



SNOWY VALLEYS COUNCIL MEETING
BUSINESS PAPER
21 OCTOBER 2021

THE MEETING WILL BE HELD AT 2.00PM
VIA VIDEO LINK

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

4.28 Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

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

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

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

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

Disclosure of Political Donations and Gifts

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

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

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

Furthermore, for each planning decision made at a Council or Committee Meeting, the names of Councillors who supported the decision and those that oppose the decision must be recorded. (Sec. 375A of the *Local Government Act 1993*)

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

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

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

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

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

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

Livestreaming of Meetings

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

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

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

Photography

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

Public Forum

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

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

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

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

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



Thursday 21 October 2021

Via Video Link

2.00pm

AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Request for Leave of Absence from Cllr Cor Smit for this meeting.

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

External Auditor Brad Bohun from CroweHorwath will phone in to address Council on Report 10.2 Presentation of the 2020-2021 Annual Financial Statements.

5. CONFIRMATION OF MINUTES

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7. NOTICE OF MOTION/NOTICE OF RESCISSION

8. MAYORAL MINUTE

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9. URGENT BUSINESS WITHOUT NOTICE

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13. CONFIDENTIAL**14. MEETING CLOSURE**



SNOWY VALLEYS COUNCIL

LEAVE OF ABSENCE

General Manager
Snowy Valleys Council
76 Capper Street
TUMUT, NSW 2720

Dear Sir,

I wish to apply for leave of absence from the Council Meeting to be held on

Date: 21 October

I will be absent for the following reason/s:

Specialist appointments in Wagga
.....
.....
.....

Yours faithfully

[Signature]
(Councillor Signature)

Col Smit
Print Name

5. CONFIRMATION OF MINUTES**5.1 Ordinary Meeting - 16 September 2021****Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 16 September 2021 be received and confirmed as an accurate record

5.2 Extraordinary Meeting - 7 October 2021**Recommendation:**

That the Minutes of the Extraordinary Council Meeting held on 7 October 2021 be received and confirmed as an accurate record

**THE MINUTES OF THE COUNCIL MEETING HELD VIA VIDEO LINK, ON THURSDAY
16 SEPTEMBER 2021 COMMENCING AT 2.00pm**

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

All attending remotely.

3. DECLARATIONS OF INTEREST

Cr John Larter declared a non-pecuniary interest in relation to report # 13.2 'Request for Tender 2021-06 – Design and Installation of Aeronautical Ground Lighting (APL/PAPI) – Tumut Aerodrome' due to ownership of an aircraft hangered with the Tumut Aero Club at Tumut Aerodrome and will remain in the room during discussion.

Cr John Larter declared a non-pecuniary interest in relation to report #13.3 'Request for Tender 2021/08 – Supply of Bulk Materials' due to ownership of an aircraft hangered with the Tumut Aero Club at Tumut Aerodrome and will remain in the room during discussion.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING - 19 AUGUST 2021

M191/21 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 19 August 2021 be received.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

5.2 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

8. MAYORAL MINUTE

M192/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

M193/21 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

8.1 PUBLIC FORUM - ELLIOTT WAY CLOSURE AND THE SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT - 1 SEPTEMBER 2021

M194/21 RESOLVED:

That Council:

1. Write to the Minister for Energy & Environment to:

- a. thank him for his departmental staff presentation on repairs to the Elliott Way to the Public Forum;
- b. request the Department make available regular fortnightly updates through local media on progress of the Elliott Way road and bank stabilisation works to the public recognising that it has significant economic disadvantage to the Snowy Valleys community while the road remains closed;
- c. request that the Department look to procurement methods that allow important projects to be expedited, noting that Council has the capacity and is well experienced to undertake emergency and scheduled works for other agencies under a cost-plus arrangement, similar to that which is currently in place for Alpine Way with Transport for NSW;

- d. request consideration of the opening of the whole route be made a priority noting the economic disadvantage currently experienced by preventing the link of local businesses to Snowy 2.0 opportunities;
 - e. request the access to O'Hare's be opened as soon as practical as a goodwill gesture to support community wellbeing
2. Write to the Minister for Energy and Environment and the Minister for Planning and Public Spaces:
 - a. thanking them for their departmental staff presentation on the Special Activation Precincts at the Public Forum;
 - b. requesting full consultation with Indigenous People who have a connection to the land in the Snowy Valleys Council area before projects are commenced.
3. Write to the Deputy Premier and Minister for Planning and Public Spaces advising:
 - a. that the Snowy Valleys Council looks with interest at the SAPs for Snowy Mountains (Jindabyne) and Wagga Wagga
 - b. that Council and the community anticipate what opportunities the Snowy Valleys community has in supporting these SAPs and connecting these two important areas
 - c. notes that Council has made a submission to the Snowy Mountains SAP including a request for extension of time for submissions.

Cr James Hayes

CARRIED UNANIMOUSLY

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE PERIOD ENDING 4 DECEMBER 2021

M195/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on the election of mayor and deputy mayor for the period ending 4 December 2021.
2. Elect the mayor and deputy mayor for the period ending 4 December 2021 by voting in the event of there being more than one candidate by way of:

- c. Open voting by way of show of hands, noting that an open ballot is required given that Council is meeting virtually and not in person.

Cr John Larter/Cr Bruce Wright

CARRIED UNANIMOUSLY

Recommendation 10.1.3 *'Invite nominations for the election of mayor and deputy mayor for the period ending 4 December 2021 or for a maximum period of one year ending on the next date of the NSW Local Government Elections'* was facilitated by the Returning Officer as follows:

The CEO as Returning Officer read aloud the conditions of voting for the positions of Mayor and Deputy Mayor for the period of time up to the Local Government Elections date of 4 December 2021.

The CEO as Returning Officer advised that one nomination had been received for the position of Mayor and called for any further nominations from the floor. There being no further nominations received from the floor, the CEO as Returning Officer declared Cr James Hayes as Mayor.

The CEO as Returning Officer advised that one nomination had been received for the position of Deputy Mayor and called for any further nominations from the floor. There being no further nominations received from the floor, the CEO as Returning Officer declared Cr John Larter as Deputy Mayor.

10.1 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE PERIOD ENDING 4 DECEMBER 2021

**M196/21 RESOLVED:
THAT COUNCIL:**

4. Conduct the election for mayor and deputy mayor in accordance with the Local Government (General) Regulation 2005 Schedule 7.
5. Elect a mayor in accordance with Sections 227 and 230 of the Local Government Act for the period ending 4 December 2021 or for a maximum period of one year ending on the next date of the NSW Local Government Elections.
6. Elect a deputy mayor in accordance with Section 231 of the Local Government Act for the period ending 4 December 2021 or for a maximum period of one year ending on the next date of the NSW Local Government Elections.
7. Confirm the successful candidates as being Cr Hayes for Mayor and Cr Larter for Deputy Mayor.
8. Following the election, approve for all nomination documents (and ballot papers if used) used in connection with the election of the mayor and deputy mayor be destroyed.

9. The Chief Executive Officer advise the NSW Office of Local Government and Local Government NSW of the result of the election.

Cr Bruce Wright/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

M197/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

M198/21 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

10.2 VOTING DELEGATES AND PROPOSED MOTIONS FOR THE LG NSW ANNUAL CONFERENCE 2021

M199/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Voting Delegates and Proposed Motions for the Local Government NSW (LGNSW) Annual Conference 2021.
2. Authorise the mayor and deputy mayor as Snowy Valleys Council's voting delegates for the LGNSW Board Elections and the LGNSW Annual Conference.
3. Authorise the Chief Executive Officer to advise LGNSW of the voting delegates.
4. Approve the following motions for submission to the LGNSW Annual Conference 2021:
 - a. That LGNSW calls on the NSW Government to acknowledge the long term financial sustainability challenges of local government, and to specifically address:
 - i. The detrimental impacts on council financial sustainability as a result of cost shifting to local government by both the Federal and NSW Governments, such as:
 - (1) The transfer of the emergency services levy to Councils
 - (2) The requirement to provide concessions (eg. pensioner concessions) without adequate compensation payments

- (3) The failure to provide appropriate indexation for fees and charges prescribed under State legislation
- (4) The vesting of Rural Fire Service assets in council, leaving councils to bear the cost burden of depreciation
- (5) The transfer of management of Crown Lands to local councils without appropriate compensation to alleviate the financial and resource burden on councils for the development of Plans of Management
- ii. The antiquated rating system and its restrictions on council's ability to raise appropriate levels of revenue to fund the provision of an increasing range of services to their communities
- iii. The impediment of maintaining Rural Centre employment numbers for merged councils in achieving long term efficiencies and savings
- iv. The lack of ongoing operational funding for new and upgraded assets once they are commissioned under a capital funding stream
- v. The inequity of taxation distribution among the 3 tiers of Australian government, including the reduction of the Financial Assistance Grants Scheme grant as a percentage of total taxation revenue
- b. That LGNSW calls on the NSW Government to clarify and expedite the matters relating to the Boundaries Commission independent statutory review announced on 20 July 2021:
 - i. The Terms of Reference (ToR) for the Boundaries Commission be placed on Public Exhibition and the Minister's intent on the purpose and role be made clear in an attached briefing paper;
 - ii. The Minister include a section in the ToR relating to the evaluation of de-amalgamation under Section 218C and that this be at no cost to the ratepayers of the Council making the request;
 - iii. The Minister expedite the finalisation of the ToR once public exhibition is complete;
 - iv. The Minister immediately seeks expressions of interest for members for the Boundaries Commission and fill any vacancies with persons suitably qualified to fulfill the roles expected under the ToR.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

10.3 FINANCIAL PERFORMANCE AS AT 31 JULY 2021

M200/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on financial performance as at 31 July 2021.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

10.4 STATEMENT OF INVESTMENTS - AUGUST 2021

M201/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Statement of Investments – August 2021.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS**11.1 DA2020/0191 - CARAVAN PARK - 30 PADDYS RIVER FALLS ROAD BURRA**

M202/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on DA2020/0191 – Caravan Park – 30 Paddys River Falls Road, Burra.
2. Defer consideration of approval for DA2020/0191 and request the provision of conditions of consent and more detailed information in a future report.
3. Include the DA2020/0191 – Caravan Park – 30 Paddys River Falls Road, Burra on the agenda of the 7 October 2021 Extraordinary Meeting.

Cr Julia Ham/Cr Cor Smit

CARRIED UNANIMOUSLY

11.2 COMMUNITY RECOVERY REPORT SEPTEMBER 2021

M203/21 RESOLVED:
THAT COUNCIL:

1. Receive and note the Community Recovery Report September 2021.

2. Authorise the CEO to write to NSW State Government Emergency Management Committee requesting that the Local Recovery Plan Template be approved in the immediate future.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

11.3 20/21 SNOWY VALLEYS COUNCIL LOCAL HERITAGE GRANTS

M204/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on 20/21 Snowy Valleys Council Local Heritage Grants;
2. Endorse the projects recommended for funding through the 20/21 SVC Local Heritage Grants program, being:
 - a. 22-24 Neill St, Adelong - \$3,000
 - b. 243 East Grahamstown Rd, Adelong - \$5,000
 - c. 84 Tumut St, Adelong - \$1,400
 - d. 72 Gilmore St, Adelong - \$3,000
 - e. 31-33 Carey St, Tumut - \$1,350

Cr Geoff Pritchard/Cr Julia Ham

Division

For

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

Against

Cr Ham
Cr Isselmann

7/2

CARRIED

12. MINUTES OF COMMITTEE MEETINGS

12.1 MINUTES - RRL ADVISORY COMMITTEE EXTRAORDINARY MEETING - 22 JULY 2021

M205/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Minutes - Riverina Regional Library Advisory Committee Extraordinary Meeting – 22 July 2021;

2. Note the Minutes of the Riverina Regional Library Advisory Committee Extraordinary Meeting held on 22 July 2021;
3. Note that SVC will not be submitting an Expression of Interest for the role of Executive Council of RRL.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

Councillor Benjamin left the meeting at 3.07pm and returned at 3.07pm.

12.2 MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP MEETING - 26 AUGUST 2021

**M206/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on the Disability Inclusion Access Reference Group Meeting - 26 August 2021;
2. Note the Minutes of the Disability Inclusion Access Reference Group Meeting - 26 August 2021.

Cr Cate Cross/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M207/21 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 (b) and (e) as it relates to discussion in relation to the personal hardship of a resident or ratepayer 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 REQUEST FOR TENDER 2021/06 - DESIGN AND INSTALLATION OF AERONAUTICAL GROUND LIGHTING (APL/PAPI) - TUMUT AERODROME

Item 13.2 is confidential under the Local Government Act 1993 Section 10A 2 (d)i and (d)ii 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 information that would, if disclosed, confer a commercial advantage on a competitor of the

council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

- 13.3 **REQUEST FOR TENDER 2021/08 - SUPPLY OF BULK MATERIALS**
Item 13.3 is confidential under the Local Government Act 1993 Section 10A 2 (d)i and (d)ii 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Cor Smit/Cr John Larter

CARRIED UNANIMOUSLY

All councillors confirmed their ability to maintain confidentiality within their individual remote locations.

At this stage, the time being 3.11pm Council went into Confidential.

13.1 WRITE-OFF OF DEBTS

M208/21 RESOLVED:
THAT COUNCIL:

1. Receive the report on Write-off of Debts;
2. Note the write-off and adjustments totalling \$6,684.24 made under delegated authority for the period 1 March 2021 to 31 August 2021.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

13.2 REQUEST FOR TENDER 2021/06 - DESIGN AND INSTALLATION OF AERONAUTICAL GROUND LIGHTING (APL/PAPI) - TUMUT AERODROME

M209/21 RESOLVED:
THAT COUNCIL:

1. Receive this report on the Request for Tender RFT 2021/06 – Design and Installation of Aeronautical Ground Lighting at the Tumut Aerodrome;
2. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the tender of Avionics Airfield Lighting Pty Ltd for the Design and Installation Aeronautical Airfield Ground Lighting at the Tumut Aerodrome for the lump sum amount of \$595,991.97 excluding GST;

3. Authorise the Chief Executive Officer to enter into a contract with Avionics Airfield Lighting Pty Ltd for the Design and Construction Aeronautical Airfield Ground Lighting (AGL) at the Tumut Aerodrome;
4. Advise the unsuccessful tenderers in writing.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

13.3 REQUEST FOR TENDER 2021/08 - SUPPLY OF BULK MATERIALS

**M210/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the outcomes of the RFT 2021/08 - Supply of Bulk Materials;
2. Resolve in accordance with Section 55 of the NSW Local Government Act 1993 to accept the panel of suppliers for the Supply of Bulk Materials as recommended by the tender evaluation panel and listed as follows:
 - a. Premixed Concrete Products
 - i. Bluedime Concrete Tumbarumba Pty Ltd
 - ii. Tegra Australia Pty Ltd
 - iii. Baxters Concrete Pty Ltd
 - b. Precast Concrete Units
 - i. Bruno Alton Co Pty Ltd
 - ii. Rocla Pipeline Products Pty Ltd
 - c. Quarry products
 - i. Bald Hill Quarry Pty Ltd
 - ii. Boral Construction Materials Ltd
 - iii. Brennans Earthmoving Pty Ltd
 - iv. MH Earthmoving Pty Ltd
 - v. Nigel Grant Contracting Pty Ltd
 - vi. R & L Withers Earthmoving Pty Ltd
3. Authorise the Chief Executive Officer to enter into contracts with the companies recommended for the panel of suppliers for the Supply of Bulk Materials as summarised in item 2 above;
4. Authorise the Chief Executive Officer to purchase bulk materials through other procurement arrangements if the panel of suppliers fail to provide value for money for Council or comply with the requirements or conditions of the contract for the Supply of Bulk Materials;

5. Authorise the Chief Executive Officer to exercise the one-year extension option for the Supply of Bulk Materials Panel Contract subject to the satisfactory performance of the contract;
6. Advise the unsuccessful tenderers in writing.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

M211/21 RESOLVED:

That at this stage, the time being 3.16pm Council return to Open Council.

Cr Margaret Isselmann/Cr John Larter

CARRIED UNANIMOUSLY

The Chief Executive Officer read aloud the Resolutions made within the Confidential session.

There being no further business to discuss, the meeting closed at 3.19pm.

**THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD VIA VIDEO
LINK ON THURSDAY 7 OCTOBER 2021 COMMENCING AT 2.00PM**

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

IN ATTENDANCE: Chief Executive Officer Matthew Hyde, Executive Director Infrastructure Heinz Kausche, Executive Chief of Staff Shelley Jones, Chief Financial Officer Susanne Andres, Nicholas Wilton, Manager Growth & Activation, Nadine McNamara, Coordinator Communications and Engagement and Executive Assistant Jeannie Moran-Fahey.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Andrianna Benjamin and Cr John Larter have provided an apology for today's meeting.

M212/21 RESOLVED:

That the apologies from Cr Andrianna Benjamin and Cr John Larter be received and granted.

Cr Bruce Wright/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Nil.

4. ADMISSION OF LATE REPORTS

Nil.

5. GOVERNANCE AND FINANCIAL REPORTS

5.1 NOTICE OF MOTION - SNOWY VALLEYS COUNCIL ENCOURAGES COVID VACCINATION

M213/21 RESOLVED:

THAT:

1. Snowy Valleys Council supports the Mayor's stance and urges the community to the uptake of the COVID-19 vaccination where it individually safe to do so following medical advice;

2. Snowy Valleys Council will continue to follow the NSW Department of Health's recommendations and orders during the current pandemic to protect the health and wellbeing of Snowy Valleys residents, staff, and visitors;
3. Snowy Valleys Council and staff to work to minimise the impact of COVID-19, on local and regional health services, by reducing the spread of the virus;
4. Snowy Valleys Council continues to work to support local businesses by working with all stakeholders to ensure a strong economic recovery post lockdown.

Cr Julia Ham/Cr Cor Smit

Division

For

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

Against

Cr Larter
Cr Pritchard

6/2

CARRIED

Cr John Larter joined the meeting at 2.04pm.

M214/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

Cr Geoff Pritchard left the meeting at 2.20pm and returned at 2.21pm.

Cr Geoff Pritchard left the meeting at 2.28pm and returned at 2.29pm.

M215/21 RESOLVED to move out of Committee of the Whole.

Cr Julia Ham/Cr Cor Smit

CARRIED UNANIMOUSLY

5.2 DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS" FOR THE 2020/21 ANNUAL FINANCIAL STATEMENTS

M216/21 RESOLVED:

THAT COUNCIL:

In accordance with Section 413 of the Local Government Act, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

1. That its 2020/21 Annual Financial Statements:
 - a. Are in accordance with the Local Government Act 1993 (as amended and the Regulations made there under);
 - b. Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c. Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2020/21;
 - d. Present fairly the Council's 2020/21 operating result and financial position;
 - e. Are in accordance with Council's accounting and other records; and
 - f. Council is not aware of any matter that would render this report false or misleading in any way.
2. To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the 'Statement by Council on its Opinion of the Accounts' (clause 215 of the Local Government General Regulation).
 - a. That the Chief Executive Officer (General Manager) be 'authorised to issue' the 2020/21 accounts immediately upon receipt of the auditor's report.
 - b. To invite Council's Auditor to attend the October Ordinary Council Meeting to present the 2020/21 Financial Reports.

Cr Margaret Isselmann/Cr Julia Ham

CARRIED UNANIMOUSLY

6. MANAGEMENT REPORTS

6.1 DA2020/0191 - PROPOSED CARAVAN PARK - 30 PADDY'S RIVER FALLS ROAD BURRA

M217/21 RESOLVED:

THAT COUNCIL:

1. Receive the report on DA2020-0191 – Proposed Caravan Park - 30 Paddy's River Falls Road Burra.

2. Determine Development Application 2020/0191 by way of approval for the purposes of a Caravan Park at Lot 11, DP 747976 known as 30 Paddy's River Falls Road Burra subject to Conditions of Consent.

Cr Cor Smit/Cr John Larter

Division

For

Cr Cross
Cr Hayes
Cr Isselmann
Cr Larter
Cr Pritchard
Cr Smit
Cr Wright

Against

Cr Ham

7/1

CARRIED

There being no further business to discuss, the meeting closed at 2.37pm.

8. MAYORAL MINUTE**8.1 SNOWY VALLEYS COUNCIL POSITION ON TRANSGRID HUMELINK TRANSMISSION LINE****REPORT AUTHOR:** MAYOR JAMES HAYES**RESPONSIBLE DIRECTOR:** MAYOR JAMES HAYES**Purpose**

Council has received a letter from the Tumut Regional Chamber of Commerce regarding the Humelink Transmission line and requesting that Council consider having a public position on the matter.

RECOMMENDATION:**That Council:**

1. State its current and ongoing position on the Humelink Transmission line as requiring:
 - a. that Transgrid continue to engage appropriately with the Snowy Valleys community;
 - b. a preference that Humelink towers are built on public land;
 - c. a preference that Humelink facilitate a compensation model to impacted landholders in the form of an annual payment rather than land acquisition;
 - d. that consideration be given to the negative visual impact in the natural surrounding environment of the Snowy Valleys and the subsequent consequences on tourism promotion and development and limit this impact where feasible;
 - e. that assurance be provided that the route will not cause a “birdcage effect” surrounding the Snowy Valleys communities with power lines;
 - f. confirmation that Transgrid will commence a legacy program to invest in the future of the impacted communities in the Snowy Valleys areas;
 - g. confirmation that Transgrid will look to provide mobile connectivity along the defined corridor where there is no current secure mobile connectivity;
 - h. confirmation that Council will work with Transgrid and CASA in relation to the potential impact on the Tumut Aerodrome including future works.
2. Note that Councillor Ham currently represents council and the community on the Humelink Community Consultative Group;
3. Write to Transgrid and advise them of Council’s Position Statement as per Recommendation Point 1 and provide copies of the correspondence to local, state and federal members of Parliament and the Federal Minister for Industry, Energy and Emissions.

REPORT:

Transgrid which operates and manages the high voltage electricity transmission network in NSW and the ACT is reinforcing the transmission network in southern NSW with HumeLink - a new 500 kV transmission line project that will improve the flow of electricity between new generation sources and major demand centres in NSW. Having completed preliminary investigations, project scoping

and regulatory investment test for transmission in 2019, community consultation and an environmental impact assessment are now in progress.

Council has requested a number of clarifying matters for Council assets and general community impact and received presentations and information from Transgrid on various occasions.

Council resolved at its meeting on 17 September 2020:

11.1 TRANSGRID - HUMELINK

M213/20 RESOLVED:

THAT COUNCIL:

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

Cr Julia Ham/Cr Margaret Isselmann

CARRIED UNANIMOUSLY

Council staff have continued negotiations with Transgrid and CASA around the Tumut Airport.

In relation to the Tumut Airport CASA has advised:

"There is likely to be difficulty in relation to a taller powerline in the location of the existing lines. Tumut Airport was recently granted federal funding to upgrade the runway to better cater for water bombers and air ambulances. The upgrade requires extension towards the north. This means the obstacle limitation surface has to move north as well, by a couple hundred metres. This effectively lowers the obstacle limitation surface at the site of the power lines by a few metres.

There are two critical surfaces that CASA will not permit to be infringed by any obstacle and these are the take-off and approach surfaces. There are a few other OLS surfaces that are not so critical and can be infringed with provision that lights and marker balls are placed on the wires (conical and inner horizontal surfaces)."

Council staff will continue to work with CASA and Transgrid to facilitate a practical outcome.

It is not anticipated that Council's position will require any additional resources to be allocated to the matter and correspondence will be drafted within existing resources and airport negotiations will continue as currently resourced.

ATTACHMENTS

- 1 13 October 2021 Correspondence from Tumut Regional Chamber of Commerce (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS

10.1 PRESENTATION OF THE 2020/21 ANNUAL FINANCIAL STATEMENTS

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

EXECUTIVE SUMMARY:

Council is required to advertise a summary of Audited Financial Statements for the year and formally present them to the public in accordance with the *Local Government Act 1993*. Council's Audit Service Provider Partner, Mr Bradley Bohun will be providing an overview to Council. Any person may make a submission with respect to the financial reports within seven days of being presented.

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on Presentation of the 2020/21 Annual Financial Statements.
2. Note the matters drawn to Council's attention by the Audit Risk and Improvement Committee 29 September 2021 including recommendations.
3. Formally present the 2020/21 Audited Annual Financial Statements and Audit reports to the public in accordance with Sections 418 and 419 of the *Local Government Act*.

BACKGROUND:

Snowy Valleys Council's audited 2020/21 Annual Financial Statements have been finalised. The NSW Audit Office have provided their audit reports and the Audited Financial Statements have been submitted to the Office of Local Government prior to the deadline of 31 October 2021.

REPORT:

Council has provided public notice that the Financial Statements and Auditor's reports will be presented at this meeting which is in accordance with Section 418 of the *Local Government Act 1993* and has invited public submissions. Public submissions will remain open until 28 October 2021.

A summary of the Financial Statements is provided below.

	2021 \$ '000	2020 \$ '000
Income Statement		
Total income from continuing operations	76,699	62,715
Total expenses from continuing operations	69,939	58,684
Operating result from continuing operations	6,760	4,031
 Net operating result for the year	 6,760	 4,031
 Net operating result before grants and contributions provided for capital purposes	 (4,980)	 (7,693)

Statement of Financial Position

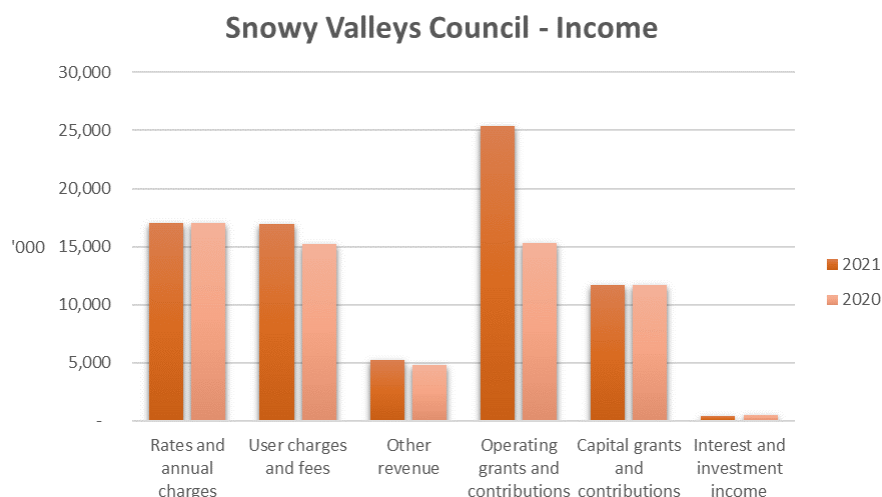
Total current assets	45,582	49,812
Total current liabilities	(18,921)	(19,396)
Total non-current assets	663,648	640,934
Total non-current liabilities	(8,442)	(7,235)
Total equity	681,867	664,115

Other financial information

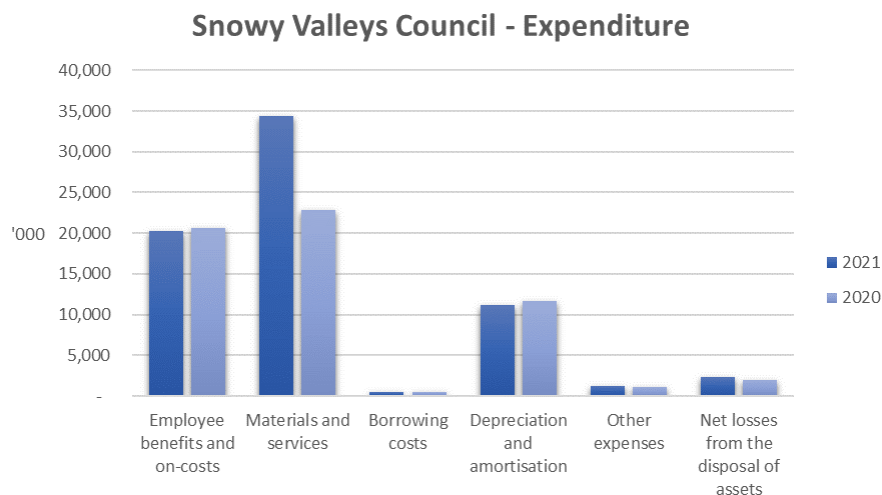
Unrestricted current ratio (times)	2.81	3.35
Operating performance ratio (%)	(4.12)%	(11.11)%
Debt service cover ratio (times)	4.73	3.43
Rates and annual charges outstanding ratio (%)	5.56%	7.02%
Infrastructure renewals ratio (%)	198.02%	126.22%
Own source operating revenue ratio (%)	51.64%	56.91%
Cash expense cover ratio (months)	7.46	9.92

Overview of 2020/21 Financial Statements

Council's financial statements provide great insight into Council's business and financial wellbeing. The overall operating result from continuing operations for 2020/21 is a profit of \$6.76M, while the net operating result when excluding capital grants and contributions is a loss of \$4.98M. Council's revenue increased by \$13.99M and operating expenses increased by \$11.26M, mainly due to unprecedented grant funding and contributions for works undertaken on bushfire clean up. The Covid pandemic had some impact on the financial result, mainly in the form of considerably reduced investment returns and some reduction in fee revenue due to closure of facilities and events not going ahead.

❖ PROFIT AND LOSS

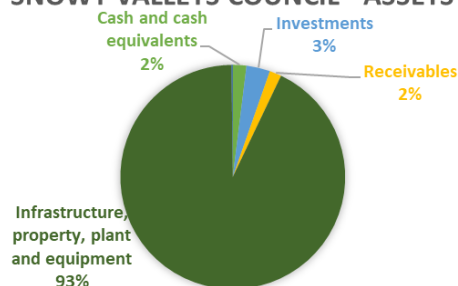
Council recognised a total of \$25.35M in operating grant and contributions and \$11.74M in capital grants and contributions. Ordinary rates declined due to the expired Tumut Special Rate Variation and water charges increased against the previous year when the community received a rebate for firefighting. Commercial works income remained steady and the Council road contracts increased slightly. Investment income reduced further due to the declining economic environment and achievable investment returns.



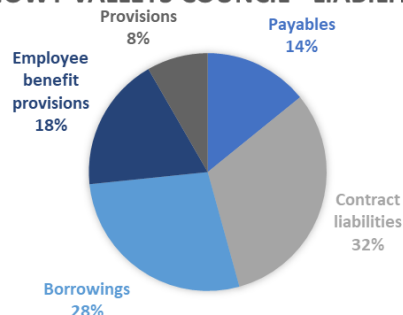
Employee costs were slightly lower than the previous year, but materials and contracts were higher by \$11.64M compared to previous year due to the works undertaken for bushfire clean up. Council spent \$7.8M on raw materials/consumables and \$19.66M on contractors including approx. \$13M on bushfire clean up and \$6M on commercial and ordered works. Consultant costs were incurred in project delivery including among others, the finalisation of the merger projects, a number of infrastructure and bushfire recovery projects, having to fill certain roles with external specialists, for ICT support and community engagement activities. A total of \$2.72M was spent on consultants, up 15% from previous year. Council's Emergency Services Levy contribution increased by \$220K to \$748K, but depreciation expense reduced by \$532M upon revaluation and assessment of transport and stormwater assets.

❖ FINANCIAL POSITION

SNOWY VALLEYS COUNCIL - ASSETS



SNOWY VALLEYS COUNCIL - LIABILITIES



At year end Council held \$709M in assets, of which \$658M were in the form of infrastructure, property, plant and equipment. Council's equity consists of a revaluation reserve, which was \$82M and accumulated surplus from current and previous years at \$600M (total equity \$682M). The difference between the total assets and total equity is made up of liabilities of \$27M. A complete revaluation of Council's stormwater drainage asset class was undertaken during the year which resulted in an increase in the value of this asset class by \$11M. Council held \$38M in cash or cash equivalents, a decline from last year, however, receivables were considerably higher due to a delay in reimbursement of disaster management claims. Council had \$7.6M external borrowings which reflects a low and very manageable debt level.

Final Management Letter

The NSW Audit Office has provided Council with a final Management Letter which has outlined 6 issues as follows:

- **Rural Fire Service Assets**

The Rural Fire Service Assets remain a controversial issue for NSW Councils. Council has disagreed with NSW Audit Office recommendation of recognising Rural Fire Service Assets stating that Council does not control these assets and the criteria set out in Australian Accounting Standard AASB 116 and the Framework for the Preparation and Presentation of Financial Statements are not met. Council will continue to assess the legal and accounting advice in relation to this matter and aim to resolve the issue by the end of the 2021/22 Financial Year.

- **Unrestricted Funds**

- Negative cash reported in the 2020/21 Financial Statements was \$2.38M.
- The value of an offsetting restricted receivable at 30 June 2021 was \$5.5M.
- If Council received payment for the receivable which is a reimbursement of expenditure already incurred, the result would have been \$43.5M in cash, cash equivalents and investments resulting in unrestricted cash of \$3.12M which is in line with Council's Financial Management Reserve Policy of \$2M unrestricted cash.
- The outstanding debtor was expected to be settled within 3 to 4 months, however, only \$2.5M has been settled to date with the remaining \$3M expected before the end of the calendar year.

Of the total \$38M cash held at 30 June 2021, \$31.2M was externally restricted in the form of unspent grants, developer contributions, and cash held in the Water, Sewer and Waste Funds. \$9.2M was internally restricted through various Council reserves. This resulted in Council holding a negative unrestricted cash balance, in other words, having more than the available cash restricted in internal reserves. Council has the ability to remove any internal reserves at any stage to make up this deficit but decided not to do this due to the fact that the negative cash balance was secured by the receivables held for bushfire-related expenditure (reimbursement delay from State Government).

Discussions were held with ARIC, the contract auditors and the NSW Audit Office regarding the decision to recognise negative unrestricted cash and the alternative of reducing internal reserves. Council's auditors were comfortable with the chosen approach and ARIC endorsed the disclosure at its extraordinary meeting on 29 September 2021.

- **IT matter – Cyber security**

Council will develop a cyber security framework, including formal policies and procedures that will cover the definition of cyber incidents, staff roles and responsibilities, containment, and mitigation strategies, reporting requirements and recovery plans.

- **Asset remediation**

A position paper will be prepared that comprehensively assesses the provision for asset remediation at each balance date and will be documented formally including a background of Council's tips and quarries, reference to the Landfill and Environmental management plan, a summary of key legislation including EPA guidelines, estimate of remediation costs for each site, assumptions used in the calculation including useful lives, inflation and discount rates and an analysis of the impact on the corresponding tip and quarry assets.

- **ARIC review**

Council will ensure that reports pertaining to internal controls and effectiveness of internal controls are presented to ARIC in the future. Council will also ensure that draft financial statements will be reviewed by ARIC before submission for audit where time permits. This will require an additional extraordinary meeting of ARIC.

- **Update of a Policy**

Finance Officers will review the related party disclosure policy and related party declaration form to ensure the policy is still compliant with AASB 124 and any relevant legislative requirements. It is anticipated the updated policy will be prepared by March 2022, which will enable Council to formally adopt the policy at April's ordinary meeting. All finance policies are formally reviewed on a bi-annual basis. Policies are continuously monitored for key changes to accounting standards, economic circumstances, and Council strategies.

The 2020/21 Financial Statements were approved for signing by Council at an extraordinary meeting held 7 October 2021 and the final financial statements are attached to this report.

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:

Financial and Resources Implications

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Section 418 and 419 of the *Local Government Act 1993*.

Council is required to advertise a summary of the financial result for the year and formally present the Annual Financial Statements to the public in accordance with the Local Government Act 1993. Any person may make a written submission with respect to the financial reports, within seven days of the reports being presented to the public.

As required under the *Local Government Act 1993*, Council will provide all submissions to the auditors and, in addition, may take action as considered appropriate.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

Audits provide assurance to Council and the community that the Financial Statements accurately represent Council's financial position at the end of the financial year.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Communication

Mayor, Deputy Mayor and Councillors

Audit Risk and Improvement Committee

Directors and Staff

External Communication

Public Notice of a summary of the financials advertised locally to give the community an opportunity to provide a submission

ATTACHMENTS

- 1 2020/21 Annual Financial Statements (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.2 SCHEDULING OF COUNCIL MEETINGS FOR JANUARY 2022**

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

EXECUTIVE SUMMARY:

Councils that elect their mayor are required to hold a mayoral election within 3 weeks of the declaration of the ordinary council election. Council has received advice that the council elections are likely to be declared between 21 and 23 December 2021.

In light of this information, this report recommends that Council schedule an extraordinary meeting on 11 January 2022 to deal specifically with the election of the mayor and deputy mayor, along with consideration and resolution as to how the council will fill any casual vacancies occurring in the office of a councillor within the first 18 months following the election.

This report also recommends the scheduling of an ordinary council meeting for 20 January 2022.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the scheduling of council meetings for January 2022.**
2. **Schedule an extraordinary meeting for 11 January 2022 to deal specifically with the matters of the mayor and deputy mayor election and the filling of vacancies in the office of a councillor within the first 18 months following the election.**
3. **Schedule an ordinary council meeting for 20 January 2022.**

BACKGROUND:

In response to changing postal delivery services, on the advice of the NSW Electoral Commission, the time for the receipt of postal votes has been extended to 13 days after election day.

This change will mean that the council elections held on 4 December 2021 are likely to be declared between 21 and 23 December 2021.

Councils must schedule the timing of their first meetings following the election on this basis.

REPORT:

At the first meeting after the election, councils are required to:

- consider and, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means – councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Local Government Act [the Act])
- hold a mayoral election (section 290 of the Act) and an election for deputy mayor where they have one, for those councils who elect their mayor

This report recommends that an extraordinary council meeting be scheduled for 11 January 2022 for these purposes. This date gives consideration to the timing of the Christmas period, annual Council shut period and the initial induction activities for the new council.

Snowy Valleys Council does not usually schedule an ordinary council meeting for the month of January. This report recommends that an ordinary meeting of council be scheduled for the 20 January 2022 to deal with matters essential to the successful establishment of the new council and continuity of operation of the organisation.

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

Operational Actions

4.1.2 Deliver Council meetings that facilitate community access and engagement

SUSTAINABILITY ASSESSMENT:

Financial and Resources Implications

Nil

Policy, Legal and Statutory Implications:

The Local Government Act 1993 prescribes the requirements for the election of a mayor (s.290) and for the filling of councillor vacancies (s.291A).

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

The timing of the extraordinary council meeting can be no later than 14 January 2022 for the purpose of electing the mayor.

OPTIONS:

Council can determine to amend the resolution.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Once resolved, the dates of the meetings of council for January 2022 will be published through councils normal communication channels. These dates will also be included in the Snowy Valleys Council Candidate Handbook and made available for candidates on the website.

ATTACHMENTS

Nil

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

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

EXECUTIVE SUMMARY:

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

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

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

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

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

- (a) becoming a councillor or designated person, and*
- (b) 30 June of each year, and*
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff.**
- 2. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2021 as listed in accordance with the Code of Conduct:**

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

Designated Staff:

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

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

BACKGROUND:

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

REPORT:

Pecuniary Interest Returns received as at 30 June 2021 for Councillors and designated persons are tabled at this meeting in compliance with Clause 4.25 of the Code of Conduct:

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

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

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

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

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

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

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

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

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

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

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

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

Theme 4: Communication & Engagement

Delivery Outcomes

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

SUSTAINABILITY ASSESSMENT:

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

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:*
- (a) becoming a councillor or designated person, and*
 - (b) 30 June of each year, and*
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:*
- (a) they made and lodged a return under that clause in the preceding 3 months, or*
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.*
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.*
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.*
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.*
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.*
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.*

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

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

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

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

- 1 2021 - Disclosure of Pecuniary Interest Return - Cllr Andrianna Benjamin - Redacted (under separate cover)
- 2 2021 - Disclosure of Pecuniary Interest Return - Cllr Cate Cross - Redacted (under separate cover)
- 3 2021 - Disclosure of Pecuniary Interest Return - Cllr Julia Ham - Redacted (under separate cover)
- 4 2021 - Disclosure of Pecuniary Interest Return - Cllr James Hayes - Redacted (under separate cover)
- 5 2021 - Disclosure of Pecuniary Interest Return - Cllr Margaret Isselmann - Redacted (under separate cover)
- 6 2021 - Disclosure of Pecuniary Interest Return - Cllr John Larter - Redacted (under separate cover)
- 7 2021 - Disclosure of Pecuniary Interest Return - Cllr Geoff Pritchard - Redacted (under separate cover)
- 8 2021 - Disclosure of Pecuniary Interest Return - Cllr Cor Smit - Redacted (under separate cover)
- 9 2021 - Disclosure of Pecuniary Interest Return - Cllr Bruce Wright - Redacted (under separate cover)
- 10 2021 - Disclosure of Pecuniary Interest Return - Matthew Hyde - Redacted (under separate cover)
- 11 2021 - Disclosure of Pecuniary Interest Return - Heinz Kausche - Redacted (under separate cover)
- 12 2021 - Disclosure of Pecuniary Interest Return - Shelley Jones - Redacted (under separate cover)
- 13 2021 - Disclosure of Pecuniary Interest Return - Paul Holton - Redacted (under separate cover)
- 14 2021 - Disclosure of Pecuniary Interest Return - Susanne Andres - Redacted (under separate cover)
- 15 2021 - Disclosure of Pecuniary Interest Return - Steven Walker - Redacted (under separate cover)
- 16 2021 - Disclosure of Pecuniary Interest Return - Melissa Tooke - Redacted (under separate cover)
- 17 2021 - Disclosure of Pecuniary Interest Return - Carolyn Rosetta-Walsh - Redacted (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS

10.4 STATEMENT OF INVESTMENTS - SEPTEMBER 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 30 September 2021.

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on Statement of Investments – September 2021.

BACKGROUND:

Nil

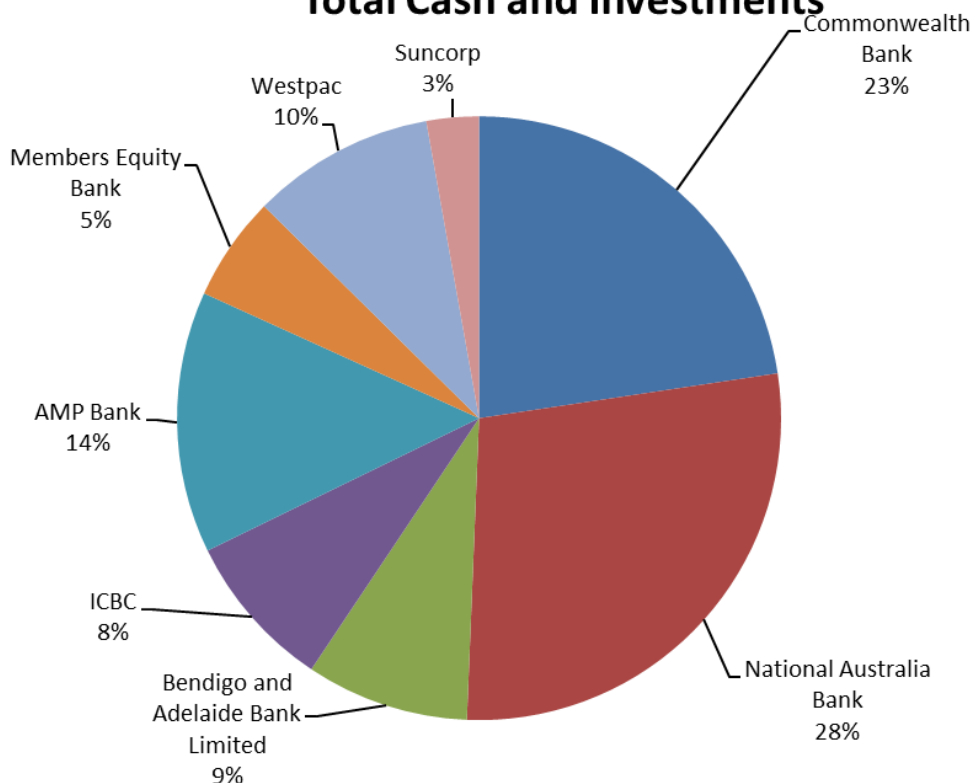
REPORT:

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		30/09/2021				
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%	
Commonwealth Bank	\$ 1,213,999	\$ 5,119,575	-\$ 3,905,576	W/Acct	0.10%	
Commonwealth Bank	\$ 6,842,886	\$ 7,841,532	-\$ 998,646	At Call (BOS)	0.20%	
Commonwealth Bank	\$ 16,979	\$ 5,591	\$ 11,388	Gen-Roth	0.10%	
Total Cash & At Call Investments	\$ 8,073,864	\$ 12,966,698	-\$ 4,892,834		0.18%	
Term Deposits	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
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 Bank	\$ -	\$ 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 Bank	\$ 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 Bank	\$ 1,000,000	\$ 1,000,000	\$ -	15/01/2021	0.75%	14/01/2022
Members Equity Bank	\$ 2,000,000	\$ 2,000,000	\$ -	19/02/2021	0.50%	21/02/2022
AMP Bank	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2021	0.75%	18/03/2022
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2021	0.35%	27/04/2022
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	30/07/2021	0.31%	29/04/2022
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.32%	29/07/2022
National Australia Bank	\$ 2,000,000	\$ -	\$ 2,000,000	7/09/2021	0.35%	7/09/2022
Suncorp	\$ 1,000,000	\$ -	\$ 1,000,000	22/09/2021	0.35%	22/09/2022
ICBC	\$ 1,500,000	\$ 1,500,000	\$ -	8/04/2021	0.65%	11/04/2023
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023
ICBC	\$ 1,500,000	\$ 1,500,000	\$ -	8/04/2021	0.85%	8/04/2024
Westpac	\$ 1,500,000	\$ -	\$ 1,500,000	7/09/2021	0.78%	9/09/2024
Total Term Deposits	\$ 27,615,622	\$ 24,615,622	\$ 3,000,000		0.56%	
Total Cash & Investments	\$ 35,689,486	\$ 37,582,320	-\$ 1,892,834		0.48%	

% of Portfolio

Snowy Valleys Council September 2021 Total Cash and Investments



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 \$1.89M during September 2021.

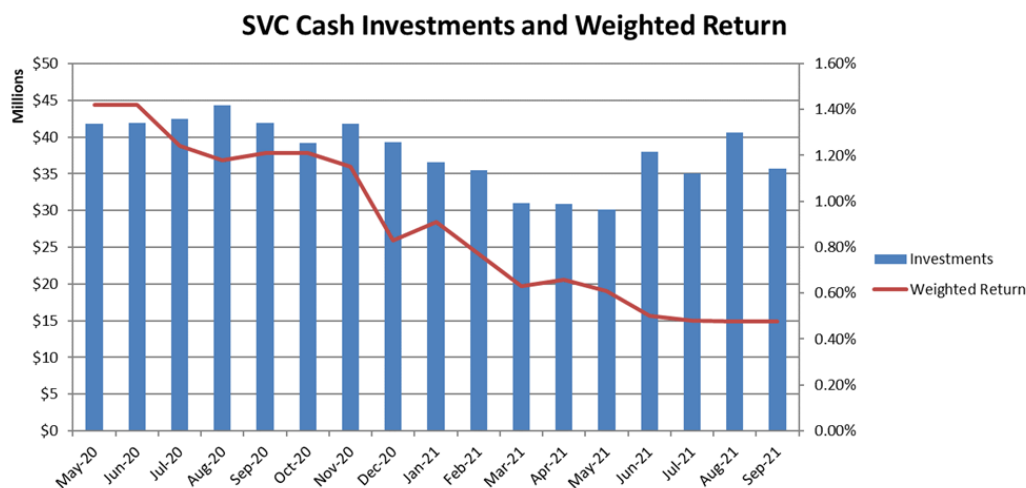
Major **cash receipts** received during September included:

- Department of Regional NSW - Talbingo Dam Boat Ramp Area Improvements – Milestone 3 \$340K
- Snowy Monaro Regional Council - Bobeyan Road - Contract \$177K
- Development Legal Costs
- NSW Department of Industry – Crown Lands & Water – Variation to Hume & Hovell Contract – Quarter 1 \$99K
- National Parks & Wildlife Service – Khancoban Visitor Information Centre Office Rental & Admin Fee \$64K

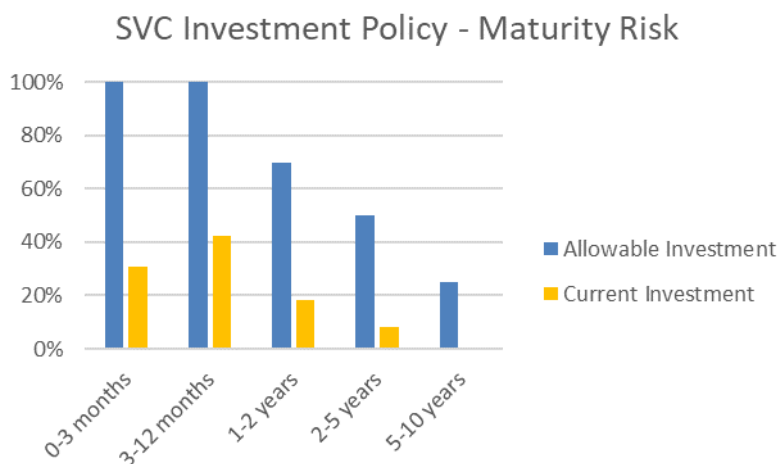
Main **cash disbursements** (excluding employee costs) during the month included:

- MR677 Safer Roads Alpine Way \$373K
- Riverina Libraries Contribution \$150K
- Fleet Registration \$150K
- RFS Quarterly Contribution \$119K
- Bombowlee Creek Road Bridge \$127K
- Plant Purchase – Tipper Truck \$127K

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.



This month we want to focus on maturity risk. In line with the Council's policy, Council is now able to address its major risk being reinvestment risk through extended investment horizons. Currently, the portfolio remains highly liquid with 31% of assets maturing within 90 days and an additional 42% maturing within 12 months. However, Council has commenced investing on a longer-term horizon. Longer-term investments currently offer higher returns than short-term investments.



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/WHIS/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

10.5 FINANCIAL PERFORMANCE AS AT 31 AUGUST 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 31 August 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. Finance officers are currently reviewing the regular financial reporting and aim to continuously improve future reports.

Overall, Council's income and Expenditure is considered in line with budget with income a 1% variance year-to-date (YTD) to budget and expenditure 3% over budget year-to-date.

RECOMMENDATION:

THAT COUNCIL:

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

REPORT:

A summarised interim financial report for YTD August 2021 is provided below, comparing the YTD operating actuals against the YTD operating budget.



Year to Date Result for August 2021

Overall Council Summary

Account Description	Actual YTD	Budget YTD	% Variance YTD	\$ Variance YTD	Original Budget 21PJ8UD
Income					
Rates, Levies & Annual Charges	18,289,411	18,101,659	1.04%	187,752	18,529,229
User Charges & Fees	2,354,244	2,535,032	-7.13%	(180,787)	16,545,892
Interest & Investment Revenue	30,627	68,333	-55.18%	(37,707)	410,000
Other Income	290,765	238,581	21.87%	52,184	817,289
Operating Grants & Contributions	1,423,176	1,401,350	1.56%	21,826	10,740,156
Capital Grants & Contributions	211,592	47,012	350.08%	164,580	19,053,000
Internal Income	1,299,744	1,212,582	7.19%	87,162	8,313,727
Profit on Sale/Disposal	36,975	1,667	2118.48%	35,308	10,000
Total Income	23,936,532	23,606,216	1%	330,316	74,419,293
Expenses					
Employee Costs	3,613,113	3,334,326	-8.36%	(278,786)	17,292,308
Materials & Contracts	2,688,919	2,480,792	-8.39%	(208,127)	18,569,822
Depreciation & Impairment	1,939,781	1,804,167	-7.52%	(135,614)	10,825,000
Other Expenses	1,566,532	1,845,369	15.11%	278,837	5,850,776
Interest & Investment Losses	74,227	75,533	1.73%	1,307	367,055
Internal Expense	1,116,074	1,161,569	3.92%	45,496	3,975,369
Loss on Sale/Disposal	0	0	0.00%	0	0
Total Expenses	10,998,645	10,701,756	-3%	(\$296,889)	56,880,330
Operating Result	12,937,887	12,904,459	0%	33,428	17,538,963
Result after Capital Items	12,726,296	12,857,447	1%	(131,152)	(1,514,037)

Income:

Rates, Levies & Annual Charges above YTD budget by \$188K (1.04%)

User fees and charges income is below YTD budget by \$181K (7.13%).

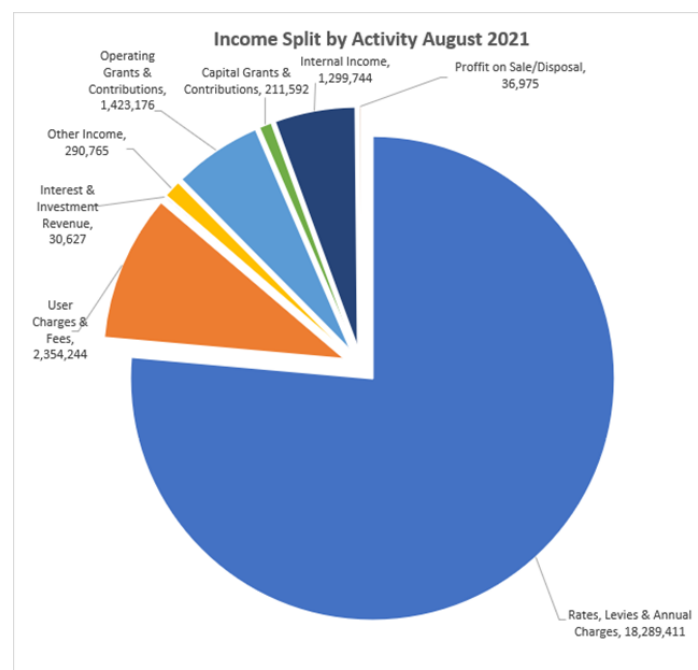
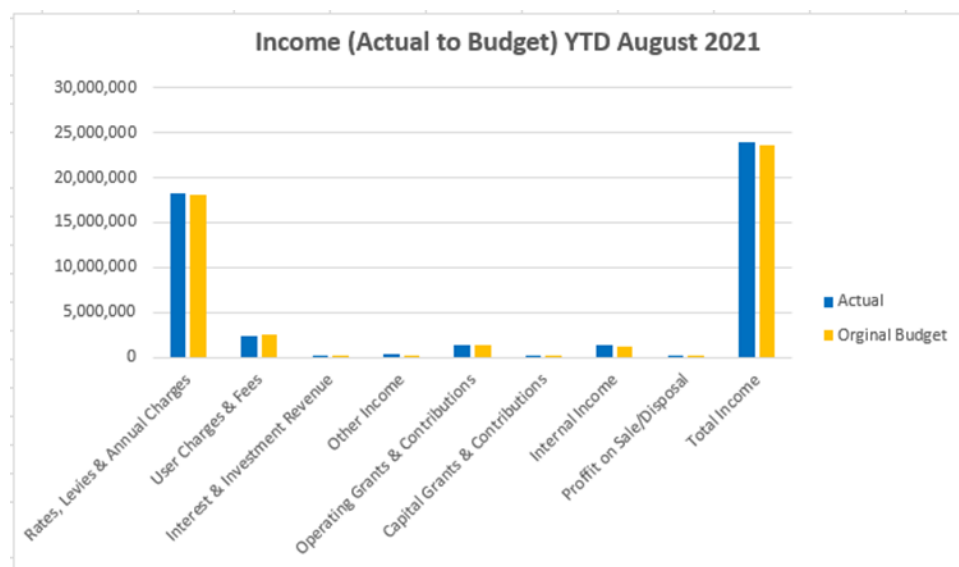
Investment revenue is below YTD budget by \$38K (55%) due to a difficult investment environment and timing of maturing investments.

Other Income is above YTD budget by \$52K (21.8%), is made up of Legal fees recovered \$37K, Training reimbursement \$14K and scrap metal sales \$7.5K.

Operating Grants is above YTD budget by \$22K (1.56%).

Capital Grants and Contributions income is above YTD budget by \$165K (350%). Driver Reviver grant \$70K and Bull Paddock Lighting (\$75K).

Profit on Sale/Disposal of Assets is above YTD budget \$35K.



Expenditure:

Employee costs are above YTD budget by \$279K (8.36%).

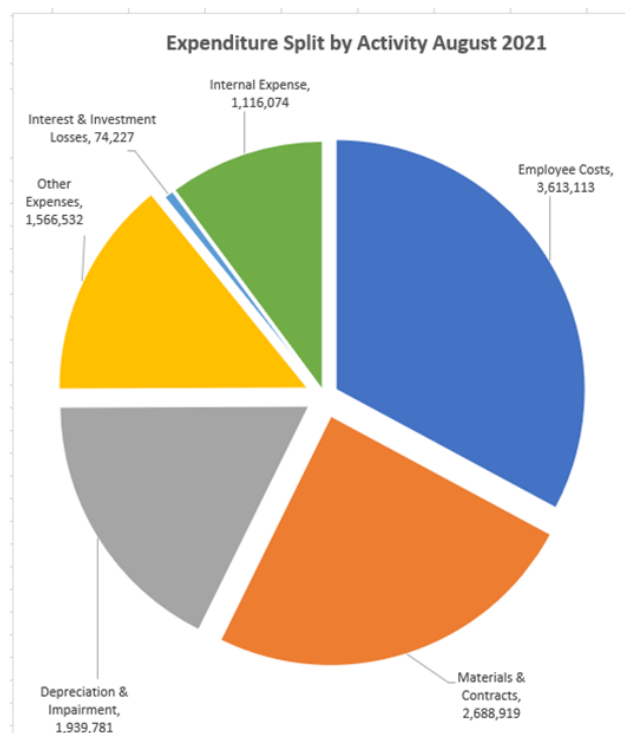
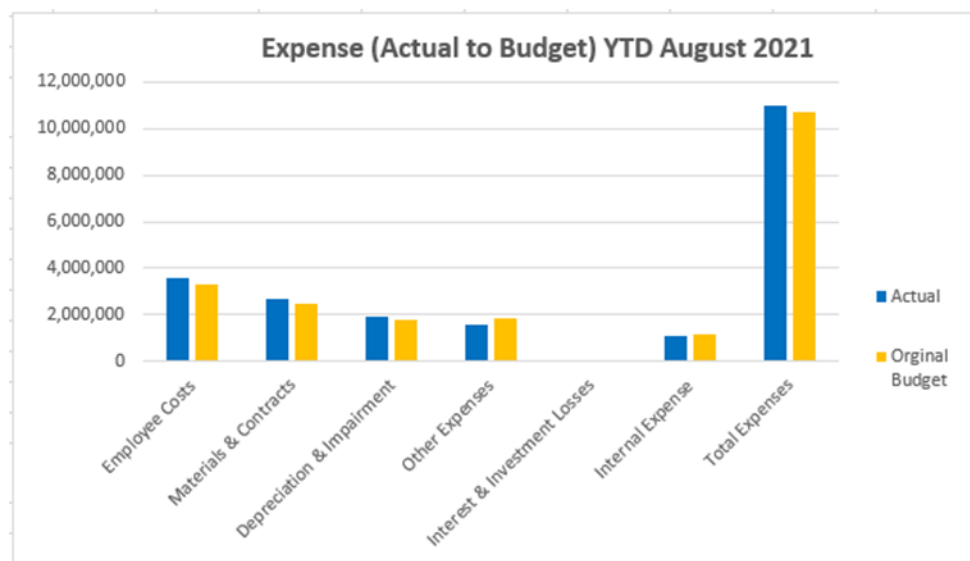
Materials and Contracts expenditure is above YTD budget by \$208K (8.39%)

Depreciation is above YTD budget \$136K (7.52%).

Other Expenses is below YTD budget by \$279K (15.11%).

Interest & Investment Expense is below YTD budget by \$1K (1.73%).

Internal Income and Expense. These lines show the internal charging between departments. Income is greater than expense as capital expenses is not reported in this operating report.



Procurement

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

July 2021

2021/08 – Panel of Preferred Suppliers – Supply of Bulk Materials.

August 2021

2021/05 – Reconstruction of Ournie Community Hall

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:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

N/A

RISK MANAGEMENT – BUSINESS RISK/WHIS/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:

N/A

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.6 NOTIFICATION OF IPART OF INTENT TO APPLY FOR A SPECIAL RATE VARIATION**

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

EXECUTIVE SUMMARY:

This report informs Council about the community consultation undertaken and feedback received from the community through the first phase of the engagement around a potential introduction of a Special Rate Variation (SRV) for Snowy Valleys Council.

The SRV application conditions require Council to lodge a *Notice of Intent to Apply for a Special Rate Variation* with the Independent Pricing and Regulatory Tribunal by November 2021. This report recommends that Council lodge a Notice of Intent for an SRV of 17.5% in 2022/23 and 17.5% in 2023/24. The updated Long-Term Financial Plan is also presented for public exhibition should Council proceed with the Notice of Intent.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Notification of IPART of Intent to Apply for a Special Rate Variation.**
2. **Confirm and request the Chief Executive Officer notify the Independent Pricing and Regulatory Tribunal of its intent to apply under section 508A of the *Local Government Act 1993* for a Special Rate Variation of 17.5% (including the rate peg) in 2022/23 and 17.5% per cent (including the rate peg) in 2023/24 to be a permanent increase retained within the rate base, for the purpose of maintaining existing services, enhancing financial sustainability and funding infrastructure maintenance and renewal.**
3. **Receive the updated Long-Term Financial Plan for Public Exhibition.**
4. **Endorse the updated Long-Term Financial Plan and place on public exhibition for a period of 28 days.**
5. **Request the Chief Financial Officer to undertake further community consultation as required in the NSW Office of Local Government *Guidelines for the Preparation of an Application for a Special Variation to General Income 2020*.**
6. **Note that the next phase of the community information and engagement period runs from 25 October to 28 November 2021.**
7. **In January 2022 receive a report on the community consultation outcomes, along with the completed Special Variation Application for consideration and determination of an application for a Special Rate Variation.**

BACKGROUND:

If Council wishes to seek a Special Rate Variation above the rate peg for the 2022/2023 financial year, it is required to notify the Independent Pricing and Review Tribunal (IPART) of this intention in November 2021.

Council adopted its updated Integrated Planning & Reporting (IP&R) documents, including the Long-Term Financial Plan (LTFP), on 17 June 2021 with the preferred option being the SRV scenario. From July to September 2021 Council undertook extensive community consultation and received feedback from the community regarding the potential introduction of a Special Rate Variation (SRV). A detailed report outlining the community consultation and feedback received is attached to this report.

Council now needs to consider its options to pursue an SRV for implementation from the 2022/23 year.

REPORT:

Council resolved to adopt the IP&R documents at its ordinary meeting on 17 June 2021. Significant feedback from the community in regard to the SRV scenario was received during the exhibition period of the IP&R documents, and Council committed to further investigation and community consultation to be conducted between July and October 2021 about the potential requirement for an SRV, as per options within the LTFP.

To assist with community consultation and future decision making about an SRV, Council engaged Morrison Low Consultants to:

- review Council's current baseline budget and financial forecasts
- assess the contributors to Council's financial sustainability challenges
- independently assess and provide independent advice to the community and Councillors on the long-term financial sustainability of Council
- provide advice to community and Councillors on options to close any financial sustainability gap.

As a result of this review, three options for an SRV were proposed for feedback during consultation with the community, each containing different ratios of productivity savings, service changes and SRV.

Option A

30% Special Rate Variation – implemented over two years (15% + 15%) plus rate peg

A productivity saving of \$600,000

Minimal service changes

Option B

25% Special Rate Variation – implemented over two years (12.5% + 12.5%) plus rate peg

A productivity saving of \$600,000

\$700,000 of savings/increased revenue made up of:

- Asset rationalisation: sell, dispose or repurpose \$4.8M of identified underutilised or redundant assets to reduce annual costs by \$220,000
- Change to service levels: reduce six hours per week across all or select services to reduce costs by approximately \$30,000
- Reduce services: transfer/cease services to reduce net costs by \$400,000 – the equivalent of the operation of Visitor Information Centres and tourism support activities
- Increase fees and charges: 8% additional increase in fees and charges to generate a further \$50,000 in annual revenue.

Option C

15% Special Rate Variation – implemented over two years (7.5% + 7.5%) plus rate peg

A productivity saving of \$600,000

\$1.7M of savings/increased revenue made up of:

- Asset rationalisation: sell, dispose or repurpose \$7.3M of underutilised assets to reduce annual costs by \$330,000

- Change to service levels: reduce 12 hours per week across all or select services to reduce costs by approximately \$60,000
- Reduce services: transfer/cease services to reduce net costs by \$1.2M – the equivalent of Community Grants, Community Donations, Community Development, the operation of Visitor Information Centres and tourism support activities, saleyards operations.
- Increase fees and charges: 18% additional increase in fees and charges to generate a further \$110,000 in annual revenue.

If Council does not implement an SRV, the LTFP predicts indefinite operating deficits for the General Fund if current operations continue. Of immediate concern is the prediction in the base case scenario that unrestricted cash for the general fund will be exhausted by 2024/25.

Going forward Council has already committed to annual savings of \$600K and has adopted an updated Financial Sustainability Plan to continue to create ongoing productivity and efficiency gains. However, further savings, additional income or significant service reductions are required to bring Council's operating position to a surplus level. The finalised annual financial statements for 2020/21 show an operating deficit excluding capital grants and contributions of \$4.98M, demonstrating Council continues to secure and utilise grant and external funding for use on capital renewal projects. With Council's current income, Council is unable to self-fund the same level of capital renewal and maintenance projects.

Morrison Low have provided a summary of the Phase One SRV community consultation and implications, which is attached to this report. A further report summarising the outcome of the community engagement to date is also attached.

The majority community opinion was that current assets, services, service levels and the level of fees and charges are highly valued and important. This confirms previous feedback where the community generally expressed their intent to keep services at the level they are currently provided for. Current feedback shows that 60% of community members who participated in polls preferred the lowest proposed SRV and only 26% the highest SRV. The Local Government Act requires Council to sustainably manage its assets, resources and finances. As such, Council has little option but to increase its revenue or significantly reduce costs through service reductions to close the financial gap of continuing operational deficits. However, the community engagement has shown strong opposition to both service reductions and an SRV. In combination, these diametrically opposing opinions result in a financially unsustainable Council.

After undertaking the first phase of community consultation around the introduction of an SRV, Council now needs to determine if it continues to proceed with the process to apply for an SRV and submit a *Notice of Intention to Apply for an SRV*. Such a notice is not committing Council to an application, it is merely flagging Council's intent to apply and providing Council officers with approval to proceed with the development of an application and deliver corresponding community information and consultation. Council elections are due to be held in early December with the new Council to be established in January. The decision to submit the SRV application will be required at the January Ordinary Council meeting. The new Council will need to decide whether to proceed with the SRV application as proposed, modify the SRV application to a lesser amount, or not proceed with an SRV at all.

Morrison Low and Council officers recommend introducing an SRV per option A to avoid a significant reduction to current assets, services and large increases to fees and charges. It is noted that should Council add additional assets and/or increase services and service levels in the future, offsetting savings in the form of service and asset reductions will be required to avoid reverting to an operating deficit. An updated LTFP is attached to this report and outlines the preferred scenario with an SRV of 17.5% (including rate peg) in 2022/23 and 17.5% (including rate peg) in 2023/24. The SRV is recommended to be permanently included in Council's revenue.

The cumulative effect of option A, a 15% plus 15% SRV plus rate peg of 2.5% in each year results in a rate rise of 38.06% (compounded) over the two years. The SRV (including rate peg) will raise additional rates income of \$1.35M in year 1 and \$2.97M in year 2. This equates to an annual increase of approximately \$183 and \$397 on the average rate. In addition, Council will pursue productivity savings through employee cost savings of \$600K annually from 2022/23, and continue to implement actions of the Financial Sustainability Plan. The proposed SRV requires only minimal service level adjustments.

The proposed SRV scenario allows Council to:

- maintain service levels as close as possible to current levels,
- fund ongoing maintenance,
- fund renewal of infrastructure assets,
- increase capacity to renew deteriorating assets,
- ensure and improve financial sustainability,
- reduce reliance on external grant funding for asset renewals.

Arguments

- **For a submission of a Notice of Intent to apply for an SRV:**
 - Council forecasts operational deficits over the next 10 years
 - Council is bound by the principles of sound financial management in the *NSW Local Government Act 1993*, namely responsible and sustainable spending and responsible and sustainable infrastructure investment
 - Council is unable to self-fund the maintenance and renewal of all its community assets with its current income
 - Council's rates are relatively low compared to other Councils within its category
 - Council is not committing itself to an application at this stage, however, if the notice of intent is not lodged, Council will not be able to apply for an SRV until the following year
- **Against a submission of a Notice of Intent to apply for an SRV:**
 - Council elections are to be held in early December 2021 and lodging a notice of intent may be construed as influencing these elections
 - Council has implemented rates harmonisation resulting in some ratepayers experiencing increases to general rates
 - Increases in sewer and water charges were implemented over the past financial years
 - An SRV may cause undue hardship for ratepayers who have been financially impacted by the bushfires and pandemic
 - Community engagement required and the drafting of an application will consume valuable resources

IPART requirements

When preparing an application for a SRV, IPART requires councils to actively engage residents in discussions about any proposed increase above the rate peg and will consider how effective each council's community inclusion has been before determining an application to increase rates above the set peg. As part of the application, Councils need to show IPART that there is:

- community awareness of their plans
- a demonstrated need for higher increases to charges
- a reasonable impact on ratepayers
- a sustainable financing strategy
- a history of well-documented council productivity improvements

Following the submission of an application to IPART, IPART will also assess other relevant information, including communication from ratepayers received during a public exhibition process. IPART can wholly or partially approve or reject a council's application.

Consultation with IPART

Management have discussed the proposed submission of an application for an SRV with IPART. IPART advised that a Notice of Intention is not binding on Council. In other words, the submission of intent does not bind the newly elected Council to submit an application, but without a notice of intent, Council cannot submit an application. IPART also advised that due to the delayed Council elections it is unlikely that an updated Delivery Program is required, however, the LTFP has to be updated and put on public exhibition prior to any application being made.

Guidelines

The Office of Local Government releases a set of guidelines each year for the preparation of an application for a special variation to general income. A copy of the most recent 2020 guidelines is attached to this report. IPART will assess each application against the criteria listed in the guidelines. These criteria are:

- The need for, and purpose of a different revenue path for Council's General Fund to be clearly articulated and identified in Council's IP&R documents.

Comment: Council's adopted LTFP includes the proposed special rate variation as a preferred scenario and clearly articulates the reason for the SRV. The updated LTFP will be put on public exhibition during November 2021 as part of wider community consultation about the SRV application.

- Evidence that the community is aware of the need for and extent of a rate rise. Council must undertake a comprehensive community engagement strategy using a variety of methods available.

Comment: The community satisfaction survey in April 2021 showed that 79% of respondents were aware of the option for Council to investigate a Special Rate Variation to increase rates from 2022 as outlined within the LTFP that was exhibited in April 2021 and adopted in June 2021. The Phase One SRV engagement between July and September 2021 provided the opportunity for all community members to obtain further detailed information about a potential SRV, the rationale for an SRV and to provide feedback. The attached report outlines this phase of community engagement. Additional community engagement about the development of an application for a SRV as notified to IPART in Council's Notice of Intention will be conducted during November 2021.

- The impact on affected ratepayers must be reasonable, having regard to both the current rate levels, existing ratepayer base, and proposed purpose of the variation. The Delivery Program and LTFP need to clearly show the impact of the SRV on the community. Consideration of the community's capacity and willingness to pay rates, and establish that the proposed rate increases are affordable.

Comment: Council has commissioned a *Capacity to Pay Report*, attached to this report, which outlines the impact on ratepayers. The Delivery Program is currently under review for adoption in June 2022 and the updated LTFP is attached to this report.

- The relevant IP&R documents must be exhibited, approved and adopted by Council prior to Council applying to IPART for a special rate variation.

Comment: Council adopted the IP&R documents in June 2021 and these documents are currently under review for the newly elected Council to adopt in June 2022. They will be exhibited as required under the IP&R framework.

- The IP&R documents or Council's application must explain the productivity improvements and cost containment strategies council has realised in past years and plans to realise over the proposed special variation period.

Comment: Council has achieved cost reductions which are included in the current financial year and future budgets and has committed to further savings of \$600K. A Financial Sustainability Plan was adopted alongside Council's IP&R documents in June 2021. Details will be included in Council's application.

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

Theme 4: Communication & Engagement

Delivery Outcomes

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

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate services are provided to the community, and transparent planning to provide confidence in Council's ability to deliver on the community's priorities	The proposed rates increases may be seen as having potential social impacts
Environmental	Planning for the provision of services that improve environmental outcomes within Council's area of influence	Environmental impacts identified will need to be identified and managed
Economic	The LTFP assists in improving community and investor confidence in the region through demonstration of gradual improvements and sound financial management	There may be a perception that Council needs to be more than an enabler/supporter in economic development requiring additional resources
Governance	This report is required to demonstrate to the community and government the appropriateness and transparency of Council's decision-making processes	The existing Council may prefer to leave decision-making to the yet-to-be elected new Council

Financial and Resources Implications

The re-adoption of the Long-Term Financial Plan will likely incur associated expenses and resources for successful implementation over the years.

Costs and Benefits:

There are considerable costs involved in the delivery of community consultation and the drafting of an application to IPART. These costs are recognised in the 2021/22 budget.

Policy, Legal and Statutory Implications:

Compliance with S508(a) of the *Local Government Act 1993* and associated guidelines and regulations.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

There is a risk that the updated Long-Term Financial Plan and other information provided to the community is not well understood by the community. A detailed communications and engagement approach has been and continues to be applied.

OPTIONS:

1. Council endorse the report and recommendations
2. Council amend the recommendations
3. Council reject the recommendations

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal consultation has been undertaken to establish the updated Long-Term Financial Plan and the scenario modelling updated by Morrison Low as well as discussion of the community engagement documents.

Extensive external consultation has been undertaken which is outlined in the attached report. Formal public exhibition of the Long-Term Financial Plan will be conducted in accordance with the requirements of the Local Government Act 1993. Further community engagement regarding the proposed SRV will be undertaken between November and December 2021 as per the SRV engagement plan. Community feedback will be considered by Council before an application to IPART is submitted.

ATTACHMENTS

- 1 Draft updated LTFP 2021-31 for public exhibition (under separate cover)
- 2 SRV Community Engagement Summary Morrison Low (under separate cover)
- 3 SRV Community Engagement Report 30.09.21 (under separate cover)
- 4 SRV Community Information August 2021 (under separate cover)
- 5 SRV Community Information Q&A (under separate cover)
- 6 SRV Close the Gap Options (under separate cover)
- 7 Capacity to Pay Report Morrison Low (under separate cover)
- 8 OLG SRV Guidelines 2020 (under separate cover)

11. MANAGEMENT REPORTS**11.1 LEASE - RAIL PRECINCT IN TUMUT**

REPORT AUTHOR: COORDINATOR OPEN SPACE & FACILITIES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council to renegotiate the lease with John Holland for the Rail Precinct in Tumut.

The current lease for the site has expired and is need of renewal. However, the conditions of the existing lease agreement requires that the lessee is fully responsible for all maintenance inclusive of minor and major repairs for the buildings within the precinct. These buildings include:

- Old Tumut rail station building currently used by the Lanterns on the Lagoon Community Group
- Old Goods Shed currently used by the Tumut Potters Group
- Public amenities

These buildings are considered to be in poor condition and in need of major repair.

From an asset management and financial sustainability perspective, it would not be prudent for Council as the lessee to accept the current lease conditions for the maintenance/repair of these buildings.

Accordingly, it is recommended that the current conditions of the existing lease for the rail precinct not be accepted and be renegotiated to ensure that the liability for maintaining the buildings to ensure their safety, functionality and compliance with relevant building standards is the responsibility of the landlord.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on the lease for the Rail Precinct in Tumut**
2. **Approve not renewing the current lease with John Holland for the Rail Precinct in Tumut, noting that under the current lease conditions the lessee is responsible for all maintenance and repairs minor or major to the whole rail precinct including the buildings**
3. **Delegate the Chief Executive Officer to renegotiate the conditions of the lease for the Rail Precinct in Tumut removing the conditions making the lessee fully responsible for all maintenance and repairs minor or major of the buildings included in the precinct, noting that the lessee would typically only be responsible for minor repairs and maintenance such as mowing, cleaning and general upkeep.**
4. **Receive a further report on the outcomes of the negotiations as described in item 3 in the above for the consideration of Council**

BACKGROUND:

Since 2009, Council has had a lease agreement with John Holland to lease the Tumut Rail Precinct.

Under the current lease, the lessee is fully responsible for any maintenance and repairs minor or major to the whole rail precinct.

In response to the current conditions of the lease, Council officers recommend that the lease is not renewed unless conditions of the lease can be renegotiated to reflect a more typical owner lessee arrangement, that the lessee is only responsible for maintenance issues like mowing, cleaning and general upkeep of the precinct and buildings.

REPORT:

The current lease for the site has expired and is need of renewal. However, the conditions of the existing lease agreement requires that the lessee is fully responsible for any maintenance inclusive of repairs minor or major for the buildings within the precinct. These buildings include:

- Old Tumut rail station building currently used by the Lanterns on the Lagoon Community Group
- Old Goods Shed currently used by the Potter Group
- Public amenities

These buildings are considered to be in poor condition and in need of major repair.

A preliminary assessment of the buildings identified that the cost to repair the Tumut Railway Station building and Goods Shed to the appropriate standard could be in the order of \$500,000.

From an asset management and financial sustainability perspective, it would not be prudent for Council as the lessee to accept the current lease conditions for the repair of these buildings.

Accordingly, it is recommended that the current conditions of the lease for the rail precinct not be accepted and renegotiated to ensure that the liability for maintaining the buildings to ensure their safety, functionality and compliance with relevant building standards is the responsibility of the landlord.

Whilst the Tumut Railway Precinct is an important part of Tumut's regional history and significant benefit to the community, the precinct it ultimately the responsibility of the State Government. The unfavourable current lease conditions effectively shifts the financial liability associated with the ownership of the asset onto 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

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	The Tumut Railway Precinct is an important part of Tumut's regional history and significant benefit to the community. The precinct provides an entry focus point for Tumut along with public toilet facilities and directly supports several community groups including	Failure to renegotiate the conditions of the existing lease for the precinct could result in the site becoming financially unviable to maintain and retain.

	Positive	Negative
	the Tumut Potters, Lanterns by the Lagoon and the Tumut Lions.	
Environmental	The precinct is currently maintained by Council. This includes general repairs, waste removal, mowing and cleaning and general upkeep of the public amenities.	Failure to renegotiate the conditions of the existing lease and undertake the general upkeep of the site could result in the precinct falling into disrepair.
Economic	Renegotiating the conditions of the existing lease will assist in ensuring that the maintenance and general upkeep of the precinct is affordable and sustainable into the future.	Failure to renegotiate the conditions of the existing lease for the precinct could expose Council to significant financial liability for its ongoing upkeep.
Governance	Nil	Nil

Financial and Resources Implications

The current cost to Council for the lease and general upkeep of the Tumut Rail Precinct is in the order of \$20,000 per annum.

Failure to renegotiate the conditions of the existing lease could result in Council being financial liable for the repair of the buildings within the precinct. A preliminary assessment of the buildings identified that the cost to repair the Tumut Railway Station building and Goods Shed to the appropriate standard could be in the order of \$500,000.

The renegotiation of the lease could impose some additional costs for Council in the order of \$2,000 for legal fees. This cost will be funded through existing budget provisions.

Policy, Legal and Statutory Implications:

Legal advice will be sought as required to assist with the renegotiation for the lease of the Tumut Rail Precinct to ensure that Councils legal and statutory rights are protected.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

RISK CATEGORY	RISK DESCRIPTION	Likelihood	Consequence	Risk Rating
Corporate Governance and compliance	Failure to comply with the legal and statutory requirements associated with the renegotiation of the conditions of the existing lease.	Unlikely	Moderate	Medium
Environmental & Public Health	Nil risks identified.	N/A	N/A	N/A
Financial	Failure to renegotiate the conditions of the existing lease could	Possible	High	High

RISK CATEGORY	RISK DESCRIPTION	Likelihood	Consequence	Risk Rating
	result in Council incurring significant financial liability for the upkeep of the Tumut Rail Precinct.			
Human Resources	Nil risks identified	N/A	N/A	N/A
Information Technology	Nil risks identified	N/A	N/A	N/A
Projects	Nil risks identified	N/A	N/A	N/A
Reputation	Council reputation is damaged through failure to renegotiate the conditions of the existing lease.	Possible	Moderate	High
Service Delivery	Nil risks identified	N/A	N/A	N/A
Stakeholders and Political	Dissatisfied community and groups that utilise the precinct.	Possible	Moderate	High
Work Health and Safety	Nil risks identified	N/A	N/A	N/A

OPTIONS:

Council may choose to endorse the recommendations as made in this report.

Alternatively, Council may endorse the recommendations made in this report with amendments or reject the report altogether.

It should be noted that if Council determine to reject this report and not proceed with renegotiation of the conditions of the existing lease for the Tumut Rail Precinct, Council could be exposed to significant financial liability.

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Subject to the decision of Council, the community, stakeholders and user groups will be advised of the lease arrangements and renegotiation.

ATTACHMENTS

Nil

11. MANAGEMENT REPORTS**11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)**

REPORT AUTHOR: PROPERTY AND TRANSPORT PARTNER
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Council is responsible for managing a substantial portfolio of land across the Local Government Area. Part of this responsibility includes ensuring land is appropriately classified as either 'community' or 'operational'

This report seeks the approval of Council to proceed with the classification of 14 Tyrell Street, Khancoban as operational land.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on the classification of land purchased at 14 Tyrell Street, Khancoban – Khancoban Country Club.**
2. **Approve the subject land for Operational Classification.**

BACKGROUND:

Chapter 6 Part 2 Division 1 of the Local Government Act 1993 No. 30 states that all public land must be classified as either 'Community' or 'Operational'.

Community land is generally intended for public access and use due to its use or special features being of significance to the community. Community land is subject to special restrictions, including that the land cannot be leased, licenced or any other estate granted over the land for a period greater than 21 years and the sale of land is prohibited.

Conversely, Operational land has no special restrictions other than those that may apply to any piece of land.

For land acquired after 1 July 1993, Chapter 6 Part 2 Division 1 Subsection 31 of the Local Government Act 1993 No. 30 states that council may resolve that land be classified as community or operational before acquiring, or within 3 months after it acquires land, after which point if the land remains unclassified it is taken to have been classified as community.

In April 2018, Council resolved to purchase Lot 3 of 14 Tyrell Street in Khancoban (see attachment 1 – map) to undertake one of the following options:

- a) Advertise the land for the sale as a rural residential allotment
- b) Retain the land for:
 - I. resell at later date
 - II. develop the site for an accommodation purpose, such as cabins, RV's etc.

Council formally acquired ownership of Lot 3 DP 1239992 in Khancoban on August 6th, 2021.

REPORT:

Following the purchase of Lot 3 DP 1239992, Council intends to seek advice on the most appropriate use for the lot which will provide the maximum return for Council's investment. Subsequently, it is in

Council's interest to resolve to classify the land as operational to ensure land use restrictions imposed on community categorised land do not limit the available land use options.

In summation, the classification of 14 Tyrell Street in Khancoban as operational will enable Council to sell or develop the land in alignment with the original April 2018 resolution to purchase the land.

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

Operational Actions

1.7.1 Manage Council's investment portfolio to optimise investment returns within Council Policy requirements

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

Nil

Policy, Legal and Statutory Implications:

The subdivision is a permissible activity, and the lot size is compliant with the minimum allotment size outlined in the Environmental Plan.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

Nil

OPTIONS:

Council may decide to:

- 1) Classify the land as operational and proceed with the land use option to provide maximum return for Council's investment per April 2018 resolution
- 2) Classify the land as community noting special restrictions and limiting land use options identified in April 2018 resolution

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

- 1 ECM 3131279 - Attachment 1 - Lot 3 DP 1239992 - 14 Tyrell Street Khancoban - Map (under separate cover)

11. MANAGEMENT REPORTS**11.3 TUMUT AERODROME - ADDITIONAL HANGAR SPACE**

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

EXECUTIVE SUMMARY:

At its meeting held on the 15 July 2021, Council allocated the last of the allotments available for hangar space at the Tumut Aerodrome and approved in principle to develop additional space for hangars.

This report seeks the approval of Council to proceed with making additional land available at the Tumut Aerodrome for the development of additional hangar space, noting the ongoing demand for additional hangars.

As described in this report the creation of additional hangar space at the aerodrome has been estimated to require a capital investment in the order of \$90,000. However, it has been identified that these works could be undertaken under the Aerodrome Stage 2 improvement works where ground will need to be prepared for stockpiling, fleet staging, materials storage, etc.

Council should also note that the proposed plan for additional hangars contradicts the existing masterplan for the site.

Noting the above this report also recommends that the masterplan for the Tumut Aerodrome be reviewed and updated to accommodate the additional hangar space along with the other planned improvements to the aerodrome.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on the Tumut Aerodrome - Additional Hangar Space**
2. **Approve the preparation of land for the dual use of staging the stage 2 improvement works and the creation of additional allotments for six hangars at the Tumut Aerodrome.**
3. **Note the creation of these additional hanger allotments is not consistent with the existing masterplan for the Tumut Aerodrome**
4. **Note the need to review and update the masterplan for the Tumut Aerodrome to reflect the creation of the additional space for the hangars as referred to item 2 above.**
5. **Receive a further report to consider an update of the Tumut Aerodrome Masterplan that takes into account the additional hanger space and improvement works.**
6. **Receive a further report if additional funding is required for the creation of additional allotments for six hangars at the Tumut Aerodrome.**

BACKGROUND:

In February 2021, Council advertised for Expressions of Interest (EOI) in Hangar Lot 8 at Tumut Aerodrome. There were five respondents to the EOI. There was also further interest expressed after the EOI closed.

The EOI process seemed to indicate there is significant demand for additional hangar space at the aerodrome.

At its meeting held on 15th July 2021 Council resolved inter alia:

- *Approve in principle, the development of additional hangar space at Tumut Aerodrome to accommodate future growth.*
- *Receive a further report for the consideration of Council as part of the 2021/22 first quarter budget review process for the provision of additional hangar space at Tumut Aerodrome.*

Currently, there are no additional hangar lots available at the Tumut Aerodrome, but there are four known applicants identified as part of the EOI process undertaken in February 2021 that have registered an interest in acquiring hangar space.

To meet this demand and ensure that momentum to develop the aerodrome is optimised this report recommends proceeding with providing space at the Tumut Aerodrome to accommodate an additional six hangars.

Subject to the outcomes of this development further space for hangars may also need to be considered.

REPORT:

Options for hangar locations

Aside from purchasing additional land, the proposed hangar spaces would most likely need to be placed north of the existing hangars.

This report proposes the preparation of an additional six hangar lots to meet current demand and provide for future growth.

The work required includes:

- Level/grade the area
- Reconstruct open drains for alternative flow paths
- Pump out, excavate, and fill in the existing dam
- Construct gravel access track for hangar access

A plan of the site showing the proposed hangar lots and how it relates to the existing hangars and master-planned airpark estate is attached to this report.

The proposed area is also the preferred location for the staging and stockpiling for the Aerodrome stage 2 improvement works, and significant project synergy has been identified in this regard.

The stage 2 works provide a common access road, and the areas proposed for hangars can be utilised for transitory storage for the stage 2 works; enabling flexible access for applicants to further their development plans (geotechnical, survey, site levelling, etc) prior to the hangar building stage.

The project delivery timeline may vary, however, below is an indicative schedule.

Date	Description
01/12/2021	Call quotations / book internal works crews
01/02/2022	Establishment (ideally combined with Stage 2 works)
20/02/2022	Strip/level site
20/03/2022	Fill in dam with appropriately compacted fill
30/03/2022	Topsoiling

Date	Description
01/04/2022	Construction completion

Impact on the existing aerodrome masterplan

The current aerodrome masterplan does not provide for additional hangar lots. The addition of hangar lots north of the existing hangars will result in impacts on the open space and Airpark Estate lots proposed in the 2015 Aerodrome Master Plan (attached).

Discussions with Airpark Estate proponents reveal the need for a large buffer between Airpark Estate lots and other aerodrome activities to maintain visual amenity and reduce noise impacts. Of similar concern is the size of the hangar lots, open space and visual amenity, and to some extent the utilities available as this will determine the demographic attracted to the site.

To maintain adequate separation while providing additional hangar lots, a loss of three to seven of the seventeen master-planned Airpark Estate lots is estimated.

Furthermore, the RFS proposed Fire Control Centre could also be seen to impact on this Airpark Estate area if it is placed to the north in favour of acquiring more land to the south of the aerodrome.

Need to update the aerodrome masterplan

There is a need to update the masterplan in response to the recent proposed changes at Tumut Aerodrome including the Fire Control Centre, additional hangar lots, and aerodrome improvement project.

Cost for works

The cost for the works as an independent project is estimated at \$90,000. When combined with another project the cost estimate reduces to \$75,000 (a saving of \$15,000).

The greatest savings are found when combined with the stage 2 improvement works as this provides the greatest project synergy.

If some of the works cannot be undertaken under the stage 2 improvement works, another report to Council will be submitted to seek any required funding.

At this stage, it is not possible to predict what proportion of the above mentioned funding may be required in such an eventuality.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.4 Provide a program to deliver and improve public amenities and infrastructure which meets an acceptable community standard

Operational Actions

5.3.3 Commence implementation of the aerodrome upgrade (extension and pavement strengthening)

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate land/facilities are provided for social interaction and the inclusion of valuable aviation contributors.	None identified
Environmental	Site will be managed and developed in an environmentally sensitive way, seeking to conserve mature trees and provide for 'green' corridors.	Loss of some immature trees and one mature native tree is unavoidable. Space for additional trees will be provided.
Economic	<p>The greatest savings will be found when the project is coordinated with the Stage 2 works.</p> <p>If undertaken independently, project cost is estimated to be offset halfway through the 25-year licence term through fees charges.</p> <p>Total fees gained over the life of the licence deed for five sites is estimated at current rates to be nearly \$170k.</p> <p>Furthermore, each site garners investment of approximately \$100k in the local construction sector.</p>	<p>If the project cannot be undertaken under the stage 2 improvement works, cost is estimated to be \$75k to \$90k.</p> <p>Long payback period, depending on hangar lot uptake.</p>
Governance	Providing adequate growth potential thus providing inter-generational equity, equal opportunity, and sound management of the site.	None identified.

Financial and Resources Implications

Funding should be covered in synergistic project outcomes.

Resource demands are minor, but the extremely high project workload this year requires the consideration of contract resources to deliver the works.

Costs and Benefits:

Financial Costs	Financial Benefits	Benefits	Opportunities
List Direct Costs: \$75k to \$90k (should be covered by Stage 2 works).	Savings/Efficiencies: Duplicate project outcomes means costs should be covered by Stage 2 works. \$15,000 if combined with another project.	Community Benefits: Equal opportunity for community members to get involved in aviation activities. Social benefits including a sense of community, belonging, support structures, etc.	Future projects to be funded from savings: None identified.
List indirect costs: Additional maintenance costs which will be insignificant compared to the existing site demands		Organisational Benefits: Retain extensive aviation knowledge which will contribute to the development of the aerodrome.	Reputational improvements: Provide for individuals who are keen to contribute to aviation at Tumut Aerodrome.
Initial Costs: \$75k to \$90k (should be covered by Stage 2 works).	Ongoing financial Benefits: Approx. \$500k investment through the local construction sector. Estimated \$170k income in fees.	Other Non-financial benefits: Retain individuals who have extensive aviation knowledge and a keen interest in the aerodrome.	Further enhancements: Improve development inertia at the aerodrome and capitalise on the aerodrome expansion project.

Policy, Legal and Statutory Implications:

Works must be in accordance with the Manual of Standards Part 139.

Proposed works are not consistent with the current Master Plan.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

If not managed properly could expose Council to both reputational and business risk.

Failure to deliver the project as referred to in this report within the agreed timeframes could also impact on both the reputation and business of the organisation.

To help reduce this risk, the delivery of the services will be undertaken in accordance with Councils accredited Integrated Management System. This will ensure that the WHS, Quality and Environmental aspects of the work are managed in compliance with AS/NZS 4801:2001, ISO 9001:2008 and ISO 14001:2004 to achieve the best outcomes for Council and the community.

RISK CATEGORY	RISK DESCRIPTION	Likelihood	Consequence	Risk Rating
Corporate Governance and compliance	Works do not meet the standards set out in the MOS part 139.	Unlikely	Moderate	Medium
Environmental & Public Health	Loss of biodiversity / pollution incident.	Possible	Major	High
Financial	Works completed and no hangars are taken up	Rare	Minor	Low
Human Resources	Nil risks identified	N/A	N/A	N/A
Information Technology	Nil risks identified	N/A	N/A	N/A
Projects	Project is poorly delivered / not delivered under Stage 2	Unlikely	Minor	Low
Reputation	Council reputation is damaged through not delivering on what it said / project management failure / large pollution incident, etc	Possible	Moderate	High
Service Delivery	No hangar lots are provided	Unlikely	Moderate	Medium
Stakeholders and Political	Stakeholders are left with no hangar lots	Unlikely	Moderate	Medium
Work Health and Safety	Staff or public injured on worksite	Rare	Catastrophic	High

OPTIONS:

Council may choose to endorse the recommendations as described in this report.

Alternatively, Council could choose to reject the proposal, however, this could effectively alienate a number of individuals who will most likely move on to other aerodromes. This could result in a loss of knowledge from our aviation community, as well as loss of income in the local construction sector.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Consultation

- Executive Director Infrastructure – policy direction and approval.
- Manager Construction (contract) – budgeting advice, construction rates, and project timeline.

External Consultation

- The Aerodrome Committee – Generally, members were supportive of the proposal, recognising the need for additional space to meet demand for hangars.

- An online information session – most people were not opposed to the proposal, with the focus being on the stage 2 expansion works. However, there were a couple of people who opposed the proposal due to its impact on the northern airpark estate plan. The opposing views expressed the following points:
 - Maintain southern areas for commercial activities and the northern areas to be related to residential use. This is consistent with surrounding uses (orchard estate).
 - Maintain aesthetics of residential areas through landscaping differential between residential and commercial areas.
 - Changes to hangar areas, runway length, and proposal of a Fire Control Centre all trigger the need for a new masterplan for the site.
 - Any significant deviation from the masterplan changes the whole concept and impacts the purpose and reason behind it. The market research is no longer valid and the information on which the masterplan is based will need to be investigated and re-confirmed. The masterplan should also encompass the wider area surrounding the aerodrome, not just Council-owned land.

ATTACHMENTS

- 1 2015 Aerodrome Master Plan (under separate cover)
- 2 Additional Hangar Lot Concept Plan (under separate cover)

11. MANAGEMENT REPORTS**11.4 FOOTPATH EXTENSION - FOREST STREET TUMUT**

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

EXECUTIVE SUMMARY:

At its meeting held on the 15 July 2021, Council resolved to undertake a strategic assessment and feasibility study for extending the concrete footpath at the Franklin Public School in Forest Street, Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway.

This report provides the outcomes of the assessment and recommends that funding of \$39,600 be sought for extending the concrete footpath in Forest Street at the Franklin Public School.

A further assessment can then be undertaken to assess the need for extending the footpath along the Snowy Mountains Highway to link the residential housing estates on the east side of the Highway with the school.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on the proposed Footpath Extension - Forest Street, Tumut**
2. **Note the outcomes of the strategic assessment and feasibility study for extending the concrete footpath at the Franklin Public School in Forest Street, Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway**
3. **Endorse extending the footpath in Forest Street at the Franklin Public School subject to the availability of funding**
4. **Endorse seeking external funding opportunities for the amount of \$39,600 for extending the footpath in Forest Street in partnership with the Franklin Public School**
5. **Consider allocating a budget of \$39,600 for extending the footpath in Forest Street at the Franklin Public School as part of the 2022/23 budget process if externally sourced funding cannot be obtained in the interim**
6. **Endorse undertaking a further strategic assessment on the need for extending the footpath along the Snowy Mountains Highway to link the residential housing estates on the east side of the Snowy Mountains Highway with the Franklin Public School after the completion of the footpath extension in Forest Street**

BACKGROUND:

At its meeting held on the 15 July 2021, Council resolved the following:

**7.1 NOTICE OF MOTION - FOOTPATH EXTENSION - FOREST STREET TUMUT
- CR ANDRIANNA BENJAMIN**

**M144/21 RESOLVED:
THAT COUNCIL:**

1. Receive the report on Notice of Motion – Footpath Extension - Forest Street Tumut – Cr Andrianna Benjamin
2. Undertake a strategic assessment and feasibility study in accordance with our Project Management Framework for extending the footpath at the Franklin Public School in Forest Street Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway inclusive of:
 - Needs analysis
 - Concept designs
 - Cost plan
3. Prepare a report for the consideration of Council at its October 2021 meeting on the outcomes of the above.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

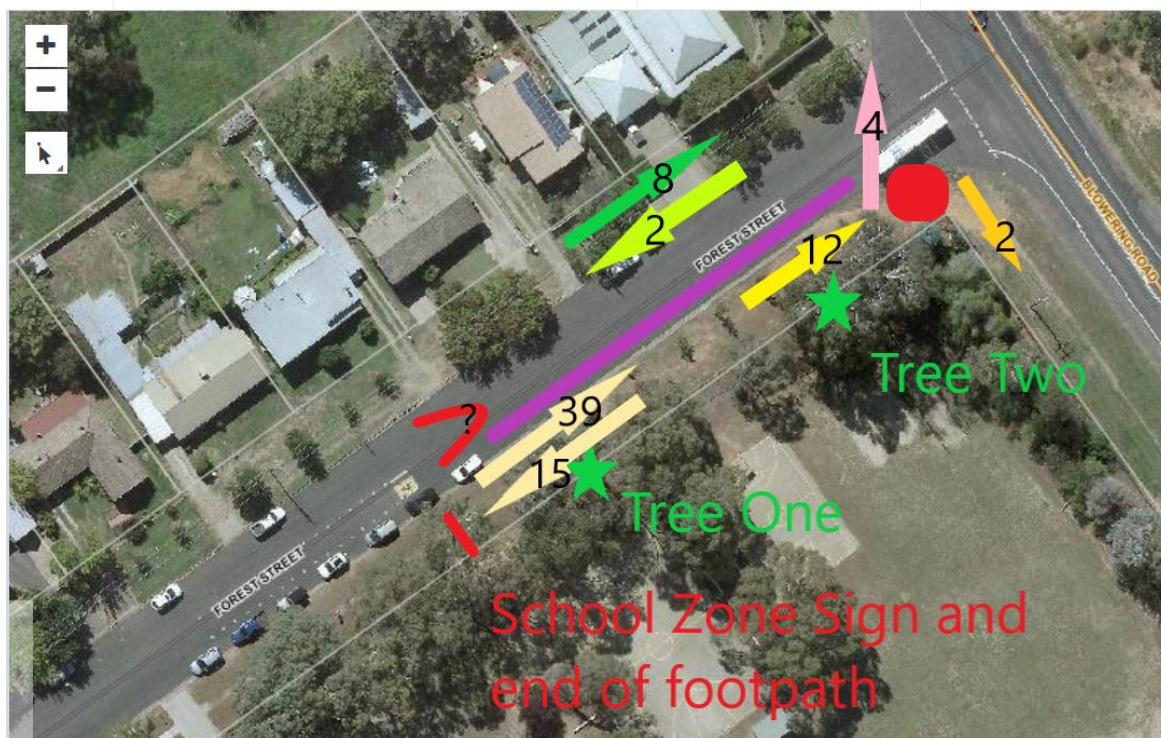
This report provides the outcomes of the strategic assessment for extending the concrete footpath at the Franklin Public School in Forest Street Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway.

REPORT:

Needs Analysis

To assess the need for extending the concrete footpath at the Franklin Public School in Forest Street Tumut and linking the footpath to the residential housing estates on the east side of the Snowy Mountains Highway, pedestrian movement surveys were undertaken at the school. The results of the surveys are shown below.

Fig 1 - Franklin Public School Pedestrian Movements - 5th October 2021 2:50 to 3:30.pm











Location	Colour-Code	To-School (downhill)	From-School (up-hill)
Crossing the front of Tree One		15	39
Crossing the front of Tree Two		7	12
Crossing Forest Street close to Snowy Mountains Highway		1	4
East into Snowy Mountains Highway		2	0
Walking opposite side of Forest Street		2	8
Parked vehicles school side of Forest Street		Up to 13	
Parked vehicles on footpath at intersection		2	
U-turns (observed)		?	

Fig 2 - Franklin Public School Pedestrian Movements - 6th October 2021 8:15 till 9:05 am.











Location	Colour Code	To School (downhill)	From School (up hill)
Crossing the front of Tree One		20	3
Crossing the front of Tree Two		11	3
Crossing Forest Street close to Snowy Mountains Highway		7	3
East into Snowy Mountains Highway		0	1 and 2 dogs
Walking opposite side of Forest Street		1	1
Parked vehicles school side of Forest Street		Up to 6	
Parked vehicles on footpath at intersection		0	
U turns (observed)		11	
Buses		7	

Fig 3 - - Franklin Public School Pedestrian Movements - 6th October 2021 2:45 to 3:15.pm.

Location	Colour Code	To School (downhill)	From School (up hill)
Crossing the front of Tree One		10	32
Crossing the front of Tree Two		9	15
Crossing Forest Street close to Snowy Mountains Highway		3	5
East into Snowy Mountains Highway		1*	5
Walking opposite side of Forest Street		1	4
Parked vehicles school side of Forest Street		11	
Parked vehicles on footpath at intersection		1	
U turns (observed)		?	
Bus (including 'near miss' with car pulling out)		4	

Other observations made during the pedestrian movement surveys are summarised below.

- significant number of vehicles parked in front of the school zone and on the nature strip obscuring the view of traffic leaving the highway and entering the school zone of Franklin Public School
- unexpected number of U turns made by drivers with some occurring in the face of traffic
- number of people opening doors for passengers on the traffic side of the vehicle
- significant (but unmeasured) speeds of some drivers who were dropping off students

It should also be noted that concerns have previously been raised by the principal of the school regarding vehicles parking in the school zone and students walking along the roadway to access buses and vehicles rather than walking on the nature strip.

In summary, the onsite observations demonstrate the need to extend the footpath in Forest Street in front of the Franklin School to assist with addressing the observed pedestrian and road user behaviours.

The proposal to extent the footpath along the Snowy Mountains Highway linking to the residential housing estates on the east side of the Highway does not seem to be required at this time. It is recommended that this need be reassessed in the future, once the extension of the footpath in Forest Street has been completed.

Concept designs and cost plan

Council Officers have developed a concept of the area proposed for the extension of the footpath in Forest Street as shown in the below (Fig -4).

Fig 4 - location of proposed footpath extension



Table 1 below shows the cost plan estimate for the construction of the proposed footpath extension.

The estimate does not include allowances for crossing of the Snowy Mountains Highway or additional requirements associated with the Highway that may be required by TfNSW.

Table 1 – Estimate cost plan (250m long footpath – Forest Street and Snowy Mountains Highway)

Description	width	length	total	rate	total cost
Survey and Design				\$5,000	\$5,000
Concrete path	1.5m	250m	375m ²	\$125	\$46,875
Traffic/Pedestrian Management				\$12,000	\$12,000
Pedestrian calming devices			2	\$10,000	\$20,000
Subtotal					\$83,875
Project Management and Contingency					\$12,581
Total					\$96,456

Noting that the analysis has supported the need to extent the footpath in Forest Street in front of the Franklin School as a priority, table 2 below shows the cost plan estimate for extending the footpath in Forest Street only.

Table 2 – Estimate cost plan (125m long footpath – Forest Street)

Description	width	length	total	rate	total cost
Survey and Design				\$3,000	\$3,000
Concrete path	1.5m	125m	187.5m2	\$125	\$23,438
Traffic/Pedestrian Management				\$8,000	\$8,000
Subtotal					\$34,438
Project Management and Contingency					\$5,166
Total					\$39,604

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.4 Provide a program to deliver and improve public amenities and infrastructure which meets an acceptable community standard

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	The construction of the new footpath will contribute to the liveability of the community by providing new fit for purpose footpaths, and formalised walking areas adjacent to high traffic areas	Nil identified
Environmental	A formalised footpath will focus the foot traffic in the area onto the nature strip.	The construction of the footpath could pose negative environmental impacts such as dust, noise and removal of vegetation.
Economic	Nil identified	The costs associated with extending the footpath network.
Governance	Nil identified	Nil identified

Financial and Resources Implications

Councils financial capacity to allocate a budget for the extension of the footpath as proposed in this report is limited, and it is intended to seek external funding opportunities for the construction of the footpath.

If successful in securing externally sourced funding for the footpath extension, the financial impact associated with extending the footpath in respect to depreciation and ongoing maintenance is considered marginal.

If funding for the proposed footpath extension is obtained, it is intended that the design and construction of the footpath would be undertaken utilising internal resources.

Costs and Benefits:

The estimated cost to extend the concrete footpath in Forest is \$39,600.

Depreciation over the life of the asset is estimated to be in the order of \$396 per annum. Ongoing maintenance costs will be minimal over the life of the asset and would likely be absorbed within the existing footpath maintenance budgets.

As described in this report, the benefits from extending the footpath in Forest Street at the Franklin Public School includes addressing pedestrian safety, particularly during school drop off and pick up times.

Policy, Legal and Statutory Implications:

Nil legal and statutory implications identified.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

RISK CATEGORY	RISK DESCRIPTION	Likelihood	Consequence	Risk Rating
Corporate Governance and compliance	Nil risks identified.	N/A	N/A	N/A
Environmental & Public Health	Negative environmental impacts such as dust, noise and removal of vegetation..	Rare	Minor	Low
Financial	Funding not available to undertake the works	Possible	Moderate	High
Human Resources	Nil risks identified	N/A	N/A	N/A
Information Technology	Nil risks identified	N/A	N/A	N/A
Projects	Works are poorly delivered.	Unlikely	Minor	Low
Reputation	Council reputation is damaged through not delivering the footpath extension works.	Possible	Moderate	High
Service Delivery	Footpath is not built to the required standard	Unlikely	Minor	Low
Stakeholders and Political	Political and stakeholder satisfaction if the footpath extension project is not progressed.	Possible	Moderate	High
Work Health and Safety	Staff or public injured on worksite	Rare	Catastrophic	High

OPTIONS:

Council may choose to endorse the recommendations as described in this report.

Alternatively, Council may choose to reject or amend the proposal to extend the footpath in Forest Street. Amendments could include:

- allocating a budget to undertake the footpath extension, noting that it will likely impose further stress on Council's budget and financial position
- changing the scope of the works to include extending the footpath along the Snowy Mountains Highway as proposed in the original notice of motion adopted by Council on the 15 July 2021, noting that this would also pose further budget and financial stress on Council and is not supported by the need analysis

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Consultation

- Road Safety Officer
- Manager Technical Services, Roads Engineer and Design team

External Consultation

- Principal of the Franklin Public School
- Some members of the general school community during the onsite assessment and observations.

Subject to the decision of Council, the community, stakeholders and user groups will be advised of the outcomes of the proposal to extend the footpath in Forest Street.

ATTACHMENTS

- 1 20211005 - Franklin Public School Pedestrian Movements 1500hrs (under separate cover)
- 2 20211006 - Franklin Public School Pedestrian Movements 0815hrs (under separate cover)
- 3 20211006 - Franklin Public School Pedestrian Movements 1445hrs (under separate cover)

11. MANAGEMENT REPORTS**11.5 TRANSFER OF SVC COMMUNITY SERVICES PROGRAMS**

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

EXECUTIVE SUMMARY:

This report recommends that in response to funding and service delivery reforms at a National level, Council provides support for the development of a transition plan that will enable Council to consider the social, economic and governance impacts associated with a transfer of the SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such community services.

National reforms focused on improved service delivery and changing funding models are due to take effect from end June 2023 and have provided a logical and prudent opportunity to review SVC's delivery model for community services to ensure it remains effective and efficient for both service users and Council into the future.

Through discussion with Commonwealth Home Support Program fund managers, it has been established that if Council determines the most effective action is to transfer its Community Home Support programs to another provider, this can be achieved through direct negotiation with an accredited provider only after the completion of a transition plan.

The process of developing a transition plan will assist Council's ability to make informed, objective decisions regarding the future delivery of SVC Commonwealth Home Support Program. The information contained in a transition plan will allow Council to assess any changes in service delivery against the ability to achieve positive outcomes for Service Clients, Communities and the staff currently employed by SVC as well as Council's ability to efficiently deliver these services in comparison to other providers.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receives and notes the report on Transfer of SVC Community Services Programs.**
2. **Confirms its commitment to ensuring residents of the Snowy Valleys have access to a range of quality aged services and providers.**
3. **Provide "in principle" endorsement to proceed with the development of a transition plan and undertake all due diligence required for the transfer of SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such programs and services.**
4. **Request the Chief Executive Officer (or his delegate) to submit a report to a future Meeting of Council for a determination in respect of the transfer of SVC Commonwealth Home Support Program funding contracts, programs and associated assets to an accredited provider of such programs and services.**
5. **Commits to advocating to other levels of government to address any emerging issues in the provision of appropriate aged care programs and services for the residents of Snowy Valleys.**

BACKGROUND:

SVC and its predecessors have operated community programs in Tumbarumba and Tumut over thirty years. The programs that are proposed to be transferred are those operated by the Tumbarumba Multi Service Outlet and Tumut District Community Transport.

Tumbarumba's Multi Service Outlet and Tumut District Community Transport are largely funded under Commonwealth Home Support Program (CHSP) funding aimed at entry-level support to assist older people aged 65 years and over (50 years and over for Aboriginal and Torres Strait Islander people) to remain living at home and in their community. The CHSP funds domestic assistance, transport, meals, personal care, home maintenance, social support, nursing, and allied health. The CHSP also supports care relationships through planned respite services for older people. These respite services allow carers to take a break from their usual caring responsibilities.

Community Transport also receives Non-Emergency Health Related Transport funding for people who cannot use or have difficulty using public and/or private transport or who are disadvantaged by distance to access medical appointments. Other funding received is Department of Veteran Affairs funding for transportation to medical appointment for ex-servicemen and women and their spouses.

In 2020 a review of aged care and disability programs delivered by Council was undertaken by an external consultant. The review highlighted current and impending internal and external impacts on service delivery and recommended that Council revisit its commitment to delivering these programs.

In the summary of strategic issues facing SVC in delivering these programs, the report identified that *"There are far-reaching reforms at a national level underway in this sector. The shift from local government centered service delivery to client-centered choice presents many challenges and opportunities. It is timely that SVC investigate the options for future delivery of these services, with a goal to ensure the path forward is in the best interests of consumers, the community and ratepayers."*

The Aged and Disability Services Review report can be found at Confidential Attachment One. The report contains recommendations relating to a range of matters in respect of the delivery of aged and disability services. A comprehensive action plan has been developed and is being implemented to address these matters. This report has been prepared in response to the recommendation above (in italics).

REPORT:

The programs and services subject to this report are as follows:

1. Tumut District Community Transport
 - Transport for NSW – community transport
 - Murrumbidgee Local Health District – Non-emergency health related transport (NEHRT) – community transport
 - NDIS residual transport
2. Tumbarumba Multi Service Outlet
 - Transport for NSW – community transport and Commonwealth Home Support Program (CHSP)
 - Murrumbidgee Local Health District – Non-emergency health related transport (NEHRT) – community transport
 - NDIS residual transport
 - Department of Health – (CHSP) – Domestic Assistance, Transport, Social Support, Meals on Wheels,
 - Respite, Home Care Packages, Maintenance & Modifications.

The Centrelink function and coordination of the Retirement Village operated from Tumbarumba Multi Service Outlet are not subject to the recommendations in this report.

The issues and impacts outlined in the Aged and Disability Services Review included increasing costs of delivering community services programs, impending change from block funding to charging in arrears and behind scenes administrative burden due to systems that do not converse, have precipitated a review and assessment of Council's role in delivering community services programs.

Block funding enables budgeting based on knowing what you are receiving ahead of each financial year. Funding in arrears makes it difficult to predict budgeting needs, impacting on staffing and service delivery. Council has a small proportion of the community services market within the Local Government Area and without a guaranteed funding amount, will find it difficult to remain competitive and sustainable.

Council will gain efficiencies from a transfer of funding contracts, mostly through less duplication of effort. The change from receiving quarterly block funding to funding in arrears will create more duplication of effort and time through increase to administrative burden and presents a challenge in operating a service reliant on funding that will be received post-delivery of service.

Council staff have met with contract managers for CHSP funding for Community Transport and a phone conversation with the contract manager for the Multi Service Outlet CHSP funding. The outcome of discussions with the Funding Contract Managers have revealed that it is possible to transfer these services if Council identifies a pre-accredited provider of the services. Alternatively, Council could maintain the funding and contract out the delivery of service to other providers. The cleanest and most efficient solution is to transfer the contracts and delivery.

It was cautioned that if Council found a provider willing to take on the contracts, Council would have to comply with 'due diligence' requirements, that is, achieve all actions of the funding contract and complete a transition plan before a transfer of services can occur. The contract managers reiterated sensitivity and a need for a smooth transition of clients between services.

Once a potential provider is identified and Council approval has been sought, funding contract managers must be advised, and the transition plan is developed. 'Due diligence' by the funding bodies is then commenced.

Consideration has also been given to the sensitivity and impacts a transfer will have on Council staff in these programs. Ongoing communication with staff is vital to a smooth transition. It is anticipated that Council staff employed in the community services programs would have the opportunity to transfer their employment to the accredited organisation to which the contracts would transfer.

Council employs three permanent full time and two permanent part time staff members to deliver aged and disability services (4.2 FTE). These staff are supported by several casual employees as well as volunteers.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

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

Operational Actions

1.2.8 Implement the recommended actions from the Aged Care review

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Transferral of community services to a local accredited organisation that is fully configured to deliver such services will result in long term sustainability of the service for the benefit of an ageing population demographic.	Council may be perceived to removing the service.
Environmental	N/A	N/A
Economic	Transferral of community services to a local accredited organisation that is fully configured to deliver such services will ensure that employment associated with the service will remain in the LGA	Nil
Governance	Transferral of community services to an accredited organisation that is fully configured to deliver such services will ensure that the governance requirements associated with the delivery of these services are managed appropriately.	Nil

Financial and Resources Implications

The development of a transition plan and management of the transfer process will be achieved within existing resource allocations.

Costs and Benefits:

The cost of implementing the proposed change will be met within existing financial resources relative to the program area. Note that the change will result in efficiency gains for SVC due to the removal of corporate administrative requirements including:

- Human Resource Management
- Financial management and reporting
- Governance and Risk Management

Transferral of these community service programs to a local accredited organisation that is fully configured to deliver such services will result in long term sustainability of the services for the benefit of an ageing population demographic.

Policy, Legal and Statutory Implications:

CHSP Contracts and services are subject to the Commonwealth Aged Care Act.

The recommendations in this report have been discussed with and endorsed by the relevant funding program managers.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

The transferral of these services may be seen by some as the removal of these services. In the circumstances a comprehensive communication plan will be developed and implemented as part of a broader transition plan.

OPTIONS:

In consideration of this matter Council has the following options:

- Adopt the recommendations contained in this report.
- Decline to support the recommendations and continue to deliver the programs and services that are the subject of this report.
- Seek further information and defer the matter to a future meeting of Council.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Staff affected by the recommendations in this report have been advised of the proposed changes and the implications. Should Council adopt the recommendations a comprehensive communications and engagement plan will be developed and delivered as part of the transition plan and process.

ATTACHMENTS

- 1 ECM3132446 - Attachment 1 - Confidential Draft Report - Aged Care, Disability Services and Housing Review (under separate cover) - Confidential

11. MANAGEMENT REPORTS**11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE**

REPORT AUTHOR: MANAGER GROWTH & ACTIVATION
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

A development application DA 2020/0247 was lodged with Council on 18 August 2020 seeking development consent for the purposes of a 'Dwelling and Ancillary Shed' at Lot 11, DP 1123419, known as Lot 11 Bombowlee Avenue, Bombowlee. The merits of the proposal include the construction of a dwelling house, ancillary shed and necessary earthworks. This application was subsequently determined by Council by way of a refusal (15 April 2021). The applicants have requested a Review of the Determination as permitted under Clause 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The proposal has been reported to full Council on the basis that a determination made by Council can only be reviewed by Council and not a delegate of the Council.

The merits of the application have been assessed in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it has been recommended that the application be determined by way of refusal for the provided reasons.

Applicant	Habitat Planning
Landowner	Alexandra Arentz
Zoning Context	RU1 – Tumut Local Environmental Plan 2012
Capital Investment Value (\$)	\$180,000
Notification Period	Review of Determination was not renotified. No submissions were received under the assessment of the original DA and CPP allows discretion for notification purposes.
Number of submissions	Nil
Political Donations declaration	Nil
Reasons for referral to Council	Review of Council Determination (as required under Clause 8.3 of the EP&A Act 1979) – Previous application determined by full Council.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue
2. Determine application REV2021/0001 – Lot 11 DP1123419 Bombowlee Avenue for a dwelling and an attached shed by way of refusal for the following reasons:
 - a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is considered that there is an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument

- b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan.**
- c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development**
- d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest**

BACKGROUND:

Subject Site and Locality

Figure 1 provides an illustration of the land's general location and layout. The land is identified as Lot 11, DP1123419, known as Lot 11 Bombowlee Avenue, Bombowlee, and comprises approximately 9.5Ha of total area.

The subject site is located approximately 1km to the north east of Tumut, with the surrounding land currently being utilised for primary production, agricultural and rural residential land uses. It is considered that the proposal is generally consistent with the existing land uses of the area and is not expected to cause unmanageable land use conflict.

The site is currently utilised for agricultural activities. The overall slope of the site undulates as part of the Tumut River flood plain. The development site has been located to the east of the site to minimise flooding to the proposed dwelling house.



Figure 1: Aerial of Subject Site (Lot 11, DP1123419)

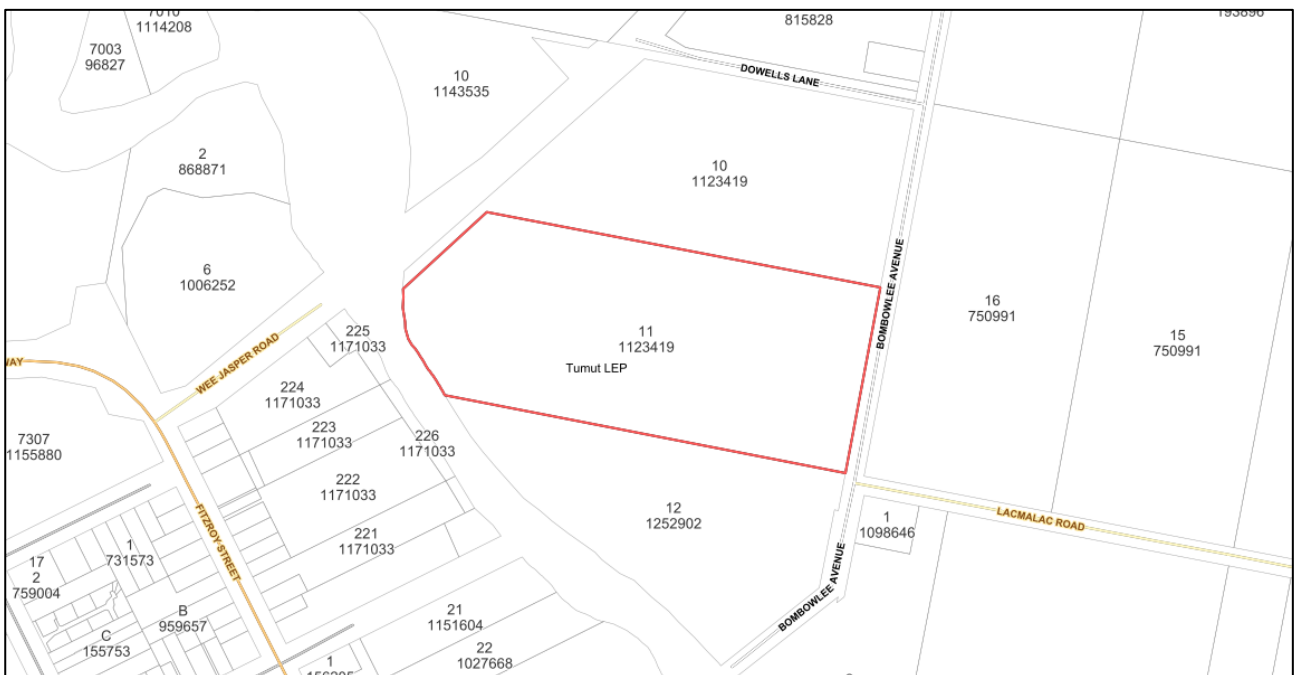


Figure 2: Cadastral map of subject site and surrounding properties

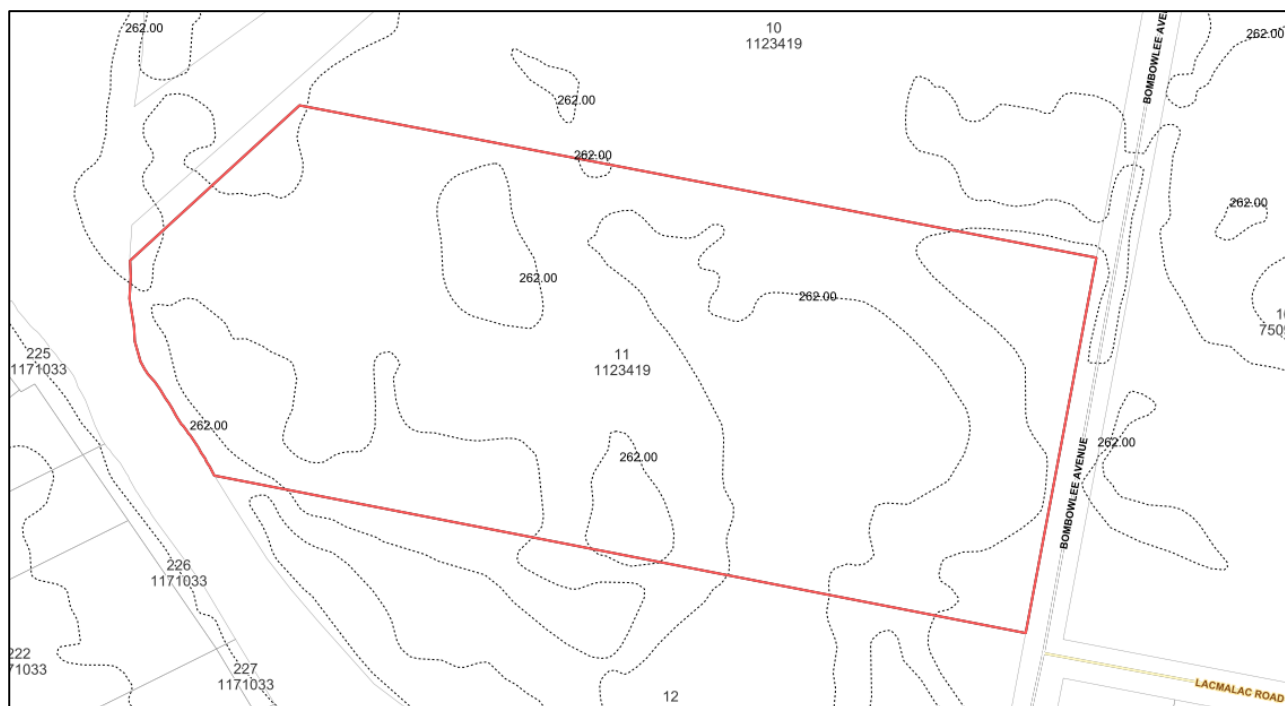


Figure 3: Topographic Map of Subject Site

Proposed Development

The merits of the proposal include:

- Proposed Dwelling house
- Attached farm shed
- Associated earthworks and retaining walls

Attachment 2 provides the proposed site plan and Attachment 3 provides elevation drawings that outline the development as proposed.

The application contained an updated Statement of Environmental Effects (Attachment 1) where additional justification was provided to address flooding, but no additional information was included in the provided flood study (Attachment 4) that was provided as part of DA2020/0247. This information was referred internally to Councils Design Engineer for review and comment.

REPORT:

Statutory Provisions

Pursuant to Section 4.15 (1)(a)(i) and (ii) Any Environmental Planning Instrument/Draft Environmental Planning Instruments applying to the land:

State Environmental Planning Policies

The application has been considered with regards to the relevant provisions of applicable state environmental planning policies (SEPPs) as outlined and discussed below:

State Environmental Planning Policy 55 Remediation of Land

- Clause 2 - Object of the Policy

The proposed development is considered satisfactory with respect to the particular aims of SEPP 55 to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

- Clause 7 – Contamination and remediation to be considered in determining a development application.

Council has undertaken a desktop review of the previous uses of the land and also has conducted a site inspection of the premises to ensure that there are no contamination issues present. The former use of the site includes agricultural pursuits. From a site inspection, no evidence of animal dips or chemicals or hazardous waste could be identified. The land is not considered to be contaminated, nor does it require remediation for the purposes of the development.

State Environmental Planning Policy – (Koala Habitat Protection) 2020

- Clause 8 – Is the land potential koala habitat?

The land is not considered to be potential koala habitat given the amount of native vegetation on the site, as defined in the SEPP.

Local Environmental Plans

The *Tumut Local Environmental Plan 2012* as amended applies to the subject site.

- **Clause 1.2 Aims of the Plan**

The aims of the Tumut LEP are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural landscape character of the land*

The proposal is considered to be generally consistent with the aims of the Tumut LEP 2012.

- **Clause 1.4 Definitions**

The proposed development comprises of the construction of a dwelling house and ancillary attached shed, as defined in the Tumut LEP 2010.

- **Clause 2.3 Zone objectives and Land Use Table**

The land is zoned as RU1 Primary under the *Tumut Local Environmental Plan 2012*. The proposed development site is located wholly within the RU1 Primary Production zone. As defined within the RU1 Land Use Table, a **dwelling house** and ancillary shed is permissible with development consent of the Council.

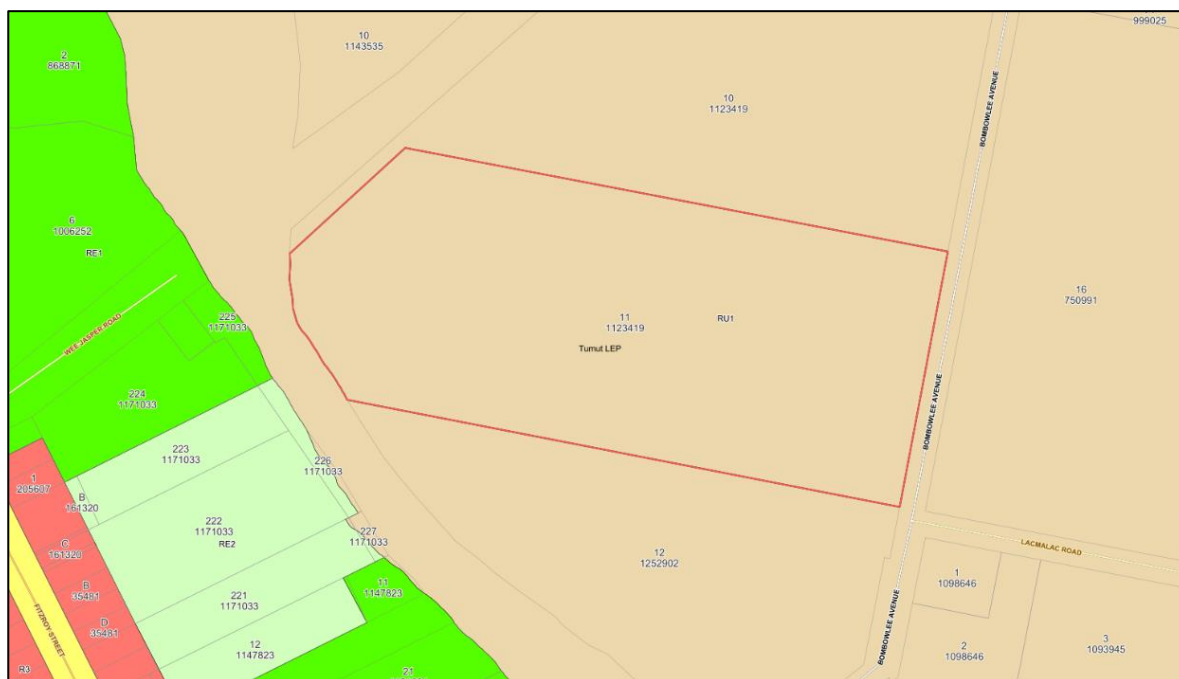


Figure 4: Zoning Map of Subject Site and Locality

- **Clause 4.6 – Exemptions to development standards**

This clause permits exemptions to development standards outlined in the LEP that may be necessary to permit development on the site. No exemptions to development standards outlined in the LEP are required to facilitate the development.

- **Clause 5.21 Flood Planning**

The issue of flooding on the site was the main reason for refusal in the previous assessment. The following review of the determination will outline the main considerations for assessing flood risk as outlined in the Tumut LEP 2012 (as amended). Section 5.21 – Flood Planning is the key part of the LEP that governs how flood impacts are to be assessed. The objectives of the clause are set out in (1), and are as follows:

- 1.1 to minimise the flood risk to life and property associated with the use of the land,
- 1.2 to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- 1.3 to avoid adverse or cumulative impacts on flood behaviour and the environment,
- 1.4 to enable the safe operation and efficient evacuation of people in the event of a flood.

To meet these objectives, the consent authority cannot issue consent unless it has considered and is satisfied that each of the points in (2) or (3) have been adequately addressed by the application. These points are assessed against the proposed development in the table below.

Section 5.21(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	
<i>(a) is compatible with the flood function and behaviour on the land</i>	The development site is impacted by flooding events, with the flood function and behaviour on the land varying in response to the topography of the site. The submitted flood study indicates the development is located on the highest point of the subject land, where the flood level is the lowest and the flood velocity is the slowest. It could

Section 5.21(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	
	be considered that the proposed development and built form is compatible with the flood function and behaviour on the land.
<i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties</i>	Given the amount of site area proposed to be impacted by the development, it is considered that the development would not result in any significant additional flood affectation of other development or properties.
<i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,</i>	It is considered that the proposed development would impact the efficient evacuation of people from the site. It is considered that during flood events, there would not be sufficient safe egress to flood free areas utilising the public road network. Figure 1 below shows the extent of flooding in the area during the 2012 flood event that is not considered to be above a 1% AEP Flood Event. The proposed dwelling is considered to be surrounded by deep or fast flowing flood water that would inhibit the safe evacuation of the dwelling's occupants during 1% AEP flood events. Accordingly Council cannot be satisfied that the development as proposed will not adversely affect the safe occupation and efficient vacation of people from the site.
<i>(d) incorporates appropriate measures to manage risk to life in the event of a flood</i>	Given that the proposed dwelling is considered to be surrounded by deep or fast flowing water, it is not considered that the development incorporates appropriate measures to manage risk to life in the event of a 1% AEP flood event.
<i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</i>	The development is not considered to adversely affect the environment or cause avoidable impacts to riparian lands. The dwelling is sited to avoid impacts to the Tumut River.
Section 5.21 (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—	
<i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change</i>	Flooding events are generally anticipated to increase in occurrence and severity as a result of climate change. The proposed development will not significantly increase these projected changes. It is considered that the development may be increasingly impacted as a result of these anticipated increases in flood events and severity.
<i>(b) the intended design and scale of buildings</i>	The development is considered to be consistent with the existing design and scale of development in the locality.

Section 5.21(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	
<i>resulting from the development</i>	
<i>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i>	The proposed dwelling incorporates measures to minimise the risk to life and to ensure the safe evacuation of people, however it is considered that these measures do not adequately mitigate the anticipated risk to life and the ability for persons to be evacuated during flood events.
<i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i>	The proposed dwelling is not able to be modified, relocated or removed during flood events to minimise impacts or risks associated with flooding. Coastal erosion impacts are not relevant to the subject site.

The proposed dwelling and associated development have been located on the subject site where the flood risk is considered to be the least and incorporates measures to further reduce risk where possible. It is considered however that the evacuation routes from the site, including Bombowlee Avenue, are subject to deep and or fast flowing floodwater, limiting safe evacuation routes from the site. The proposed development is considered to be not appropriate on the site given this lack of safe evacuation routes during flood events. Anticipated climate change impacts are also considered to increase the risk of flooding events into the future.



Figure 5: Flooding in the Bombowlee Avenue Locality

Development Control Plans

Pursuant to section 4.15 (1)(a)(iii) – any development control plans applying to the land.

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 that applies to the land:

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
Cut and fill	Cut and fill not to exceed 1m.	Some cut and fill will be required to facilitate the development. A maximum of 1.356m of fill is required to achieve the required floor level above the natural ground level. This requires a variation to the DCP control of a maximum of 1m of fill to be placed onsite. It is considered that a variation could be supported, given the flood prone nature of the site.	Non-complaint – variation possible.
Flooding	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.	The proposed development is not considered to be compatible with the flood risk of the locality. It is considered that there are inadequate safe evacuation paths from the site. It is considered that the provided flood study does not accurately identify the flood risk on the site. The development does not meet the requirements of this section of DCP	Non-compliant – variation not supported

It is considered that the proposal is not consistent with all relevant controls of the Snowy Valleys Council DCP 2019 with one major departure and one minor departure from the controls as identified above. It is considered that the development is compliant with all other relevant controls of the DCP.

Planning Agreements

Pursuant to section 4.15(1)(a)(iiia) - any planning agreement that has been entered into under section 7.4 of the Environmental Planning and Assessment Act 1979.

Council records indicate that no planning agreements have been entered into in relation to this development.

Regulations

Pursuant to section 4.15(1)(a)(iv) any regulation that applies to the development for the purposes of this paragraph.

There are no Regulations that are considered to be applicable to the subject land or the proposed development.

Coastal Management Plans

Pursuant to section 4.15(1)(a)(v) any coastal management plan (within the meaning of the Coastal Protection Act 1979) that applies to the land to which the development relates.

There are no coastal management plans that apply to the subject land.

Impacts of the Development

Pursuant to section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

Context and Setting

The proposed development is not expected to have significant negative impacts on the locality context and setting with particular regard to the existing context and setting with particular regard to existing and desired scenic qualities and features, the character and amenity of locality and the character and density of the development in the locality. The development as proposed is not considered to be out of context of the rural residential setting with regards to construction of a dwelling house and shed on the land.

Site design and internal design

The overall site design and layout is considered to be adequate, responding to the challenges of the site including the topography. The proposed dwelling has been located to the east to minimise flood impacts to the development.

Heritage

The site is not identified as an item of heritage in accordance with schedule 5 of the Tumbarumba Local Environment Plan nor is the site listed on the State Heritage Register. No heritage significance has been identified on the subject site as part of the assessment of this application.

Flooding

The site is subject to flooding and is identified as flood prone. The proposed development is not considered to have a significant impact on flood behaviour in the locality however is considered to have an impact on floodplain storage with filling of the land proposed to increase the Australian Height Datum (AHD) level of the development site. The development has been located on the site to minimise flood risk. Evacuation routes from the site during flood events are not considered to be adequate for any occupants of the dwelling and do not comply with the relevant provisions as outlined.

Suitability of the site for the development

Pursuant to section 4.15(1)(c) the suitability of the site for the development

The site is not considered to be suitable for the proposed development given the risk to occupants as a result of flooding. Measures have been proposed to minimise this risk; however, the risk is still considered to be significant. Evacuation routes from the site are considered to be compromised by deep and or fast flowing floodwater, making rescue or evacuation hazardous. Council cannot be satisfied that the development of the site will not be prejudicial to the safety of the occupants or prejudicial to property.

Submissions made in accordance with the Act or Regulations

Pursuant to section 4.15(1)(d) any submissions made in accordance with the Act or Regs.

Discussion surrounding any submissions made is outlined in the Community Engagement/ Consultation section of this report.

Public Interest

Pursuant to section 4.15 (1)(e) whether the proposal is within the public interest.

The proposed development is not in the public interest, given the flood risk to occupants of the site. This increases the likelihood of the need for emergency services to assist occupants of the site with evacuation, increasing cost and potential danger to emergency personnel. Prejudicing the safety of occupants and also emergency services staff is not within the public interest.

Consultation

Pre-lodgement Meetings

There is no record of any pre-lodgement meetings having been undertaken with Council staff in relation to this proposal.

External Referrals:

Referrals	Advice / Response / Conditions
Nil	N/A

Internal Referrals:

Referrals	Advice / Response / Conditions
Development Engineer	No further information has been provided and the proposed dwelling would be surrounded by fast flowing and or deep flood waters during a large flood event that would make evacuation extremely hazardous.

Community Participation Plan – Notification

The original DA was notified for the standard period (14 December 2020 to 4 January 2021) and during this period no submissions were received by Council.

The re-exhibition of any amended application or matter is considered to be discretionary, as outlined in the Snowy Valleys Community Participation Plan. Given no submissions were received during the initial notification period, it was considered that renotification of the current application before Council was not necessary.

Discussion of key issues

The key issue for this review is the flood hazard that is present on the site. This issue was the main reason for refusal of DA2020/0247. As outlined in the sections above, this issue is required to be considered at both the LEP and DCP Statutory consideration levels. At both levels, the information provided with the application does not provide an adequate assurance of the mitigation of risks associated with developing this site for the purpose of a dwelling house.

As outlined above, the flooding information and report was provided to Council's Design Engineer for review and comment. It is considered that evacuation routes from the site, predominantly Bombowlee Avenue, would be subject to deep and/or fast flowing floodwaters. This increases the risk to occupants and emergency services personnel when being evacuated from the site.

Irrespective of the ability of the dwelling to remain flood free, considerations under Clause 5.21 Flood Planning clearly identify that development:

'will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood'

The development is not considered to be suitable on the subject site for these reasons. As the application has not provided any additional information regarding addressing the evacuation from the site, or flood risk in general, it is recommended that the determination to refuse the application be upheld.

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 Receive, assess, prepare and issue planning-related applications and certificates within legislated timeframes

Financial and Resources Implications

The financial implications of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed below:

- Should the applicant choose to appeal a determination by way of refusal or pursue a deemed refusal by Council through the NSW Land and Environment Court and lose, the question of cost with regard to Council's Legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or deemed refusal by Council through the NSW Land and Environment court and win the question of costs be dependent on the extent of the reasons for refusal;
- Should any person choose to pursue Class 4 proceedings against Council to the Land and Environment Court and lose, the question of costs with regards to Council's legal representation would be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council.
- Should any person choose to take out class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.
- Should the applicant make no appeal, or proceedings not to be taken out by another party to the NSW Land and Environment Court regardless of determination, the application would result in no further financial implication on the Council.

Costs and Benefits:

There are no expected costs associated with the application where upholding the refusal determination is made. The refusal of the application will reduce the risk of flood impacts to residents of the locality and to emergency services.

Policy, Legal and Statutory Implications:

The assessment of the proposal has been carried out in accordance with the relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning Regulation 2000*.

RISK MANAGEMENT – BUSINESS RISK/WHIS/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 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:

Council has the following options with respect to Determination Review 2021/0001:

1. Uphold the current determination by way of refusal and provide the applicant with reasons for the refusal of the application as outlined in the above recommendation.
2. Reverse the recommendation of the determination, granting an approval to the proposed development subject to conditions of consent. Council would be required to delegate to the Chief Executive Officer authority to impose standard conditions of development consent. It should be noted that the flood evacuation (access and egress) constraints are unlikely to be overcome and accordingly if the proposal was supported a deferred commencement consent would need to be issued with deferred commencement conditions related to these constraints.
3. Defer any decision relating to Determination Review 2021/0001 pending the submission of additional information. Any decision on the application would need to be made prior to the expiry of six (6) months from the date of the original decision.

Councillors must record their votes on the matter.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community engagement surrounding the proposal has been outlined in the consultation section of the report.

ATTACHMENTS

- 1 ECM3131378 - Attachment 1 - 20211021 - REV2021 0001 - SEE - Lot 11 Bombowlee Avenue Bombowlee - Arentz (under separate cover)
- 2 ECM3131380 - Attachment 2 - 20211021 - REV2021 0001 - Site Plan - Lot 11 Bombowlee Avenue Bombowlee - Arentz (under separate cover)
- 3 ECM3131379 - Attachment 3 - 20211021 - REV2021 0001 - Elevations - Lot 11 Bombowlee Avenue Bombowlee - Arentz (under separate cover)
- 4 ECM3131381 - Attachment 4 - 20211021 - REV2021 0001 - Appendix E Flood Investigation Report - Lot 11 Bombowlee Avenue Bombowlee - Arentz (under separate cover)

11. MANAGEMENT REPORTS**11.7 REV2021/0002 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 12 BOMBOWLEE AVENUE BOMBOWLEE**

REPORT AUTHOR: MANAGER GROWTH & ACTIVATION
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

A development application DA2020/0228 was lodged with Council on 24 July 2020 seeking development consent for the purposes of a 'Dwelling and Ancillary Shed' at Lot 12, DP 1123419, known as Lot 12 Bombowlee Avenue, Bombowlee. The merits of the proposal include the construction of a dwelling house, ancillary shed and necessary earthworks. This application was subsequently determined by Council by way of a refusal (15 April 2021). The applicants have requested a Review of the Determination as permitted under Clause 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The proposal has been reported to full Council on the basis that a determination made by Council can only be reviewed by Council and not a delegate of the Council.

The merits of the application have been assessed in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it has been recommended that the application be determined by way of refusal for the provided reasons.

Applicant	Habitat Planning
Land owner	Mr Chad Lensing & Mrs Elaine Lensing
Zoning Context	RU1 – Tumut Local Environmental Plan 2012
Capital Investment Vale (\$)	\$498,720.00
Notification Period	Review of Determination was not re-notified. No submissions were received under the assessment of the original DA and the CPP allows discretion for re-notification.
Number of submissions	Nil
Political Donations declaration	Nil
Reasons for referral to Council	Review of Council Determination (as required under Clause 8.3 of the EP&A Act 1979) – Previous application determined by full Council.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on REV2021/0002 – Lot 12 DP1123419 Bombowlee Avenue
2. Determine application REV2021/0002 – Lot 12 DP1123419 Bombowlee Avenue for a dwelling and ancillary shed by way of refusal for the following reasons:
 - a) The proposal does not satisfy the considerations for approval as outlined in Clause 5.21 – Flood Planning of the Tumut LEP 2012. It is considered that there an unacceptable level of risk to occupants of the dwelling due to insufficient safe evacuation routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) i) any Environmental Planning Instrument.
 - b) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clause 3.2.10 Flooding. The provided information is not considered to adequately address flooding issues, especially safe evacuation

routes from the site and locality. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including a) iii) any Development Control Plan.

- c) The site is not considered to be suitable for the development given the flood risk posed to occupants of the dwelling. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including c) the suitability of the site for the development.
- d) The development is not considered to be in the public interest, given the additional risks associated with the potential rescue or evacuation of residents from the dwelling by emergency services personnel during flood events. The development application is not consistent with the requirements of s4.15(1) of the Environmental Planning & Assessment Act 1979, including e) the public interest.

BACKGROUND:

Subject site and locality

Figure 1 provides an illustration of the land's general location and layout. The land is identified as Lot 12, DP1123419, known as Lot 12 Bombowlee Avenue, Bombowlee, and comprises approximately 5.8Ha of total area.

The subject site is located approximately 1km to the northeast of Tumut, with the surrounding land currently being utilised for primary production, agricultural and rural residential land uses. It is considered that the proposal is generally consistent with the existing land uses of the area and is not expected to cause unmanageable land use conflict.

The site is currently utilised for agricultural activities. The overall slope of the site undulates as part of the Tumut River flood plain. The development site has been located to the south of the site minimise flooding to the proposed dwelling house and ancillary shed.



Figure 1: Aerial of Subject Site (Lot 12, DP1123419)



Figure 2: Cadastral map of subject site and surrounding properties

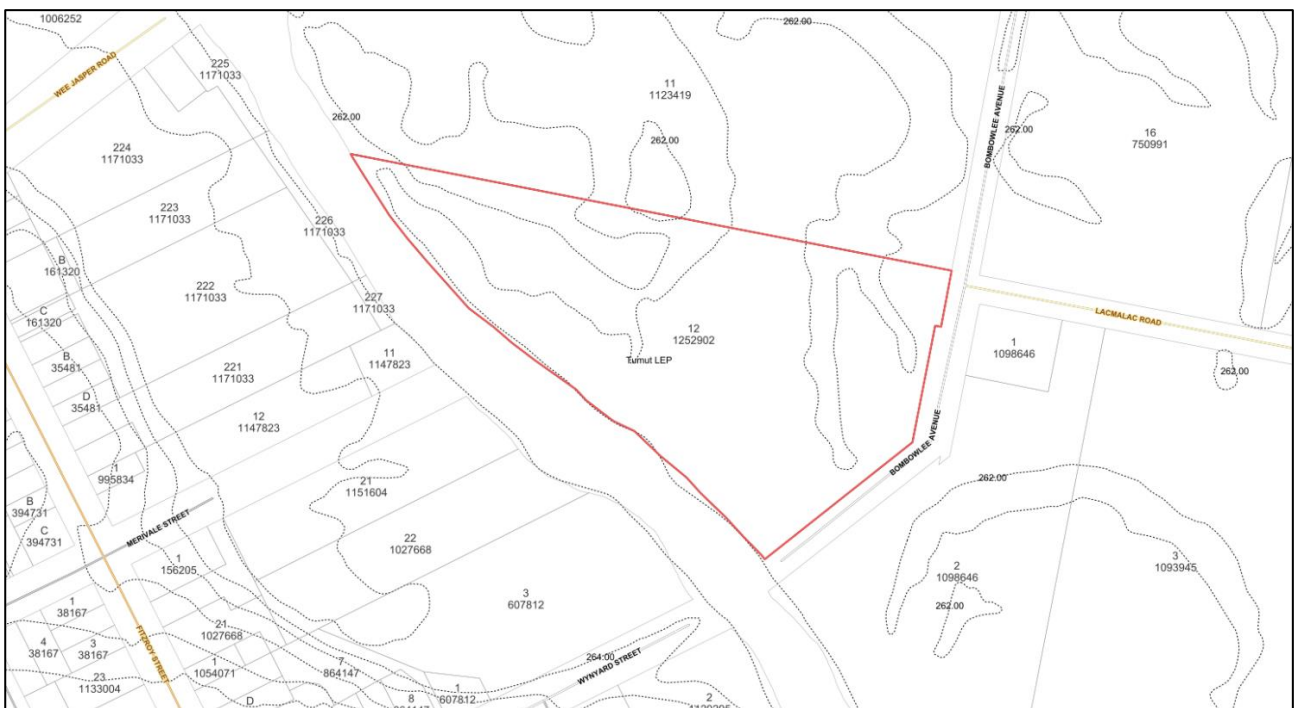


Figure 3: Topographic Map of Subject Site

Proposed Development

The merits of the proposal include:

- Proposed Dwelling house
- Ancillary shed
- Associated earthworks

Attachment 2 provides the proposed site plan and elevation drawings that outline the development as proposed.

The application contained an updated Statement of Environmental Effects (Attachment 1) where additional justification was provided to address flooding risk, and an additional flood study (Attachment 3) that was not provided as part of DA2020/0228 which was considered as part of the review of determination assessment. This information was referred internally to Council's Design Engineer for review and comment.

REPORT:

Statutory Provisions

Pursuant to Section 4.15 (1)(a)(i) and (ii) Any Environmental Planning Instrument/Draft Environmental Planning Instruments applying to the land:

State Environmental Planning Policies

The application has been considered with regards to the relevant provisions of applicable state environmental planning policies (SEPPs) as outlined and discussed below:

State Environmental Planning Policy 55 Remediation of Land

- Clause 2 Object of the Policy

The proposed development is considered satisfactory with respect to the particular aims of SEPP 55 to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

- Clause 7 – Contamination and remediation to be considered in determining a development application.

Council has undertaken a desktop review of the previous uses of the land and also has conducted a site inspection of the premises to ensure that there are no contamination issues present. The former use of the site includes agricultural pursuits. From a site inspection, no evidence of animal dips or chemicals or hazardous waste could be identified. The land is not considered to be contaminated, nor does it require remediation for the purposes of the development.

State Environmental Planning Policy – (Koala Habitat Protection) 2020

- Clause 8 – Is the land potential koala habitat?

The land is not considered to be potential koala habitat given the amount of native vegetation on the site, as defined in the SEPP.

Local Environmental Plans

The *Tumut Local Environmental Plan 2012* as amended applies to the subject site.

- **Clause 1.2 Aims of the Plan**

The aims of the Tumut LEP are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural landscape character of the land*

The proposal is considered to be generally consistent with the aims of the Tumut LEP 2012.

- **Clause 1.4 Definitions**

The proposed development comprises of the construction of a dwelling house and ancillary shed, as defined in the Tumut LEP 2010.

- **Clause 2.3 Zone objectives and Land Use Table**

The land is zoned as RU1 Primary under the *Tumut Local Environmental Plan 2012*. The proposed development site is located wholly within the RU1 Primary Production zone. As defined within the RU1 Land Use Table, a **dwelling house** and ancillary shed is permissible with development consent of the Council.

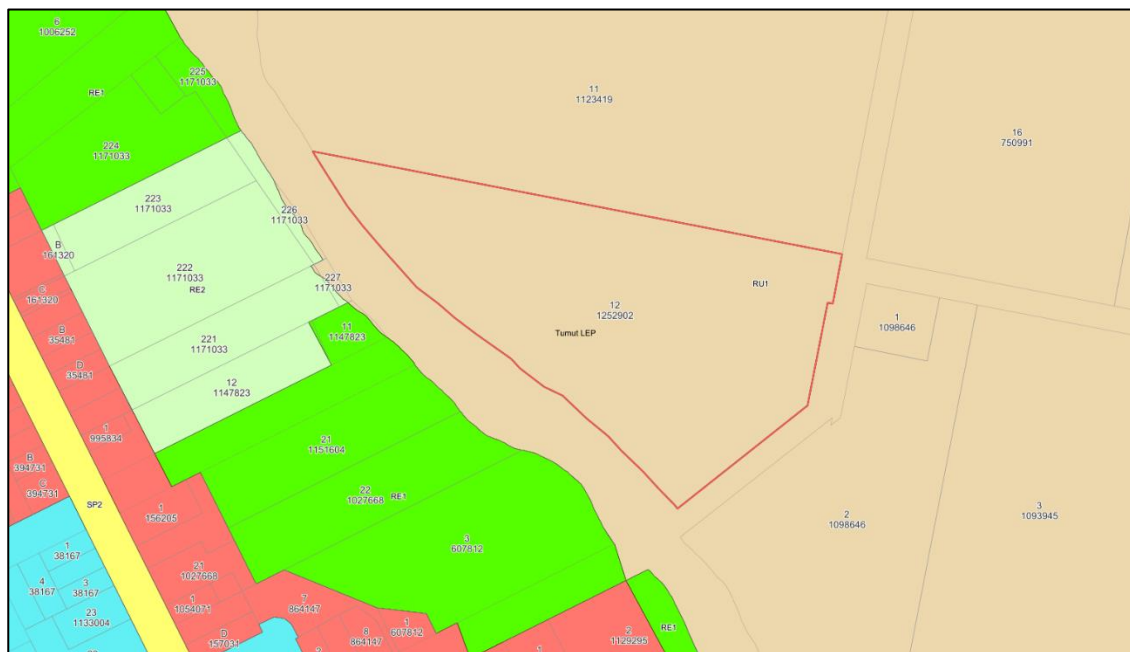


Figure 4: Zoning Map of Subject Site and Locality

- **Clause 4.2B - Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones**

The subject land is considered to be an existing holding for the purpose of 4.2B of the Tumut LEP. Council has provided previous written advice confirming that a dwelling opportunity may be available under this Clause subject to merit assessment and development consent of the Council.

- **Clause 4.6 – Exemptions to development standards**

This clause permits exemptions to development standards outlined in the LEP that may be necessary to permit development on the site. No exemptions to development standards outlined in the LEP are required to facilitate the development.

- **Clause 5.21 Flood Planning**

The issue of flooding on the site was the main reason for refusal in the previous assessment. The following assessment will outline the main considerations for assessing flood risk as outlined in the Tumut LEP 2012 (as amended). Section 5.21 – Flood Planning is the key part of the LEP that governs how flood impacts are to be assessed. The objectives of the clause are set out in (1), and are as follows:

- 1.1 to minimise the flood risk to life and property associated with the use of land,
- 1.2 to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,

1.3 to avoid adverse or cumulative impacts on flood behaviour and the environment,

1.4 to enable the safe occupation and efficient evacuation of people in the event of a flood.

To meet these objectives, the consent authority cannot issue a consent unless it has considered and is satisfied that each of the points in (2) or (3) have been adequately addressed by the application. These points are assessed against the proposed development in the table below.

Section 5.21(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	
<i>(a) is compatible with the flood function and behaviour on the land</i>	The development site is impacted by flooding events, with the flood function and behaviour on the land varying in response to the topography of the site. The submitted flood study indicates the development is located on the highest point of the subject land, where the flood levels is the lowest and the flood velocity is the slowest. It could be considered that the proposed development and built form is compatible with the flood function and behaviour on the land.
<i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties</i>	Given the amount of site area proposed to be impacted by the development, it is considered that the development would not result in any significant additional flood affectation of other development or properties.
<i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,</i>	It is considered that the proposed development would impact the efficient evacuation of people from the site. It is considered that during flood events, there would not be sufficient safe egress to flood free areas utilising the public road network. Figure 1 below shows the extent of flooding in the area during the 2012 flood event that is not considered to be above a 1% AEP Flood Event. The proposed dwelling is considered to be surrounded by deep or fast flowing flood water that would inhibit the safe evacuation of the dwelling's occupants during 1% AEP flood events. Accordingly Council cannot be satisfied that the development as proposed will not adversely affect the safe occupation and efficient evacuation of people from the site.
<i>(d) incorporates appropriate measures to manage risk to life in the event of a flood</i>	Given that the proposed dwelling is considered to be surrounded by deep or fast flowing water, it is not considered that the development incorporates appropriate measures to manage risk to life in the event of a 1% AEP flood event.
<i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</i>	The development is not considered to adversely affect the environment or cause avoidable impacts to riparian lands. The dwelling is sited to avoid impacts to the Tumut River.

Section 5.21 (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—	
<i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change</i>	Flooding events are generally anticipated to increase in occurrence and severity as a result of climate change. The proposed development will not significantly increase these projected changes. It is considered that the development may be increasingly impacted as a result of these anticipated increases in flood events and severity.
<i>(b) the intended design and scale of buildings resulting from the development</i>	The development is considered to be consistent with the existing design and scale of development in the locality.
<i>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i>	The proposed dwelling incorporates measures to minimise the risk to life and to ensure the safe evacuation of people, however it is considered that these measures do not adequately mitigate the anticipated risk to life and the ability for persons to be evacuated during flood events.
<i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i>	The proposed dwelling is not able to be modified, relocated or removed during flood events to minimise impacts or risks associated with flooding. Coastal erosion impacts are not relevant to the subject site.

The proposed dwelling and associated development have been located on the subject site where the flood risk is considered to be the least, and incorporates measures to further reduce risk where possible. It is considered however that the evacuation routes from the site, including Bombowlee Avenue, are subject to deep and or fast flowing floodwater, limiting safe evacuation routes from the site. The proposed development is considered to be not appropriate on the site given this lack of safe evacuation routes during flood events. Anticipated climate change impacts are also considered to increase the risk of flooding events into the future.

Figure 5: Flooding Figure 5: Flooding in the Bombowlee Avenue Locality



Development Control Plans

Pursuant to section 4.15 (1)(a)(iii) – any development control plans applying to the land.

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 that applies to the land:

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
Flooding	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.	The proposed development is not considered to be compatible with the flood risk of the locality. It is considered that there are inadequate safe evacuation paths from the site. It is considered that the provided flood study does not accurately identify the flood risk on the site. The development does not meet the requirements of this section of DCP	Non compliant – variation not supported

It is considered that the proposal is not consistent with all relevant controls of the Snowy Valleys Council DCP 2019 with one major departure from the controls as identified above. It is considered that the development is compliant with all other relevant controls of the DCP. No variation to any numerical standards of the DCP are requested or required.

Planning Agreements

Pursuant to section 4.15(1)(a)(iia) - any planning agreement that has been entered into under section 7.4 of the Environmental Planning and Assessment Act 1979.

Council records indicate that no planning agreements have been entered into in relation to this development.

Regulations

Pursuant to section 4.15(1)(a)(iv) any regulation that applies to the development for the purposes of this paragraph.

There are no Regulations that are considered to be applicable to the subject land or the proposed development.

Coastal Management Plans

Pursuant to section 4.15(1)(a)(v) any coastal management plan (within the meaning of the Coastal Protection Act 1979) that applies to the land to which the development relates.

There are no coastal management plans that apply to the subject land.

Impacts of the Development

Pursuant to section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

Context and Setting

The proposed development is not expected to have significant negative impacts on the locality context and setting with particular regard to the existing context and setting with particular regard to existing and desired scenic qualities and features, the character and amenity of locality and the character and density of the development in the locality. The development as proposed is not considered to be out of context of the rural residential setting with regards to construction of a dwelling house and shed on the land.

Site design and internal design

The overall site design and layout is considered to be adequate, responding to the challenges of the site including the topography. The proposed dwelling has been located to the south to minimise flood impacts to the development. A raised driveway has been proposed to improve the evacuation route from the proposed dwelling. This may impact on flood behaviour in this area. The site design and layout are considered to be typical of rural residential dwellings.

Heritage

The site is not identified as an item of heritage in accordance with schedule 5 of the Tumut Local Environment Plan nor is the site listed on the State Heritage Register. No heritage significance has been identified on the subject site as part of the assessment of this application.

Flooding

The site is subject to flooding. The proposed development is not considered to have a significant impact on flood behaviour in the locality. There may be some flood behaviour change as a result of the proposed structures and earthworks. The development has been located on the site to minimise flood risk. Evacuation routes from the site in the locality during flood events are not considered to be adequate for occupants of the dwelling and do not comply with the relevant provisions.

Suitability of the site for the development

Pursuant to section 4.15(1)(c) the suitability of the site for the development

The site is not considered to be suitable for the proposed development given the risk to occupants as a result of flooding. Measures have been proposed to minimise this risk; however, the risk is still considered to be significant. Evacuation routes from the site are considered to be compromised by deep and or fast flowing floodwater, making rescue or evacuation hazardous. Council cannot be satisfied that the development of the site will not be prejudicial to the safety of the occupants or prejudicial to property.

Submissions made in accordance with the Act or Regulations

Pursuant to section 4.15(1)(d) any submissions made in accordance with the Act or Regs.

Discussion surrounding any submissions made is outlined in the Community Engagement/ Consultation section of this report.

Public Interest

Pursuant to section 4.15 (1)(e) whether the proposal is within the public interest.

The proposed development is not in the public interest, given the flood risk to occupants of the site. This increases the likelihood of the need for emergency services to assist occupants of the site with evacuation, increasing cost and potential danger to emergency personnel.

Consultation

Pre-lodgement Meetings

There is no record of any pre-lodgement meetings having been undertaken with Council staff in relation to this review.

External Referrals:

Referrals	Advice / Response / Conditions
Nil	N/A

Internal Referrals:

Referrals	Advice / Response / Conditions
Development Engineer	<p>The flood study report for Lot 12 predicts the 1% AEP flood level to be 263.64m AHD at the proposed dwelling site compared with the estimate of 264.0 based on the 1987 Flood Study Report. At this level, parts of the lot would be above the 100yr flood level but during the 2012 flood, all of the lot was submerged as evidenced by the aerial photo (Figure 5). The 2012 flood was identified as being less than the 1% AEP flood so it calls in to question the results of the new study. Nevertheless, the applicant proposes to construct a dwelling that would be surrounded by fast flowing and or deep flood waters during a large flood event. This would make evacuation extremely hazardous.</p> <p>The flood study report suggests building up the proposed driveway to provide safer egress however once one reaches Bombowlee Avenue there is no safe evacuation route.</p> <p>It is also suggested in the report that the Old Town Bridge would provide pedestrian access during a major flood however this bridge is of unknown structural integrity and is closed to all traffic including pedestrians during even moderate flood events for safety. There is also no safe route from the proposed dwelling to the old bridge.</p>

Community Participation Plan – Notification

The original DA was notified for the standard period (4 January 2021 to 19 January 2021) and during this period no public submissions were received by Council.

A response was received from the SES outlining a number of concerns the organisation had in locating a dwelling within a flood prone area, including the difficulties in evacuating occupants via flooded areas. This letter has been provided as Attachment 4.

The re-exhibition of any amended application or matter is considered to be discretionary, as outlined in the Snowy Valleys Community Participation Plan. Given no submissions were received during the initial notification period, it was considered that renotification of the review was not necessary.

Discussion of key issues

The key issue for this review is the flood hazard that is present on the site. This issue was the main reason for refusal of DA2020/0228. As outlined in the sections above, this issue is required to be considered at both the LEP and DCP Statutory consideration levels. At both levels, the information provided with the application does not provide an adequate assurance of the mitigation of risks associated with developing this site for the purpose of a dwelling house.

As outlined above, the flooding information and report (Attachment 3) was provided to Council's Design Engineer for review and comment. It is considered that evacuation routes from the site, predominantly Bombowlee Avenue, would be subject to deep and/or fast flowing floodwaters. This increases the risk to occupants and emergency services personnel when being evacuated from the site. It is also considered that the Old Town Bridge is not a suitable evacuation route given the uncertainties surrounding structural integrity of this bridge.

The provided flood study provides modelling of flooding on this site, which is based in part on the 1987 Flood Study completed for the Tumut River, identifying parts of the site that would not be flood affected at the modelled flood event. Aerial photography of the floods in 2012 (below), which is not considered to be a 1% AEP Flood Event, showed that the entirety of the site was inundated with flood water. This brings in to doubt the figures and modelling of the provided flood report.



The development is not considered to be suitable on the subject site for these reasons. The information provided and the mitigation measures proposed do not adequately minimise the risk to the occupants of the site from flood hazards. It is recommended that the determination to refuse the application be upheld.

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 Receive, assess, prepare and issue planning-related applications and certificates within legislated timeframes

Financial and Resources Implications

The financial implications of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed below:

- Should the applicant choose to appeal a determination by way of refusal or pursue a deemed refusal by Council through the NSW Land and Environment Court and lose, the question of

cost with regard to Council's Legal representation would be determined by the extent of the reasons for refusal;

- Should the applicant choose to appeal a refusal, or deemed refusal by Council though the NSW Land and Environment court and win the question of costs be dependent on the extent of the reasons for refusal;
- Should any person choose to pursue Class 4 proceedings against Council to the Land and Environment Court and lose, the question of costs with regards to Council's legal representation would be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council.
- Should any person choose to take out class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.
- Should the applicant make no appeal, or proceedings not to be taken out by another party to the NSW Land and Environment Court regardless of determination, the application would result in no further financial implication on the Council.

Costs and Benefits:

There are no expected costs associated with the application where upholding the refusal determination is made. The refusal of the application will reduce the risk of flood impacts to residents of the locality and to emergency services.

Policy, Legal and Statutory Implications:

The assessment of the proposal has been carried out in accordance with the relevant provisions of *section 4.15* and *section 8.2* of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning Regulation 2000*.

RISK MANAGEMENT – BUSINESS RISK/WHIS/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 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:

Council has the following options with respect to Determination Review 2021/0002:

1. Uphold the current determination by way of refusal and provide the applicant with reasons for the refusal of the application as outlined in the above.
2. Reverse the decision of the determination, granting an approval to the proposed development subject to conditions of consent. Council would be required to delegate to the Chief Executive Officer authority to impose standard conditions of development consent. It should be noted that the flood evacuation (access and egress) constraints are unlikely to be overcome and accordingly if the proposal was supported a deferred commencement consent would need to be issued with deferred commencement conditions related to these constraints.

3. Defer any decision relating to Determination Review 2021/0002 pending the submission of additional information. Any decision on the application would need to be made prior to the expiry of six (6) months from the date of the original decision.

Councillors must record their votes on the matter.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community engagement surrounding the proposal has been outlined in the consultation section of the report.

ATTACHMENTS

- 1 ECM3131397 - Attachment 1 - 20211021 - REV2021 0002 - SEE - Lot 12 Bombowlee Avenue Bombowlee - Lensing (under separate cover)
- 2 ECM3131398 - Attachment 2 - 20211021 - REV 2021 0002 - Site Plan - Lot 12 Bombowlee Avenue Bombowlee - Lensing (under separate cover)
- 3 ECM3131399 - Attachment 3 - 20211021 - REV2021 0002 - Flood Risk Assessment - Lot 12 Bombowlee Avenue Bombowlee - Lensing (under separate cover)
- 4 ECM3131400 - Attachment 4 - 20211021 - REV2021 0002 - DA Letter to Snowy Valleys Council - Lot 12 Bombowlee Avenue Bombowlee - Lensing (under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - ABORIGINAL LIAISON COMMITTEE MEETING - 18 AUGUST 2021**

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

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on the Minutes – Aboriginal Liaison Committee Meeting – 18 August 2021.
2. Note the Minutes of the Aboriginal Liaison Committee Meeting held on 18 August 2021.
3. Defer consideration of a request for Ngarigo representation on the Committee until such time as a vacancy arises.

BACKGROUND:

The Aboriginal Liaison Committee's purpose is to provide a forum for discussion between Council and the Aboriginal Community on key issues. In July 2007 Council and the Aboriginal Community developed a Memorandum of Understanding (MoU). The MoU provides the agreed wording for the Council Acknowledgment of Country and led to the development of the Aboriginal Cultural Protocols and Practices Policy (adopted in 2011).

The MOU between the Aboriginal Community and Snowy Valleys Council was adopted on 11th December 2018. The Snowy Valleys Council Aboriginal Cultural Protocols and Practices Policy was adopted on 11th December 2018.

REPORT:

AL04/21	RESOLVED: That the Minutes of the Aboriginal Liaison Committee Meeting held on 16 June 2021 be received. Mary Greenhalgh/Craig Wilesmith CARRIED
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Business arising from minutes:

- The confirmation of representation of Aboriginal Liaison Committee members, (the Administration Officer TDCT and HR Business Partner) to Council Reconciliation Action Plan Working Group.
- Remuneration of Elders for performing 'Welcome to Country' at official Council events. The committee were advised that remuneration was included in Councils Aboriginal Cultural Protocols and Practices Policy and therefore did not require inclusion in the Reconciliation Action Plan.

Agenda Items

4.1	ABORIGINAL LIAISON COMMITTEE MATTERS – AUGUST 2021
AL05/21	<p>RESOLVED:</p> <p>THAT THE COMMITTEE:</p> <p>1. Receive the report on Aboriginal Liaison Committee matters.</p> <p>Sue Bulger/Craig <u>Wilesmith</u></p> <p>CARRIED</p>

4.2 Review - Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and Snowy Valleys Council

The committee reviewed the Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and Snowy Valleys Council and the following agreed changes have been included in the document.

Snowy Valleys Council agrees to:

2. As part of the process of unity, Snowy Valleys Council agrees to celebrate declared Aboriginal ceremonies and events, including NAIDOC Week, *Reconciliation Week*, *Sorry Day*, and *Citizenship Ceremonies*.

The Local Aboriginal Community agrees to:

3. Conduct a flag raising ceremony as a part of NAIDOC Week *at Council's Customer Service Centre's in Tumut and Tumbarumba*.

Snowy Valleys Council agrees to:

4. Involve Aboriginal people in appropriate civic events *such as Australia Day celebrations and Citizenship Ceremonies* which Snowy Valleys Council arranges and coordinates.

Snowy Valleys Council agrees to:

7. Develop a greater community understanding of Aboriginal culture in the Snowy Valleys Council by fostering opportunities for Aboriginal cultural tourism *and providing culture awareness through local Aboriginal Communities*.

Snowy Valleys Council agrees to:

9. Undertake appropriate community *consultation and* planning to address social, economic or cultural disadvantage experienced by local Aboriginal people in the Snowy Valleys Council.

The Local Aboriginal Community agrees to:

9. Provide input into community *consultation and* planning to address social, economic or cultural disadvantage experienced by local Aboriginal people in the Snowy Valleys Council.

Snowy Valleys Council and the Local Aboriginal Community:

10. Acknowledges that to be fully effective the Memorandum of Understanding (MOU) needs to be the head policy and provide the way for subordinate policy as required between Local Government and the local Aboriginal Community. *The signatories required for the MoU shall include the Mayor, CEO, the Chair and Deputy Chair of both The Brungle - Tumut LALC and Toomaroombah Kunama Namadgi Indigenous Corporation (TKNIC).*

The document with agreed changes is to be forwarded to Governance for consideration in line with Council policies and procedures.

4.3 Review - Aboriginal Cultural Protocols and Practices Policy

The Committee reviewed the Aboriginal Cultural Protocols and Practices Policy with no suggested changes to the policy. Conversations with Governance and Risk Team since the August Aboriginal Liaison Committee meeting has identified another review of the Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and Snowy Valleys Council, and the Aboriginal Cultural Protocols and Practices Policy be carried out to reduce duplication in the documents

4.3	Review - Aboriginal Cultural Protocols and Practices Policy
AL06/21	RESOLVED: THAT THE COMMITTEE: <ol style="list-style-type: none"> 1. Accept the Aboriginal Cultural Protocols and Practices Policy 2. The Aboriginal Protocols and Practice Policy be placed on public exhibitions for a period of 28 days Sue Bulger/John Casey CARRIED

The recommendation to place the Aboriginal Cultural Protocols and Practices Policy on public exhibition is not being sought until this document and the Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and Snowy Valleys Council have been further reviewed as advised by the Governance Team. Therefore, they are not attached to this report.

4.4 Kosciusko National Park Aboriginal Archaeology Collaborative Project - La Trobe University

Committee members expressed their concerns that the timeframes were so tight that it was not possible to submit a submission.

4.4	Kosciusko National Park Aboriginal Archaeology Collaborative Project - La Trobe University
AL07/21	RESOLVED: THAT THE COMMITTEE: <ol style="list-style-type: none"> 1. Authorised Cllr Pritchard to raise this topic at tomorrows Council meeting due to the importance of the project to the Snowy Valleys Council LGA and the Indigenous Communities represented. 2. Recommend Council seek an extension to the deadline for a submission to this project. Sue Bulger/John Casey CARRIED

This matter was raised at the 19 August Council meeting.

4.5 Request for membership to Aboriginal Liaison Committee from Ngarigo person

After detailed discussions regarding the membership application, the committee were unable to recommend Council approve the membership application as there are currently no vacancies available for membership

4.5	Request for membership to Aboriginal Liaison Committee from Ngarigo person
AL07/21	<p>RESOLVED:</p> <p>THAT THE COMMITTEE:</p> <ol style="list-style-type: none"> 1. Recommend to Council that membership to the Committee is declined due to there being no vacant positions. 2. Recommend Council notify applicant of decision. <p>Mary Greenhalgh/John Casey CARRIED</p>

This matter has been referred to the Governance Team. Under Council guidelines for committees, this person can attend as an observer. Feedback provided by the Governance Team has been passed onto the Committee.

5 GENERAL BUSINESS

The committee had discussions regarding Significant Aboriginal Sites in the Snowy Valleys LGA and requested, if possible, that Council provide such map that identifies Crown Land parcels that have been identified as Significant Aboriginal sites.

Council representatives to the Aboriginal Liaison Committee have met with relevant Council staff to discuss. A presentation to the Committee will be given at the October meeting.

6 NEXT MEETING

20th October 2021.

There being no further business to discuss, the meeting closed at 12.15pm.

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

4.6.4 Continue to progress Council's Reconciliation Action Plan

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

Preparation for the Aboriginal Liaison Committee meeting involves staff time taken to prepare the agenda and report, conduct the meetings and write the minutes. This would be approximately 3-4 hours of staff time depending on the length of the meeting. These meetings are held every 2 months.

The Aboriginal Cultural Protocols and Practices Policy provides the option of a payment up to the amount of \$100 to Elders when they deliver a 'Welcome to Country' at significant Council events

Costs and Benefits:

The Aboriginal Liaison Committee provides a link for Council and the Aboriginal Community and provides a platform for the Aboriginal Community to raise matters that concern them that Council may be able to assist with. It allows the two parties to work in partnership to develop and deliver a program of Aboriginal Cultural recognition activities and for Council to support Indigenous cultural activities and projects

Policy, Legal and Statutory Implications:

The Local Government Act, 1993, 375 Minutes, requires Councils to keep full and accurate minutes of meetings.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

N/A

OPTIONS:

1. Council receives the report and adopt the minutes of the Aboriginal Liaison Committee without change.
2. Council receives the report and does not adopt the minutes of the Aboriginal Liaison Committee and consults with the Aboriginal Liaison Committee as to the reasons.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Aboriginal Liaison Committee held no formal consultation with the community relating to Snowy Valleys Council matters during this period.

ATTACHMENTS

- 1 20210818 - Minutes - Aboriginal Liaison Committee Meeting (under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.2 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 29 SEPTEMBER 2021 - EXTRAORDINARY**

REPORT AUTHOR: COORDINATOR GOVERNANCE & RISK
RESPONSIBLE DIRECTOR: EXECUTIVE CHIEF OF STAFF

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 29 September 2021 - Extraordinary
2. Note the Minutes of the Extraordinary Audit Risk and Improvement Committee meeting held on 29 September 2021
3. Adopt the following recommendation/s from the minutes:
 3. Draw Council's attention to the following matters:
 - a) The accounting treatment for the Rural Fire Service Assets where Council officers support the position in the draft financial statements to not recognise Rural Fire Service assets including land, buildings, plant, and vehicles based on Australian Accounting Standard requirements and until the matter is progressed with the NSW Audit Office and further advocacy undertaken by impacted councils for the legislation to be changed.
 - b) Unrestricted cash was discussed in detail and was agreed to be shown as presented in the draft financial statements as a negative unrestricted cash balance with the following notation in the financial statements:
 - (1) At 30 June Council recognised outstanding Disaster Recovery Funding Arrangements (DRFA) claims in excess of \$5.5M as receivables (Note C1-4) for work delivered during the financial year 2020/21. These claims were still being evaluated and payment was yet to be received from the State Government, resulting in Council holding a negative unrestricted cash balance at year end.

BACKGROUND:

The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and advice to Council on risk management, control, governance, and external accountability responsibilities.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference. This advice aims to facilitate the decision making of Council in relation to the discharge of its responsibilities.

In discharging its responsibilities, the Committee reviews and considers:

- The integrity of external financial reporting, including accounting policies
- The scope of work, objectivity, performance and independence of the external and internal auditors
- The establishment, effectiveness and maintenance of controls and systems to safeguard the Councils financial and physical resources

REPORT:

At the extraordinary meeting of the Audit, Risk and Improvement Committee the following items were discussed and considered:

- Draft 2020/21 Annual Financial Statements, Special Purpose Reports and Special Schedules

The committee asked relevant questions of Council officers and auditors in attendance and discussed the report and the financial statements.

There were two matters identified to be brought to the attention of the Council as listed in Recommendation 3 of this report.

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

Operational Actions

4.5.2 Convene meetings for the Audit Risk and Improvement Committee

SUSTAINABILITY ASSESSMENT:

Nil

Financial and Resources Implications

The approved budget for the operation of the ARIC for 2021/2022 is \$40,000 and includes member remuneration, training and the engagement of the internal auditor.

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Council has established an Audit, Risk and Improvement Committee which functions under the Internal Audit Guidelines, September 2010 issued under s23A the Local Government Act, 1993.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

The Committee is charged with the responsibility of:

- Reviewing Councils enterprise risk management framework and associated procedures for effective identification and management of Councils business and financial risks
- Making a determination as to whether a sound and effective approach has been followed in managing Councils major risks including those associated with individual projects, program implementation and activities.
- Assessing the impact of the Councils enterprise risk management framework on its control environment and insurance arrangements.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

Nil

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

- 1 Minutes Audit Risk and Improvement - Extra Ordinary Meeting 29 September 2021
(under separate cover)