of a floodway, and analysis of the flood hazard is provided in the SLR Report. While we would agree that there is a high hazard floodway to the west of the proposed building site, where the flood depths are much deeper, the flood hazard at the actual proposed building site is not high hazard as defined by the NSW Floodplain Development Manual.*

SLR Response re Granny Flat -*It is agreed that this would be a ‘primary dwelling’. This doesn’t change SLR’s assessment of the flood hazard.*

The Consultants’ Report, on page 4, includes Figure L2 from the NSW Floodplain Development Manual. In relation to Figure L2, the Manual states as follows:

Figure L2 is presented as a tool to assist in the development of hazard categories in floodplain risk management plans. It is not appropriate to use Figure L2 to determine the hazard implication of individual developments. Flood hazard, like flood hydraulics, needs to be assessed on an integrated and strategic basis across the entire flood prone area, not on an isolated basis associated with individual developments.

As can be seen above, it is not appropriate to use Figure L2 to determine the hazard implications of individual developments as flood hazard needs to be assessed across the entire flood prone area, not on an isolated basis associated with individual developments.

Unfortunately, the SLR Consultant has not complied with this requirement of the Manual as he has referred to “*the actual building site*”, instead of the “*entire flood prone area*”.

It is the opinion of Councils development assessment staff that approval of a variation to the DCP 2019 to allow this development to proceed would set an unfavourable precedent based on the risk to peoples’ safety posed by the access/egress from the site. It is also noted that for Council to consider such a request for a variation, the relevant requirements of the LEP 2012 must be satisfied.

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

1.9.3 80% of all Development Applications are assessed and determined within 60 days

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Should Council determine to refuse consent for DA2020/0247 the applicant will have the option to refer the application to the Land and Environment Court for determination. Council will be required to defend its decision at the hearing, in which case staff resources will be needed in the preparation of documentation as well as being present to participate in the hearing.

It is difficult to determine costs associated with liabilities for adverse outcomes resulting from a decision to consent to the DA, however it is highly likely that a such high-risk approach would render Council's Professional Indemnity Insurance invalid in relation to the matter.

Costs and Benefits:

The benefit associated with refusing consent for the proposed development in a floodway is to reduce risks for all parties; that is Council and potential occupants of the dwelling that is being proposed in the DA.

Policy, Legal and Statutory Implications:

In accordance with the *Environmental Planning and Assessment Act 1997*, before Council can determine a Development Application, an evaluation of the application must be undertaken in accordance with Section 4.15.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The subject site is known to be a floodway. Flooding to that site will occur. Approval of residential development in a known floodway presents risks to the safety for the occupants of such dwellings as well as risks to the consent authority (Council) including reputational and financial risk.

It should also be noted that Councillors may also be individually liable for any damages resulting from adverse outcomes that occur as result of the development being approved within a known floodway.

In refusing consent for the proposed development Council will mitigate the risk of any future liability for any adverse outcomes that may result from flooding to the property, as well the risks to the safety and well-being for occupants of the proposed development.

OPTIONS:

As the Consent Authority, Council has the option to give consent to the development. However, to do so based on the information provided through the application process will leave Council open to liabilities for adverse outcomes that may occur because of that decision. In this case the site proposed for the development is a known Floodway and designated High Hazard Flood Area, therefore high risk in nature. In the circumstances the likelihood of adverse outcomes is also high. Whilst this option is available it is not advisable due the high risks involved.

Council also has the option to defer its determination of the matter until such time as a contemporary flood study is available. As stated previously in this report such a study will not be available until 2023 at the earliest.

Should Council defer its determination of the matter or determine to refuse consent, the applicant has the option to refer the matter to the Land and Environment Court for determination.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

DA2020/0247 was subject to a notification process in accordance with the requirements under section 1.7 of the SVC Development Control Plan.

ATTACHMENTS

- 1 20210219 - Lot 11 DP1123419 Bombowlee Ave Tumut- SLR Report (ID3096913) (under separate cover) [⇒](#)
- 2 Lot 11 DP1123419 - Bombowlee Ave Tumut - Map (under separate cover) [⇒](#)
- 3 Lot 11 DP1123419 Aerial Photo 2012 Flood (ID 3096930) (under separate cover) [⇒](#)
- 4 20210208 - NSW SES Assessment - NSW SES Development Guide (under separate cover) [⇒](#)

12. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - AERODROME COMMITTEE MEETING - 9 MARCH 2021**

REPORT AUTHOR: SURVEY & DESIGN ENGINEER
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on the Minutes – Aerodrome Committee Meeting – 9 March 2021**
- 2. Note the Minutes of the Aerodrome Committee meeting held on 9 March 2021**

BACKGROUND:

This report has been prepared to present the minutes of the Aerodrome Committee Meeting held on 9 March 2021.

REPORT:

At its meeting on 9 March 2021, the Aerodrome Committee considered the following matters:

- The new Committees Framework
- The need for a new Terms of Reference to be considered at the June Aerodrome Committee meeting
- Recent developments (Bushfire Local Economic Recovery grant funding of \$12.5m, Humelink Project) and the proposed new Masterplan for Tumut Aerodrome.
- The Expression of Interest process for new licence deed agreements at Tumut Aerodrome.

There were no recommendations put to Council as a result of this meeting.

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

Theme 5: Our Infrastructure

Delivery Outcomes

5.3 Provide and partner with other agencies to deliver an effective, safe local transport network

Operational Actions

5.3.3 Upgrade the Tumut aerodrome to improve functionality for emergency operations as funding becomes available

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

N/A

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Risk managed through community consultation and expert advice gained through the Aerodrome Committee.

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community Engagement through the Aerodrome Committee

ATTACHMENTS

- 1 Aerodrome Committee Minutes for 9 March 2021 (under separate cover) [⇒](#)

12. MINUTES OF COMMITTEE MEETINGS**12.2 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING - 24 FEBRUARY 2021**

REPORT AUTHOR: ROAD SAFETY OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

RECOMMENDATION:**THAT COUNCIL:**

1. Receive this report on the Local Traffic Committee meeting - 24 February 2021
2. Note the Minutes of the Local Traffic Committee meeting held on 24 February 2021
3. Adopt the following recommendation/s from the minutes:

4.1 Traffic Arrangements Around Tumbarumba Retirement Village and Mitchell Street**RECOMMENDATION:**

1. That Council receive the report on "Traffic Arrangements around Tumbarumba Retirement Village and Mitchell Street".
2. Request that Council applies to TfNSW Customer Service for a speed zone adjustment for Mitchell Street to 40 km/hr.
3. Request that Council install a "No Parking" zone on Mitchel Street in the vicinity of the Ambulance Station.
4. Request that Council, Murrumbidgee Health District and Transport for NSW conduct a site visit and inspect the practicality of installing a "One Way" street direction to the Mitchel Street 'hook' around the Rotary Retirement Village and report to the next Traffic Committee.
6. Request that Council and Transport for NSW investigate and prepare a report for a range of traffic calming devices to slow traffic down in the Mitchel Street Hook.
7. Request that Council survey and design a suitable PAMP path (suitable for mobility scooters on the Eastern and Northern side of the Mitchel Street hook with clear delineation between the street and the PAMP path (wide footpath)
8. Request that Council surveys and prepares a feasibility report for a negotiable PAMP Path from the Retirement Village to the creek track along the Tumbarumba Creek.

4.2 Travers Street Adelong Change to Cul-De-Sac**RECOMMENDATION:**

1. That Council receive the report on Travers Street Change to Cul-de-Sac
2. Request that Council formally survey opinions from residents in Travers Street regarding closing the street to through traffic.
3. Request that Council prepare drawings for converting Travers Street into a Cul-de-Sac.
4. That Council Note the concerns from Transport for NSW regarding the closure of Travers Street.
5. That Council request TfNSW to gazette Travers Street to be a cul de sac.

6. Request that Council seeks funds to do the necessary works to convert Travers Street into a cul-de-sac.

4.3 Tooma and Possums Point Road Conditions

RECOMMENDATION:

1. Receive the report on Tooma and Possums Point Road Conditions.
2. Snowy Valleys Council recommends that Transport for NSW undertake a speed zone review in the vicinity of the intersection of Possum Point Road and the Tooma Road MR 628.

4.4 Special Event Application – Tumbafest 2021

RECOMMENDATION:

1. Receive the report on the Special Event Application – 2021 Tumbafest Event.
2. Support the Special Event Application for the 2021 Tumbafest Event, subject to Council's standard conditions.

4.5 Special Event Application – Rock The Turf 2021

RECOMMENDATION:

1. Receive the report on the Special Event Application – 2021 Rock the Turf.
2. Support the Special Event Application for the 2021 Rock the Turf Event, subject to Council's standard conditions.
3. Requests the council to investigate designs and costings to upgrade the shoulders of the road.

BACKGROUND:

The Local Traffic Committee is primarily a technical review committee with representatives from Transport for NSW (TfNSW), NSW Police, representatives of elected Members of Parliament and council representatives related to traffic control devices, facilities and events related to roads and transport within the Local Government Area that are not State nor Federal Roads.

REPORT:

This report has been prepared to present the minutes of the Local Traffic Committee held on the 24 February 2021.

At the meeting on 24 February the Local Traffic Committee considered the following matters:

Traffic Arrangements around the Tumbarumba Retirement Village and Mitchell Street involved;

- Applying to TfNSW for speed zone adjustments
 - No parking zones
 - Possible one way along Mitchell Street in Rotary Place
 - Traffic calming strategies for Mitchell Street within Rotary Place.
- Travers Street Adelong conversion to a cul-de-sac. TfNSW has some reservations about making the cul-de-sac un-trafficable in emergencies but are waiting for plans of the cul-de sac to be available. Community sentiment regarding the closure of Travers Street needs to be assessed.

- Tooma and Possums Point Road Tooma, the road environment was discussed, and a request should be made to TfNSW regarding speed zones outside the hospitality venues and parks.
- Batlow Road (MR 85) pedestrian facilities outside the CBD in Batlow. Pedestrian facilities cannot be in the vicinity of the CBD due to limited sight distances and vehicle flow along the carriageway. TfNSW will improve the signage regarding the 40 km/hr High Pedestrian Activity Area with larger signs and the installation of repeater signs for pedestrians.
- Event applications were received from Tumbafest and Rock the Turf and discussed.

The next meeting of the Local Traffic Committee is scheduled for the 26 May 2021. This meeting will be held in Tumarumba with Zoom Access.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework: CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.3 Provide and partner with other agencies to deliver an effective, safe local transport network

Operational Actions

5.3.1 Deliver a Road Safety Program in partnership with neighbouring Council and Transport for NSW

SUSTAINABILITY ASSESSMENT:

Sustainability assessments for each of the items considered by the Local Traffic Committee are referenced in the specific reports which were presented to the Committee meeting.

Financial and Resources Implications

Internal resources are utilised to prepare the reports for the Local Traffic Committee and the provision of executive support of the committee.

The delivery of traffic safety initiatives proposed by the Local Traffic Committee are subject to the availability of funding.

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

The requirements for Council to maintain a Local Traffic Committee are pertained within the Roads Act 1993, with Terms of Reference being provided by Transport for NSW (A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) RTA 2009).

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Risk Management Assessments are provided with Special Event Applications.

Risk Management is considered as part of the initiatives by the Local Traffic Committee.

OPTIONS:

Council may choose to:

- Endorse the recommendations made by the Local Traffic Committee as described in this report and its attachments

- Endorse the recommendations made by the Local Traffic Committee as described in this report and its attachments with amendments
- Reject or defer the report

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No

ATTACHMENTS

- 1 20210224 - Minutes - Local Traffic Committee (under separate cover) [⇒](#)

12. MINUTES OF COMMITTEE MEETINGS**12.3 MINUTES - EXTRAORDINARY TUMUT DISTRICT COMMUNITY TRANSPORT ADVISORY COMMITTEE - 15 MARCH 2021**

REPORT AUTHOR: MANAGER COMMUNITY SERVICES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on the Minutes – Extraordinary Tumut District Community Transport Advisory Committee – 15 March 2021.
2. Note the Minutes of the Tumut District Community Transport Extraordinary meeting held on 15 March 2021.

BACKGROUND:

The Tumut District Community Transport (TDCT) Advisory Committee is a section 355 committee of Council. Its purpose is to provide feedback and advice in respect to operations of Tumut District Community Transport.

REPORT:

The Extraordinary meeting was called to meet with Snowy Valleys Council management and discuss the future of (TDCT) Advisory Committee after dissolution in June 2021.

Questions from the TDCT Advisory Committee circulated on the Agenda prior to the meeting were discussed at length.

Much of the discussion was on the historical and current status of the Committee.

The future of the Committee is to be considered by its members. SVC Council Committee Representatives will explore alternatives and take back to the next committee meeting Tuesday 13 April 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

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

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

In accordance with the Local Government Act, 1993, 375 Minutes, requires Councils' *'to keep full and accurate minutes.*

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

N/A

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

- 1 20210315 - Minutes - Extraordinary Meeting - Tumut District Community Transport (under separate cover) [⇒](#)

12. MINUTES OF COMMITTEE MEETINGS**12.4 MINUTES - CANBERRA REGION JOINT ORGANISATION - 26 MARCH 2021**

REPORT AUTHOR: CHIEF EXECUTIVE OFFICER
RESPONSIBLE DIRECTOR: CHIEF EXECUTIVE OFFICER

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the Minutes – Canberra Region Joint Organisation – 26 March 2021;**
2. **Note the Minutes of the Canberra Region Joint Organisation meeting held on 26 March 2021;**
3. **Write to the Minister of Local Government advising the impact of recent increases to the Emergency Services Levy on Snowy Valley Council’s operations.**

BACKGROUND:

The March 2021 CRJO (Canberra Region Joint Organisation) Board meeting was held by remote attendance on 26 March 2021. The Mayor as Deputy Chair of the CRJO was in attendance and the CEO was an apology due to meeting with the Minister for Local Government as part of the Local Government Professionals NSW General Managers Meeting.

REPORT:

The CRJO agenda papers are included on the hub for Councillors to review and the draft minutes are included in the attachment to this agenda.

Agenda topics included:

- Rate Peg Review
- New CRJO Strategic Plan
- Southern Lights
- EPA Bushfire Generated Green Waste Data Collection Initiative
- Regional Community Strategic Plan
- Climate Resilient Housing Toolkit
- Incoming Councillors Induction – AICD
- Outcome of the 19/20 Audit
- CRJO Financial Report
- Network updates from
 - ACT Government
 - Resilience NSW
 - Regional NSW
 - Office Cross Border Commissioner
 - Office of Local Government
- CRJO Operational Report

In the Operational report specific information was discussed around the Emergency Services levy and the response by the Minister for Local Government to a CBJO representation, in which the Minister stated that generally the Emergency Services Levy was accounted for inside the rate cap. This is not the case for most regional Councils and certainly not for Snowy Valleys Council.

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

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

OPTIONS:

Council may choose to receive the minutes without the action of writing to the Minister on the Emergency Services Levy.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Mayor and CEO represent Council at the Joint Organisation Meeting.

Council has sent various correspondence in the past regarding the impact on the Emergency Services Levy noting that Council does not object to the purpose but rather the cost shifting arrangement from State to Local Government without a means to pass on the costs to consumers.

ATTACHMENTS

- 1 Draft Minutes - Canberra Regional Joint Organisation - 26 March 2021 (under separate cover) [⇒](#)
- 2 20210316 - Response Minister for Local Government CBJO (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 COMMERCIAL WORKS UPDATE - PERIOD ENDING FEBRUARY 2021

Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (d)i as it relates to 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.