



SNOWY VALLEYS COUNCIL MEETING
BUSINESS PAPER
18 NOVEMBER 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 18 November 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

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

Chairperson Steven Walker of the Audit Risk & Improvement Committee will phone in to address Council on Report #10.4 - Audit Risk and Improvement Committee Annual Report 2020-2021.

5. CONFIRMATION OF MINUTES

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13. CONFIDENTIAL

14. MEETING CLOSURE

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting - 21 October 2021

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 21 October 2021 be received and confirmed as an accurate record

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

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

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; Nadine McNamara, Coordinator Communications and Engagement; Nicholas Wilton, Manager Growth and Activation; Brad Bohun, Crowe Horwath 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

M218/21 RESOLVED:

That the Leave of Absence from Cr Cor Smit and Cr Margaret Isselmann be received, noted and granted.

Cr Andrianna Benjamin/Cr John Larter

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Andrianna Benjamin declared a pecuniary interest in relation to report # 11.4 'Footpath Extension – Forest Street Tumut' due to owning two properties in the Valley View Estate and will leave the room during discussion.

Cr Andrianna Benjamin declared a non-significant non-pecuniary interest in relation to report # 11.6 'REV2021/001 – Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue, Bombowlee' due to previously engaging in employment with the owner of the property.

Cr John Larter declared a non-significant non-pecuniary interest in relation to report # 11.3 Tumut Aerodrome – Additional Hangar Space' due to owning an aircraft hangar at Tumut Aerodrome and will remain in the room during discussion and participate in voting.

4. PUBLIC FORUM

David Hunter of Habitat Planning addressed Councillors prior to the meeting commencement on behalf of Alex and Todd Arentz on Item 11.6 'REV2021/0001 – Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue, Bombowlee' and Item 11.7 'REV2021/0002 – Section 8.2 Review of Determination for Lot 12 Bombowlee Avenue, Bombowlee'.

Crowe Horwath External Auditor Brad Bohun attended the meeting and provided an overview of Council's financial statements in relation to report #10.2 'Presentation of the 2021/22 Annual Financial Statements' and left the meeting at 2.21pm.

5. CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING - 16 SEPTEMBER 2021

M219/21 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 16 September 2021 be received.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

5.2 EXTRAORDINARY MEETING - 7 OCTOBER 2021

M220/21 RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 7 October 2021 be received with the amendment that Cr John Larter was present at the meeting and not an apology as recorded.

Cr Andrianna Benjamin/Cr Bruce Wright

CARRIED UNANIMOUSLY

5.2 BUSINESS ARISING

Nil.

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

8. MAYORAL MINUTE**8.1 SNOWY VALLEYS COUNCIL POSITION ON TRANSGRID HUMELINK TRANSMISSION LINE****M221/21 RESOLVED:**

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.

Cr James Hayes

CARRIED UNANIMOUSLY

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 PRESENTATION OF THE 2020/21 ANNUAL FINANCIAL STATEMENTS****M222/21 RESOLVED:**

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.

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

10.2 SCHEDULING OF COUNCIL MEETINGS FOR JANUARY 2022**M223/21 RESOLVED:**

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;
4. Ensure 'Urgent Business Without Notice' is included in the 20 January 2022 Agenda.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

10.3 PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED STAFF**M224/21 RESOLVED:**

THAT COUNCIL:

1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff.

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

Designated Staff:

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

- 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.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

10.4 STATEMENT OF INVESTMENTS - SEPTEMBER 2021

M225/21 RESOLVED:
THAT COUNCIL:

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

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

10.5 FINANCIAL PERFORMANCE AS AT 31 AUGUST 2021

M226/21 RESOLVED:
THAT COUNCIL:

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

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

M227/21 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

M228/21 RESOLVED to move out of Committee of the Whole.

Cr Bruce Wright/Cr Julia Ham

10.6 NOTIFICATION OF IPART OF INTENT TO APPLY FOR A SPECIAL RATE VARIATION

M229/21 RESOLVED: 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.

Cr Julia Ham/Cr Cate Cross

Division

For

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Larter
Cr Wright

Against

Cr Pritchard

6/1

CARRIED

11. MANAGEMENT REPORTS

11.1 LEASE - RAIL PRECINCT IN TUMUT

M230/21 RESOLVED:
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.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)

M231/21 RESOLVED:
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;
3. Delegate to the Mayor and CEO to proceed under the procurement process of Council for the sale of the land.

Cr Julia Ham/Cr Cate Cross

CARRIED UNANIMOUSLY

11.3 TUMUT AERODROME - ADDITIONAL HANGAR SPACE

M232/21 RESOLVED:
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.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin left the meeting, the time being 03:06 pm.

11.4 FOOTPATH EXTENSION - FOREST STREET TUMUT

**M233/21 RESOLVED:
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.

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Andrianna Benjamin returned to the meeting, at 03:12 pm.

11.5 TRANSFER OF SVC COMMUNITY SERVICES PROGRAMS**M234/21 RESOLVED:
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 following an expression of interest process;
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.

Cr Julia Ham/Cr Bruce Wright

Division**For**

Cr Benjamin
Cr Cross
Cr Ham

Against

Cr Wright
Cr Larter
Cr Pritchard
Cr Hayes

3/4

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

Cr John Larter/Cr Cate Cross

11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE

M235/21 RESOLVED that Council defer consideration of Item # 11.6 REV2021/0001 - Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue Bombowlee until the applicant has submitted an access and egress plan.

Cr John Larter/Cr Bruce Wright

Division

For

Cr Benjamin
Cr Cross
Cr Ham
Cr Hayes
Cr Larter
Cr Wright

Against

Cr Pritchard

6/1

CARRIED

11.6 REV2021/0001 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 11 BOMBOWLEE AVENUE BOMBOWLEE

M236/21 RESOLVED that Council withdraw Motion 11.6 'REV2021/0001 - Section 8.2 Review of Determination for Lot 11 Bombowlee Avenue Bombowlee':

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 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.

Cr John Larter/Cr Cate Cross

CARRIED UNANIMOUSLY

11.7 REV2021/0002 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 12 BOMBOWLEE AVENUE BOMBOWLEE

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 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.

11.7 REV2021/0002 - SECTION 8.2 REVIEW OF DETERMINATION FOR LOT 12 BOMBOWLEE AVENUE BOMBOWLEE

M237/21 RESOLVED that Council defer consideration of Item # 11.7 'REV2021/0002 - Section 8.2 review of determination for Lot 12 Bombowlee Avenue Bombowlee' until the applicant has submitted an access and egress plan.

Cr Julia Ham/Cr Bruce Wright

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

12.1 MINUTES - ABORIGINAL LIAISON COMMITTEE MEETING - 18 AUGUST 2021

M238/21 RESOLVED:

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 a Ngarigo representative on the Committee until such time as a vacancy arises.

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

12.2 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 29 SEPTEMBER 2021 - EXTRAORDINARY

**M239/21 RESOLVED:
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.

Cr Cate Cross/Cr John Larter

CARRIED UNANIMOUSLY

11.2 CLASSIFY LAND PURCHASED - 14 TYRELL STREET, KHANCOBAN (LOT 3)**M240/21 RESOLVED:**

A motion was moved and seconded in relation to Point 3 of Item # 11.2 'Classify Land Purchased - 14 Tyrell Street, Khancoban (Lot 3)' that Council authorise the Mayor and the CEO to apply the Council seal to the sale of land 14 Tyrell Street, Khancoban, Lot 3 DP1239992.

Cr Bruce Wright/Cr Julia Ham

CARRIED UNANIMOUSLY

There being no further business to discuss, the meeting closed at 3.43pm.

7. NOTICE OF MOTION/NOTICE OF RESCISSION**Item 7.1 NOTICE OF MOTION - CHARGING STATIONS FOR ELECTRIC VEHICLES - CLR CATE CROSS**

Author: Cr Cate Cross

Notice of Motion

Cr Cross has requested the continuation of the investigation into the feasibility of electric vehicle charging stations in the interests of climate adaptation, rising prices of fuel, being environmentally sound, promoting the Snowy Valleys local government area as inclusive of cutting-edge technology, being ideally positioned half-way between Melbourne and Sydney and ensuring continued focus on a previous resolution of Council.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receives and considers this Notice of Motion regarding Charging Stations for Electric Vehicles;**
- 2. Continues to work with NRMA/State Government to provide charging stations for electric vehicles throughout the towns and villages.**

Notes:

Notice of Motion

Cr Cross has requested consideration of a motion at the November Council meeting that continues the Council's current position on Electric Vehicles and charging stations for both Council's fleet and the public.

Officers Comment:

A resolution (M69/21 2c) was made at the 15 April 2021 Ordinary Meeting of Council in relation to the Cities Power Partnership Program which included support of the uptake of electric vehicles as follows (note only relevant part of resolution included):

- c. Sustainable Transport - ensure Council fleet purchases meet strict greenhouse gas emission requirements and support the uptake of electric vehicles:
 - i. Deliverable - ensure Council maintains a modern fleet that complies with the relevant greenhouse gas emission requirements and investigate options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices
 - ii. Progress - a number of Hybrid vehicles have been introduced into Councils fleet
 - iii. Progress - Officers have assessed options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices and due to the additional operational costs associated with electric vehicles and the limitations around budget, the introduction of an electric vehicle into Councils fleet will not be progressed at this time. It is intended that the suitability of electric vehicles will be reassessed in 12 months

Council staff have investigated many options for electric charging stations for the Council fleet and for public use.

Council is registered with the NRMA as a site of interest for future deployment.

The Deputy Mayor and the CEO have been in discussions with the State Government and individual providers to look for a no-cost option to supply a source locally. The state has advised they are on the edge of releasing programs to provide assistance. There is some debate about the charging systems best applicable for our likely use.

It appears commercial entities are becoming more involved in offering electric charging stations and may be able to fill the gap without using public resources.

Currently there is no budget or resources to progress this matter however if a no cost opportunity becomes available staff will investigate deployment.

ATTACHMENTS

Nil

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Item 7.2 NOTICE OF MOTION - CLIMATE CHANGE ADAPTATION COMMITTEE - CLR GEOFF PRITCHARD

Author: Cr Geoff Pritchard

Notice of Motion

What is the situation of the Climate Change Adaptation Committee (from early last year) and what plans are being considered?

RECOMMENDATION:

THAT COUNCIL:

1. Receive the Notice of Motion regarding the status of the Climate Change Adaptation Committee.
2. Consider the current status of the previously proposed Climate Change Adaptation Committee as unable to progress due to lack of interest from the Snowy Valleys community.
3. Request that staff present information on a Climate Change Adaptation Committee to the new Council in 2022 for consideration when they consider committees and representation by Council.

Notes:

Cr Pritchard has moved the following Notice of Motion for consideration:

What is the situation of the Climate Change Adaptation Committee (from early last year) and what plans are being considered?

Officers Comment:

On 21 May 2020 a Notice of Motion was submitted as follows:

7.1 NOTICE OF MOTION - ESTABLISHMENT OF CLIMATE CHANGE COMMITTEE - CR GEOFF PRITCHARD

M94/20 RESOLVED: THAT COUNCIL:

1. Receive the Notice of Motion on establishing a Climate Change Adaptation Committee from Cr Geoff Pritchard.
2. Council immediately establish a Climate Change Adaptation Committee.
3. Formulate Terms of Reference for the Committee once formed.

Cr Geoff Pritchard/Cr Bruce Wright

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

8/1

CARRIED

The action taken following the above resolution is considered completed as a Call for Expressions of Interest resulted in limited response/no interest from within the Snowy Valleys Council area. Council advertised the Expressions of Interest in newspapers on the following dates:

Date	Newspaper	Section
23 October 2021	Tumut & Adelong Times	Public Notices
28 October 2021	Tumbarumba Times	Public Notices
30 October 2021	Tumut & Adelong Times	Page 13 article on climate change concerns
30 October 2021	Tumut & Adelong Times	Public Notices
4 November 2021	Tumbarumba Times	Public Notices
6 November 2021	Tumut & Adelong Times	Public Notices

Following the above, a further report and resolution made on 17 September 2020 was:

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

M223/20 RESOLVED: THAT COUNCIL:

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

Cr Geoff Pritchard/Cr John Larter

CARRIED UNANIMOUSLY

Councillors were briefed and in response to lack of interest and inability to achieve a quorum management determined to have Council act as a Climate Change Advisory Committee. Climate Change adaptation is now a standing item on the Councillors Workshop Agenda (monthly).

Council has also received information on the Cities Power Partnership at the April 2021 meeting which serves similar outcomes.

Council resolved:

11.4 CITIES POWER PARTNERSHIP - PROGRESS UPDATE**M69/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on Cities Power Partnership Program and the progress being made on delivering the 5 key actions selected from the Partnership Action Pledges as adopted by Council at its meeting held on the 19 November 2020.
2. Note progress made on delivering the 5 key actions selected from the Partnership Action Pledges as detailed in this report and summarised below:
 - a. Renewable Energy - install renewable energy (solar PV and battery storage) on Council buildings:
 - i. Deliverable - continue with the installation of solar photovoltaic systems on Council owned buildings and facilities as deemed feasible
 - ii. Progress – installation of additional solar water heating at the Adelong, Tumbarumba and Tumut pools, installation of solar lighting on the River Walk
 - b. Energy Efficiency - roll out energy efficient lighting across the Local Government Area:
 - i. Deliverable - upgrade streetlights across the Local Government Area with LEDs.
 - ii. Progress – the project for the upgrade of streetlights across the Local Government Area is nearing completion
 - c. Sustainable Transport - ensure Council fleet purchases meet strict greenhouse gas emission requirements and support the uptake of electric vehicles:
 - i. Deliverable - ensure Council maintains a modern fleet that complies with the relevant greenhouse gas emission requirements and investigate options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices
 - ii. Progress - a number of Hybrid vehicles have been introduced into Councils fleet
 - iii. Progress - Officers have assessed options for introducing an electric pool vehicle into the fleet for travel between the Tumbarumba and Tumut Offices and due to the additional operational costs associated with electric vehicles and the limitations around budget, the introduction of an electric vehicle into Councils fleet will not be progressed at this time. It is intended that the suitability of electric vehicles will be reassessed in 12 months
 - d. Sustainable Transport - support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities:
 - i. Deliverable - development of a Walking and Cycling Masterplan for the SVC Region for the development of existing and proposed trails and cycleways in Snowy Valleys Council
 - ii. Progress – advised that funding application has been successful for the development of a Walking and Cycling Masterplan
 - e. Work Together and Influence - support the local community to develop capacity and skills to tackle climate change:
 - i. Deliverable - establish a Climate Change Adaptation Advisory Committee to develop a 10-year plan to guide the Council and the community towards net-zero emissions and prepare our community for the impacts of climate change.
 - ii. Progress – Expression of Interest for representatives to participate in a Climate Change Adaptation Advisory Committee was advertised. Four Expressions of Interest were received. Seeking to approach individuals to fill vacancies.

Cr Cor Smit/Cr Cate Cross

CARRIED UNANIMOUSLY

In addition, Council commissioned a risk assessment on climate change with Council's insurer. Currently the Executive Director Community and Corporate Services is considering operationalising the implementation of the recommendations.

Strategic Risks Related to Climate Change and Environment

Classification	Category	Risk Area	Risk Owner Position	Risk Summary	LIKLIHOOD	CONSEQUENCE	Inherent Risk
Strategic	Environment & Public Health	Assets & Infrastructure	Executive Director of Infrastructure	Council operations are not sustainable from an environmental perspective, leading to loss of biodiversity in the region or systemic impacts on public health (noxious chemicals, radiation, biological contamination, etc).	Unlikely	Major	Medium
Strategic	Financial	Office of CEO	Executive Chief of Staff	Change to policy or legislation regarding Climate Change makes Council projects or services unviable in current state which lead to loss of contracts/funding/stakeholder support (eg. Volunteers or In-Kind arrangements).	Possible	Catastrophic	High
Strategic	Projects	Office of CEO	Executive Chief of Staff	Change to policy or legislation regarding Climate Change makes Council projects unviable in current state causing failure of existing projects.	Unlikely	Catastrophic	High
Strategic	Service Delivery	Office of CEO	CEO	Climate Change related increase in severe weather events (fires, floods, drought, storm events) interrupt Council's delivery of critical services	Likely	Moderate	High
Strategic	Stakeholders & Political	Office of CEO	Executive Chief of Staff	Change to stakeholder expectations regarding Climate Change are opposed to Council's policies or projects. Results in negative consideration for funding, licenses or regulatory actions.	Possible	Major	High

Further to this the recent Community Engagement (Towards 2042) has not identified Council action for the environment as a priority in the community.

ATTACHMENTS

Nil

8. MAYORAL MINUTE**8.1 CIVIC DUTIES DELEGATION FOLLOWING LOCAL GOVERNMENT ELECTION ON 4 DECEMBER 2021**

REPORT AUTHOR: MAYOR JAMES HAYES
RESPONSIBLE DIRECTOR: MAYOR JAMES HAYES

Purpose

This Mayoral Minute requests the continuation of the mayoral function as prescribed in s.226 of the Local Government Act 1993 following the caretaker period and 4 December 2021 Local Government Election.

MAYORAL RECOMMENDATION:

- 1. Note that the attendance of the Mayor and Councillors at externally organised community events and civic functions that are scheduled during the caretaker period can continue with the provision of no electioneering**
- 2. Authorise that following the caretaker period and election, that Mr James Phillip Hayes of Adelong will continue to exercise the functions of Mayor as prescribed in Section 226 of the *Local Government Act 1993 until the Snowy Valleys Mayoral election has been declared by Snowy Valleys Council.***

REPORT:

Council staff and Councillors must observe specific legislative and governance requirements during the period leading up to an election. During this period, the day to day business of Council continues and ordinary matters of administration still need to be attended to.

The *Caretaker Period Policy* (SVC-GOV-PO-092-02) provides the Councillors and Council employees with guidelines for the mandatory caretaker period. The caretaker period is the 4-week period preceding the date of an ordinary election under the Local Government (General) Regulation 2021. This year the caretaker period will commence Saturday 6 November 2021 and ends on election day Saturday 4 December 2021.

Under Council's Caretaker Policy, council employees and elected officials must observe specific legislation and requirements during the caretaker period. Section 4.3 Council Meetings and Events of the Policy states:

"Public events held during the election period can sometimes raise election issues and involve Councillors in the discussion. Therefore, Council will not host any public events during the election period. Community events organised outside of Council, scheduled at a specific time which coincide with the caretaker period may still be attended by the Councillors. However, in these circumstances Councillors must not use the opportunity for electioneering."

Electioneering is defined as the active participation in a campaign to be elected to public office. A failure to comply with Policy may constitute a breach of the Code of Conduct or NSW Electoral Commission rules and appropriate sanctions will apply.

During the caretaker period, the Mayor will continue to exercise the functions of Mayor as outlined in s.226 of the *Local Government Act 1993*:

“The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council, with regard to the restrictions of the caretaker period as prescribed in s.393B of the *Local Government Regulation 2021*
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.”

Councils that elect their mayors will not have a mayor in the period between election day and the first meeting after the election when the mayoral election is held.

CEO's COMMENT:

The Office of Local Government has advised there is nothing to prevent councils from authorising the Chief Executive Officer (General Manager) to exercise the civic and ceremonial functions normally exercised by the Mayor during this period in the absence of a mayor and this is usual practice. The Chief Executive Officer remains bound by the Code of Conduct during the period of absence of the Councillors being declared and taking the Oath of Office.

The Office of Local Government is aware that some councils that elect their mayors have expressed a preference that the outgoing mayor should continue to exercise the functions of mayor in the period between election day and the holding of the mayoral election after the election.

There is nothing to prevent councils from authorising the outgoing mayor to continue to exercise the civic and ceremonial functions normally exercised by the mayor during this period in the absence of a mayor should they wish to do so, (even though the outgoing mayor will have ceased to hold any civic office in the council as of the day of the election).

In the event that the outgoing mayor is not re-elected at the election and may therefore cease to be accountable to the council and the community. The Office of Local Government recommends Councils should refrain from making any delegations to the outgoing mayor.

The Council can authorise any person in the community to carry out these functions however those persons will not be bound by the Snowy Valleys Code of Conduct and this creates a significant risk to the organisation and the community given the role of the Mayor in the legislation.

ATTACHMENTS

- 1 Caretaker Period Policy - SVC-GOV-PO-092-02 (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.1 CANCELLATION OF DECEMBER 2021 ORDINARY MEETING OF COUNCIL**

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

EXECUTIVE SUMMARY:

In response to the postponement of the 2021 LG Election to Saturday 4 December 2021, and the implementation of the Caretaker Period from 6 November, the Ordinary Council Meeting currently scheduled for 9 December 2021 is not required.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive and note the report on “Cancellation of December 2021 Ordinary Meeting of Council”.**
2. **Approve for cancellation of the Ordinary Council meeting scheduled for Thursday 9 December 2021.**

BACKGROUND:

The Ordinary Meeting scheduled for 9 December 2021 was adopted as part of the 2021 Meeting Calendar in December 2020. Under normal circumstances this meeting calendar schedules meetings between the months of February to December, with a break in January to account for the Christmas holiday period and annual shutdown.

In July 2021 the local government election that was scheduled for 4 September 2021 was postponed to December 2021 due to the ongoing impacts of the Covid-19 pandemic. In order to manage the legislated requirements under s.290 (election of Mayor) and s.291A (filling of councillors vacancies) of the Local Government Act 1993, Council has previously resolved to schedule an extraordinary meeting of the new council on 11 January 2022, followed by an ordinary meeting on 20 January 2022.

REPORT:

Due to the postponement of the 2021 LG Election until Saturday 4 December, Council will be without elected officials between the period of the election, Saturday 4 December, and the formal declaration of results expected between 21-23 December 2021.

Instead it is intended that the two council meetings scheduled for the new council in January 2022 will provide the opportunity to meet the abovementioned legislated requirements and resolve on matters not able to be addressed because of the constraints imposed by the Caretaker Period and the absence of elected officials due to the timing of the LG election.

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:

Nil

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

The Local Government Act 1993

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Without a December meeting, there will be an extended period between Ordinary Council meetings - 18 November 2021 to 20 January 2022. This period encompasses the annual shutdown (24 December 2021 to 7 January 2022) during which only essential Council business is undertaken.

This extended period is comparable to previous years where a meeting is not held in the month of January.

This risk is mitigated operationally whereby the CEO currently has all delegable functions as permitted under s.377 of the Local Government Act 1993, ensuring operational continuity.

Matters of strategic importance, with the exception of an emergency situation, can reasonably be dealt with by the new council at either the Extraordinary Meeting for urgent matters on 11 January or Ordinary Meeting on 20 January 2022.

In the event of a natural disaster or emergency, the CEO can apply for Ministerial approval for decisions outside of the CEO delegations.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The cancellation of the December meeting will be published through council's normal communication channels.

ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.2 END OF TERM REPORT 2017-2021**

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

EXECUTIVE SUMMARY:

Council has prepared an End of Term Report which is an overview of Council and the community's progress towards the goals contained within the Community Strategic Plan 'Snowy Valleys 2028 – Our Vision, Our Future' and subsequently, Council's Delivery Program 2018-2021 during the term of Council.

The End of Term Report provides a summary of achievements and activity and reports progress against baseline measures and goals contained within Snowy Valleys 2028 and Delivery Program 2018-2021.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the End of Term Report 2017-2021**

BACKGROUND:

The End of Term Report is a legislative requirement under the Integrated Planning & Reporting Framework on the progress towards the goals contained within the Community Strategic Plan.

The Report must be presented to the outgoing Council at the last Council meeting prior to the Council elections in December 2021. The End of Term Report provides a summary of Council's activities for the term of Council and is in addition to the Annual Report.

REPORT:

The current term of Council commenced in September 2017. The first Community Strategic Plan (CSP) for Snowy Valleys Council, Snowy Valleys 2028, was prepared based on community input gathered during November and December 2017 and took effect on 1 July 2018. The term of Council was extended by the NSW Office of Local Government until 4 December 2021 as a result of the COVID-19 pandemic.

The CSP is a requirement of the Office of Local Government's Integrated Planning and Reporting Framework and guides Council's strategic and operational planning, including the development of the Delivery Program for the term of Council.

Data was captured included in the CSP at the time of development to use as a baseline to measure progress against.

The CSP has five themes with community-focused measures for each of these themes. These themes and measures are as follows:

Theme 1: Our towns and villages

We celebrate and nurture the unique character of our towns and villages

Theme 2: Growth through innovation

We have economic development activities which provide community longevity, vibrancy and a sustainable future

Theme 3: Our natural environment

We care and protect our natural environment to ensure future generations can experience and enjoy its beauty

Theme 4: Communication and engagement

We have engaged communities that actively participates in local decision making

Theme 5: Our infrastructure

We strive to continually improve our local infrastructure

Council's Delivery Program 2018-2021 translates the vision of the community into actions for Council and details the projects, activities and initiatives to be delivered during the term of Council.

The End of Term Report provides a summary of achievements and activity across the term of Council and reports progress against baseline measures contained within Snowy Valleys 2028 and Delivery Program 2018-2021.

This report is used to inform the development of the Community Strategic Plan and Delivery Program of the newly elected Council.

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

4.5.7 Fulfill all Integrated Planning & Reporting requirements, including preparation of the End of Term Report, Community Strategic Plan, Delivery Program and Resourcing Strategy

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate services are provided to the community and transparent reporting provides confidence in Council's ability to deliver on the community's priorities.	Delivery of some projects and initiatives were impacted by COVID-19 and bushfires, therefore may provide a source of contention for the community
Environmental	Reporting on the provision of services that improve environmental outcomes within Council's area of influence	Nil
Economic	The End of Term report assists in improving community and investor confidence in the region through the demonstration of gradual improvement in delivery and of key economic initiatives	There are some carry over initiatives which have not been delivered as planned, which may impact community and investor sentiment.
Governance	This report is required to demonstrate to the community and government the appropriateness and transparency of Council's decision-making processes	Transparency and accuracy of reporting may be a source of community criticism

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

In accordance with *Local Government Act 1993 Act s428 (2)*, the End of Term Report must be tabled at the last meeting of the outgoing council.

The End of Term Report must be prepared in accordance with the Integrated Planning and Reporting Guidelines (IP & R) in accordance with *Local Government Act s428 (2)*.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:**Nil OPTIONS:**

No options are considered necessary, as the End of Term is a requirement under the Local Government Act 1993- s428 (2)

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Consultation**

Relevant information regarding the end of Term Report had been collated from the SVC Management Group and key responsible officers.

External Consultation

The End of Term report, once endorsed by council, will be made available to the community through the council's website

ATTACHMENTS

- 1 2017-21 End of Term Report (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.3 2020-21 ANNUAL REPORT**

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

EXECUTIVE SUMMARY:

Snowy Valleys Council's Annual Report for 2020-21 provides an overview of council's programs, achievements, and performance over the last financial year.

As a primary document within the Integrated Planning and Reporting framework, the Annual Report focuses on Council's achievement in implementing the Delivery Program.

The Snowy Valleys Council Annual Report 2020-21, including the State of Environment Report, has been prepared in accordance with requirements of Section 428 (5) of the Local Government Act 1993.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive and endorse the 2020-21 Annual Report**
- 2. Approve a copy of the 2020-21 Annual Report including the State of Environment Report and 2020-21 Audited Financial Statements be placed on Council's website and submitted to the Office of Local Government by 30 November 2021.**

BACKGROUND:

The Annual Report provides Council with the opportunity to report to the community and government stakeholders on its achievements and accomplishments over the past financial year against those objectives contained in the Delivery Program.

Council is required to prepare an annual report within five months of the end of the financial year and is required for Council to place the report on its website and submit to the Office of Local Government by 30 November 2021.

The Snowy Valleys Council Annual Report 2020-21, including the State of Environment Report, has been prepared in accordance with the requirements of the Local Government Act 1993 and Regulation 2021.

REPORT:

Section 428 of the Local Government Act 1993 requires Council to prepare an Annual Report by 30 November each year reporting on its achievements during the previous financial year against objectives and performance targets set out in its Community Strategic Plan – Snowy Valleys 2028 Our Vision, Our Future, together with any other information required by clause 217 of the Local Government (General) Regulation 2021 or the Integrated Planning & Reporting guidelines provided by the Office of Local Government under Section 406 of the Act.

Council must report on its achievements in implementing its Delivery Program and Operational Plan and the effectiveness of its principles activities in achieving the Delivery Program's objectives.

As a mandatory requirement, the 2020-21 Annual Report is required to include a State of the Environment Report. The State of the Environment Report is due every four years of the ordinary election. There are no strict guidelines on the format and contents of the document, however it must

reference Council's activity against the environmental objectives contained within the Community Strategic Plan for the term of Council.

Council's 2020-21 Audited Annual Financial Statements were presented and adopted at councils ordinary meeting (M223/21) in October 2021 and can be viewed on Council website:

<https://www.snowyvalleys.nsw.gov.au/Council/Strategies-Plans-and-Reporting/Integrated-Planning-and-Reporting/IPR-Reporting>.

The Audited Annual Financial Statements will form part of the Annual Report and be submitted to the Office of Local Government before 30 November 2021 in accordance with legislative requirements.

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

4.5.7 Fulfill all Integrated Planning & Reporting requirements, including preparation of the End of Term Report, Community Strategic Plan, Delivery Program and Resourcing Strategy

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate services are provided to the community and transparent reporting provides confidence in Council's ability to deliver on the community's priorities.	Delivery of some projects and initiatives were impacted by COVID-19, therefore may provide a source of contention for the community
Environmental	Reporting on the provision of services that improve environmental outcomes within Council's area of influence	Nil
Economic	The Annual Report assists in improving community and investor confidence in the region through demonstration of gradual improvement in delivery and of key economic initiatives	There are some carry over initiatives which have not been delivered as planned, which may impact community and investor sentiment.
Governance	This report is required to demonstrate to the community and government the appropriateness and transparency of Council's decision-making processes	Transparency and accuracy of reporting may be a source of community criticism

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

In accordance with *Local Government Act 1993 Act s428 (1)* Council is required to prepare an annual report within five months of the end of the financial year. The deadline for Council to place the report on the website and submit the report to the Office of Local Government is 30 November 2021.

The Annual Report must be prepared in accordance with the Integrated Planning and Reporting Guidelines (IP & R) in accordance with *Local Government Act s 428 (3)*.

A copy of Council's annual report must be posted on Council's website and be provided to the Minister for Local Government (via OLG), as per *Local Government Act s 428 (5)*.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

No options are considered necessary, and the Annual Report is a requirement under the Local Government Act 1993.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Communications and Engagement team consulted with subject matter experts to coordinate and collate the information required to meet statutory requirements.

The consultation involved providing regular progress reporting to the executive team on content and formatting of the document.

Council's Managers provided quarterly updated status reports on progress on Council's identified operational plan actions. The quarterly updates were collated into the Half Yearly Report and this Annual Report.

ATTACHMENTS

- 1 2020-21 Annual Report (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.4 AUDIT RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2020-2021**

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

EXECUTIVE SUMMARY:

To provide Council with the Audit Risk and Improvement Committee Annual Report for 2020-2021. The report covers the period from November 2020 to October 2021.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Audit Risk and Improvement Committee Annual Report 2020 - 2021.**
- 2. Note the Audit Risk and Improvement Committee Annual Report for the period 2020-2021.**

BACKGROUND:

The Audit Risk and Improvement Committee plays a pivotal role in the governance framework. It provides Council with independent oversight and monitoring of the council's audit processes, including the council's internal controls activities. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance.

REPORT:

In accordance with the Internal Audit Guidelines September 2010 developed by the Office of Local Government and the Audit Risk and Improvement Committee Terms of Reference, the Audit Risk and Improvement Committee is required to report annually to Council.

This report covers the reporting period November 2020 to October 2021.

The committee is responsible for oversight and monitoring of the Council's audit, risk and governance activities, including reviewing the implementation of recommendations resulting from internal audit, compliance and other governance reviews.

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:

	Positive	Negative
Social	By providing a leading role in internal audit and risk management, processes should become 'business as usual' operations of Council, ensuring the needs of the community are being meet.	Nil
Environmental	Risk management is an essential part of effective corporate governance, inclusive of environmental risks	Nil
Economic	Audit Risk and Improvement Committee scope includes the reliability and integrity of financial operational information	There is a budget of \$40,000 for the 2021/22 financial year to cover member remuneration and training as well as the engagement of the internal auditor and the engagement of two internal audits.
Governance	Internal audit is an essential component of a good governance framework for all councils. At both a management and councillor level, councils must strive to ensure there is a risk management culture. Internal audit can assist in this regard.	Nil

Financial and Resources Implications

There is a budget for the Audit Risk and Improvement Committee and internal audit for the 2021/2022 financial year of \$40,000. This budget provides for committee member remuneration and training, as well as the engagement of an internal audit provider to conduct two internal audits per year.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

Audit Risk and Improvement Committee Terms of Reference

Internal Audit Guidelines September 2010 – Office of Local Government

Local Government Act 1993

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

The Audit Risk and Improvement Committee plays an active role in relation to Council's risk profiles in ensuring that appropriate focus is placed on identifying, prioritising, monitoring, mitigating and managing risks to which the Council is exposed. The committee received regular updates on ongoing risks and actions being taken by management including details of risk mitigation where relevant.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Audit Risk and Improvement Committee Annual Report was presented to the Audit Risk and Improvement Committee members on the 03 November 2021 meeting for discussion. A recommendation was made by the committee to present the report to Council.

ATTACHMENTS

- 1 Audit Risk and Improvement Committee Annual Report - 2020/2021 (ECM 3135838)
(under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.5 CODE OF CONDUCT COMPLAINT STATISTICS FOR THE REPORTING PERIOD 01 SEPTEMBER 2020 - 31 AUGUST 2021**

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

EXECUTIVE SUMMARY:

Reporting complaint statistics to Council and the Office of Local Government is required under Part 11 of the Procedures for the Administration of the Code of Conduct. For the reporting period of 2020-21 (1 September 2020 – 31 August 2021), there were a total of one complaint received and which was finalised at the preliminary assessment stage.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Code of Conduct Complaint Statistics for the reporting period 1 September 2020 – 31 August 2021.**
2. **Note the Code of Conduct complaints statistics for the reporting period 1 September 2020 – 31 August 2021.**

BACKGROUND:

Under Part 11.1 and 11.2 of the Procedures for the Administration of the Code of Conduct the Complaints Coordinator must arrange for code of conduct statistics to be reported to Council and the Office of Local Government within 3 months of the end of September of each year.

REPORT:

A full copy of the complaints statistics for the reporting period 01 September 2019 – 31 August 2020 that were reported to Office of Local Government are attached to this report. The following statistics are a summary of the full report:

- a) One code of conduct complaint was made about Councillors and the General Manager under the code of conduct in the reporting period;
- b) One code of conduct complaint was referred to a conduct reviewer;
- c) One code of conduct complaint was finalised by a conduct reviewer at the preliminary assessment stage with the following outcomes:
Outcome: 'to take no action'.
- d) Zero code of conduct complaints were investigated by a conduct reviewer;
- e) Outcomes of investigation not relevant as there were no complaints investigated by a conduct reviewer;
- f) Zero matters were reviewed by the Office of Local Government and
- g) \$4120 was the total cost of dealing with code of conduct complaints made about Councillors and the General Manager in the year to September 2021, including staff costs.

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

Choose Operational Plan Activity

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	An independent process to review and report complaints is integral to gaining community trust through transparent processes	Nil
Environmental	Nil	Nil
Economic	Nil	Nil
Governance	Ensures Council is acting within the Local Government Act 1993 and meeting legislative requirements	Nil

Financial and Resources Implications

Each financial year a budget allocation is allowed for Code of Conduct matters.

Costs and Benefits:

The total cost to engage the conduct reviewer for the complaint was \$3520. Internally, the complaint took staff approximately 6 hours to complete at \$100 per hour (which includes appropriate oncosts) with a total cost of \$4,120.

Policy, Legal and Statutory Implications:

Councils Code of Conduct

Part 11.1 and 11.2 of the Procedures for the Administration of the Code of Conduct.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Appropriate referral of code of conduct complaints for review by an external conduct reviewer ensures that risk of impartial review is mitigated and provides assurance to the community.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

Nil

COMMUNITY ENGAGEMENT AND COMMUNICATION:

These statistics were reported to the Office of Local Government on 11 November 2021.

ATTACHMENTS

- 1 20211104 - Report - Code of Conduct Statistics 2021 - Office of Local Government (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.6 STATEMENT OF INVESTMENTS - OCTOBER 2021**

REPORT AUTHOR: FINANCE OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

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

RECOMMENDATION:**THAT COUNCIL:**

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

BACKGROUND:

Nil

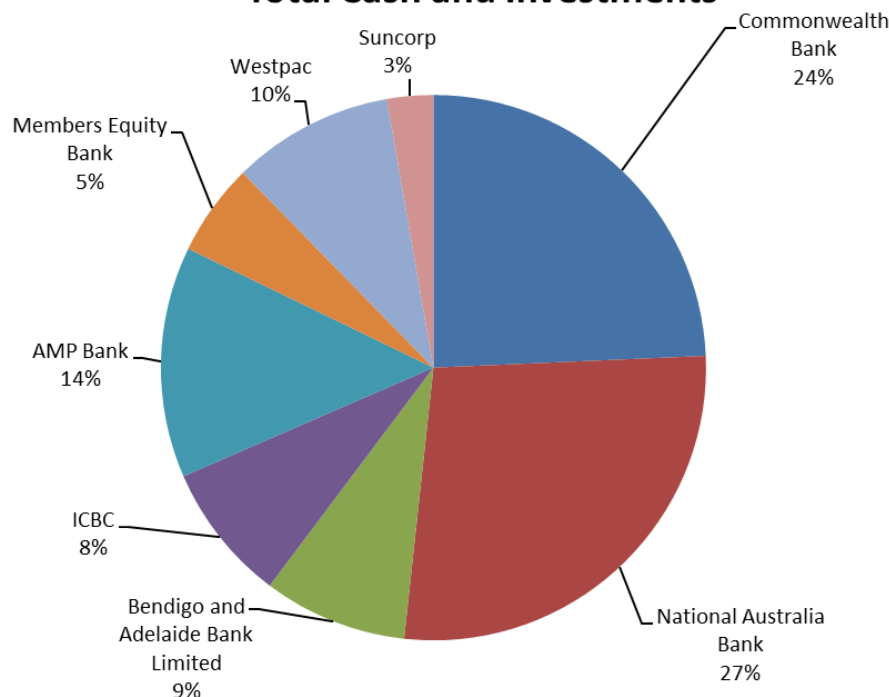
REPORT:

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

Combined Cash & Investments Table		31/10/2021				
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%	
Commonwealth Bank	\$ 2,004,260	\$ 1,213,999	\$ 790,261	W/Acct	0.10%	
Commonwealth Bank	\$ 6,844,126	\$ 6,842,886	\$ 1,240	At Call (BOS)	0.20%	
Commonwealth Bank	\$ 20,682	\$ 16,979	\$ 3,703	Gen-Roth	0.10%	
Total Cash & At Call Investments	\$ 8,869,068	\$ 8,073,864	\$ 795,204		0.18%	
Term Deposits	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
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	\$ 27,615,623	\$ 27,615,623	\$ -		0.56%	
Total Cash & Investments	\$ 36,484,690	\$ 35,689,487	\$ 795,204		0.46%	

% of Portfolio

Snowy Valleys Council October 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 increased \$795K during October 2021.

Major **cash receipts** received during the month included:

- Transport for NSW - AGRN 871 Clarkes Hill Tooma Road Project \$2.4M
- Reimbursement claim
- Department Of Planning Industry & Environment – NSW Public \$990K
- Spaces Legacy Program
- Infrastructure NSW – Restart NSW Fund - Southwest Slopes \$236K
- Timber Industry Road Network

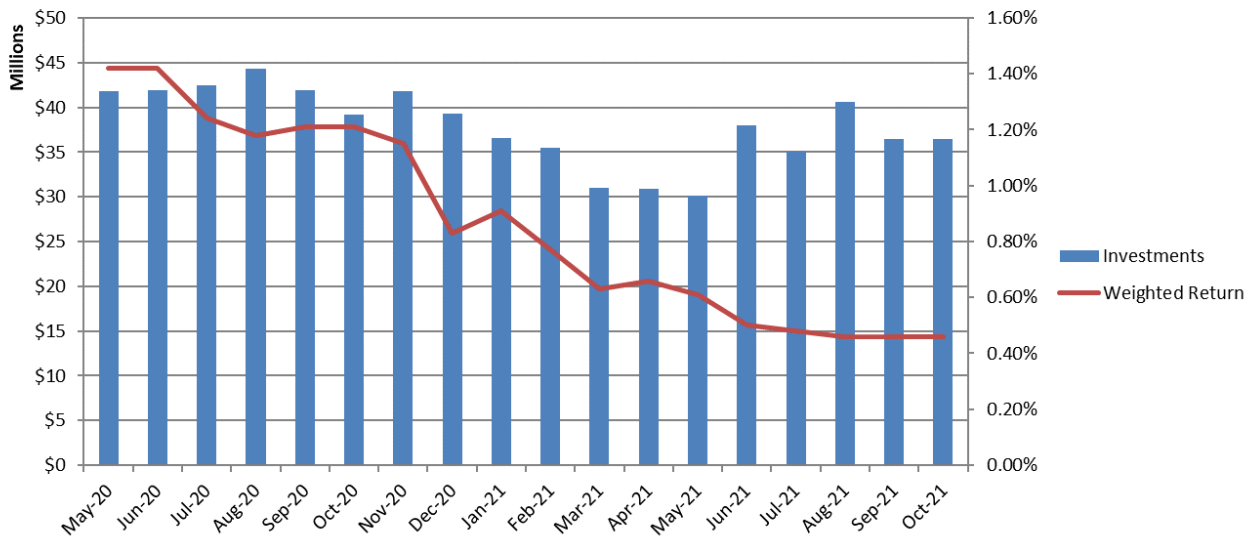
Main **cash disbursements** (excluding employee costs) during the month included:

- Talbingo Boat Ramp \$363K
- Goobarragandra Slip Flood works \$270K
- Road Maintenance Council Contract - Jingellic Road Safety \$188K
- Barrier Works
- Tumut Fitzroy Toilets \$104K
- Private Works - Bobeyan Road \$73K

Cash investment rates are starting to level out with the market factoring in forward expectations of rate hikes and longer-term rates increasing. 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.

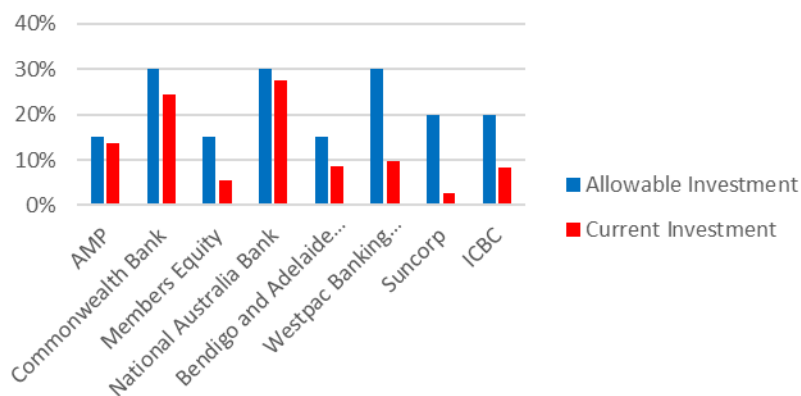
SVC Cash Investments and Weighted Return



This month the report includes a focus on counterparty risk, one of the 3 risks addressed in Council’s Investment Policy. Counterparty risk refers to the likelihood or probability that an institution might default on its contractual obligation. Council limits its exposure to individual institutions based on their credit ratings.

At the end of October, applying long-term ratings only, Council did not have an overweight position to any single authorised deposit-taking institution (ADI). Overall, the portfolio was reasonably diversified across the investment grade spectrum, with no exposure to unrated ADIs. The following graph depicts Council’s counterparty exposure at 31 October 2021:

SVC Investment Policy - Counterparty Risk



ATTACHMENTS

Nil

10. GOVERNANCE AND FINANCIAL REPORTS**10.7 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2021**

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

EXECUTIVE SUMMARY:

This report provides a summary of Council's financial performance against budget as at 30 September 2021. Council's projected result shows an increase of income of \$8M and an increase of expenditure of \$3M compared to the original budget.

The original budget forecast a surplus of \$17M including capital grants, and a deficit of \$1.8M after capital items. Capital items consist of income received for the purpose of building new or replacement assets and the offsetting capital expenditure is not reported in the operating result. After the proposed adjustments in the attached quarterly report, the projected result is forecast to be a surplus of \$23M and a loss of \$3.2M after capital items. Unrestricted cash reserves are estimated to be satisfactory at year end.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive and adopt the Quarter Budget Review as at 30 September 2021.**
- 2. Adopt the Revenue, Expenditure and Capital Budget adjustments as noted in the September Quarterly Budget Review.**

BACKGROUND:

Clause 203 (1) of the Local Government (General) Regulation 2021 requires Council's Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the governing body of Council.

The Quarterly Budget Review Statement is designed to reflect the information normally prepared annually as part of the financial statements on a quarterly basis.

All Directors and Managers are required to monitor their budgets on a continual and frequent basis throughout the financial year and adjustments are recommended as required.

The 2021/22 annual budget was adopted on 17 June 2021.

REPORT:

Council adopts its original budget in June each year, forecasting the known income, operational expenses, and capital works for the coming financial year.

The original 2021-22 budget forecast a surplus of \$17M, including income received as grants for the purpose of building new or replacement assets. Funding received for capital items is reported in Council's overall operational result. When excluding funding received for capital grants, the original budget forecast a deficit of \$1.8M.

Through the Quarterly Budget Review process reported to Council, Council reviews and adjusts the original budget in order to manage variations that occur as a result of:

- Receiving grant funding

- Recognising increased/decreased expenditure and income
- Council resolving to adjust expenditure.

This report provides a summary of Council's financial performance against budget as at 30 September 2021. At the end of quarter one, the proposed adjustments (detailed in the attached quarterly report) total:

\$8.4M in additional income

- \$4.5M Restart NSW Funding - Softwoods
- \$1.3M Increase in income from a major private work contract
- \$3.3M BLERF Swimming Pool funding

\$2.4M in additional expenditure

- \$1.3M Increase in expenditure from a major private work contract (profit margin yet to be confirmed – commercial in confidence)
- \$936K Adjustment for Overtime & Allowances
- \$159K Project Management Specialist Support
- \$125K Engagement of consultants to prepare SRV application

\$296K net reduction in capital expenditure

- \$3M Aerodrome - Tumut - Part of works deferred to next year
- \$1M FOGO - Facility works deferred to next year
- \$3.3M BLERF Swimming Pool upgrades expected to be delivered in the current year

As a result, the projected 2021-22 result is forecast to be a surplus of \$24M and a loss of \$3.2M after capital items.

Unrestricted cash reserves are estimated to be \$2.9M, which is within Council policy requirements.

Summary of Council's operating position at end of September 2021

Council's income at end of September 2021 was 2% below budget, while expenditure was 5% above budget. Both income and expenditure are considered satisfactory having a variation being 5% or less of original budget

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



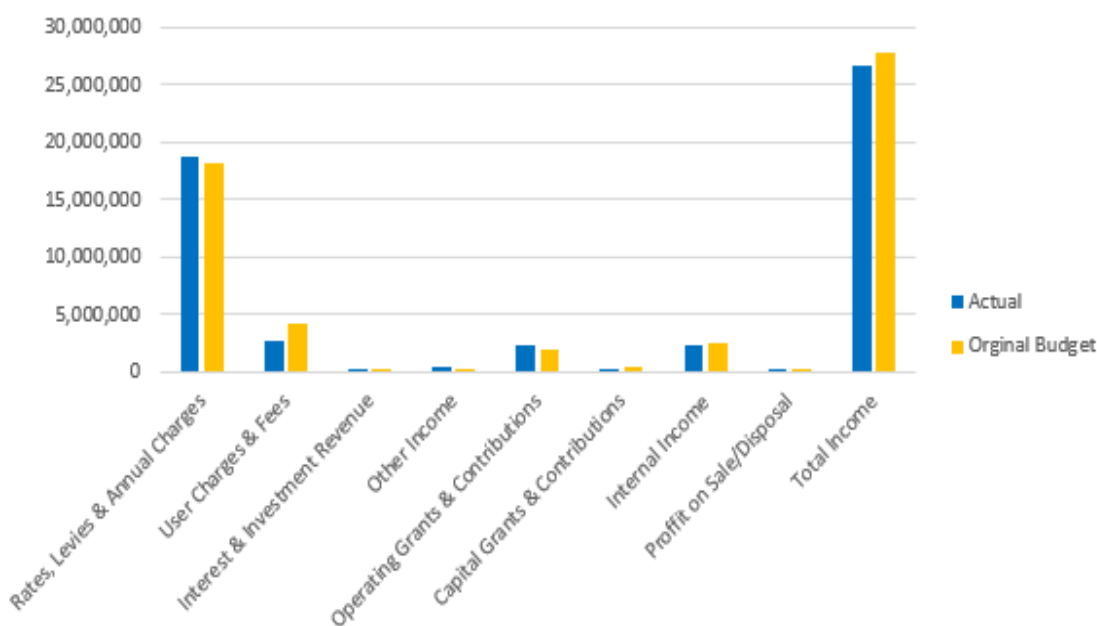
Year to Date Result for September 2021

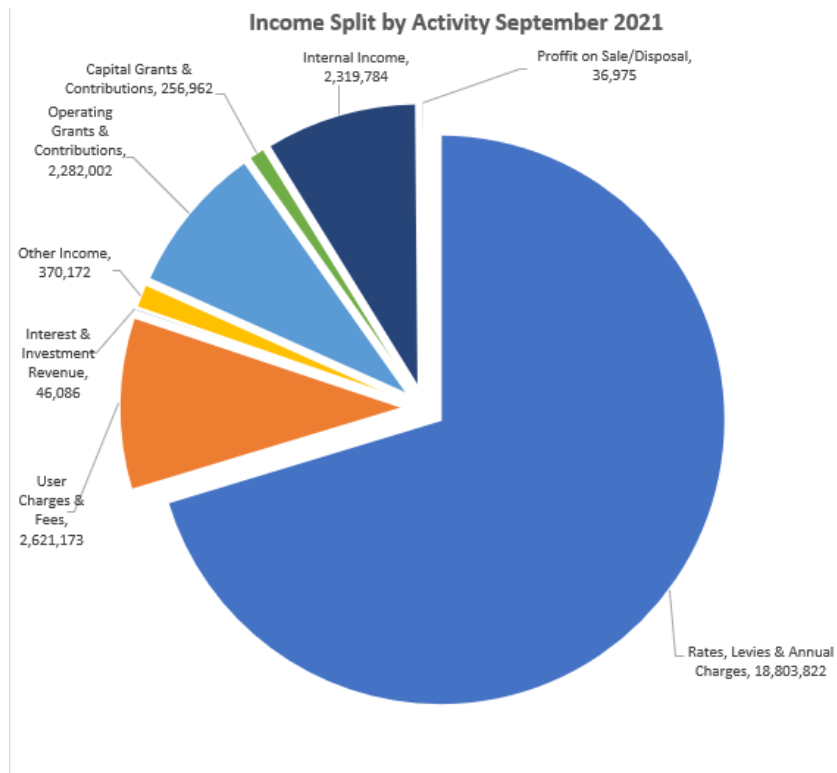
Overall Council Summary

Account Description	Actual YTD	Budget YTD	% Variance YTD	\$ Variance YTD	Original Budget 21PJBD
Income					
Rates, Levies & Annual Charges	18,803,822	18,102,992	3.87%	700,830	18,529,229
User Charges & Fees	2,621,173	4,296,184	-38.99%	(1,675,011)	16,545,892
Interest & Investment Revenue	46,086	102,500	-55.04%	(56,414)	410,000
Other Income	370,172	294,498	25.70%	75,673	817,289
Operating Grants & Contributions	2,282,002	1,935,158	17.92%	346,844	10,740,156
Capital Grants & Contributions	256,962	536,581	-52.11%	(279,619)	19,053,000
Internal Income	2,319,784	2,458,098	-5.63%	(138,314)	8,013,727
Profit on Sale/Disposal	36,975	2,500	1378.99%	34,475	10,000
Total Income	26,736,975	27,728,512	-4%	-991,537	74,119,293
Expenses					
Employee Costs	3,930,642	3,562,727	-10.33%	(367,915)	16,301,088
Materials & Contracts	4,529,934	4,497,269	-0.73%	(32,665)	18,569,822
Depreciation & Impairment	2,880,807	2,706,250	-6.45%	(174,557)	10,825,000
Other Expenses	2,411,453	2,191,733	-10.02%	(219,720)	6,388,776
Interest & Investment Losses	125,201	100,116	-25.06%	(25,085)	367,055
Internal Expense	2,113,712	2,108,076	-0.27%	(5,636)	4,428,402
Loss on Sale/Disposal	0	0	0.00%	0	0
Total Expenses	15,991,748	15,166,171	-5%	(\$825,578)	56,880,143
Operating Result	10,745,227	12,562,341	-14%	(1,817,114)	17,239,150
Result after Capital Items	10,451,290	12,023,260	13%	79,185	(1,823,850)

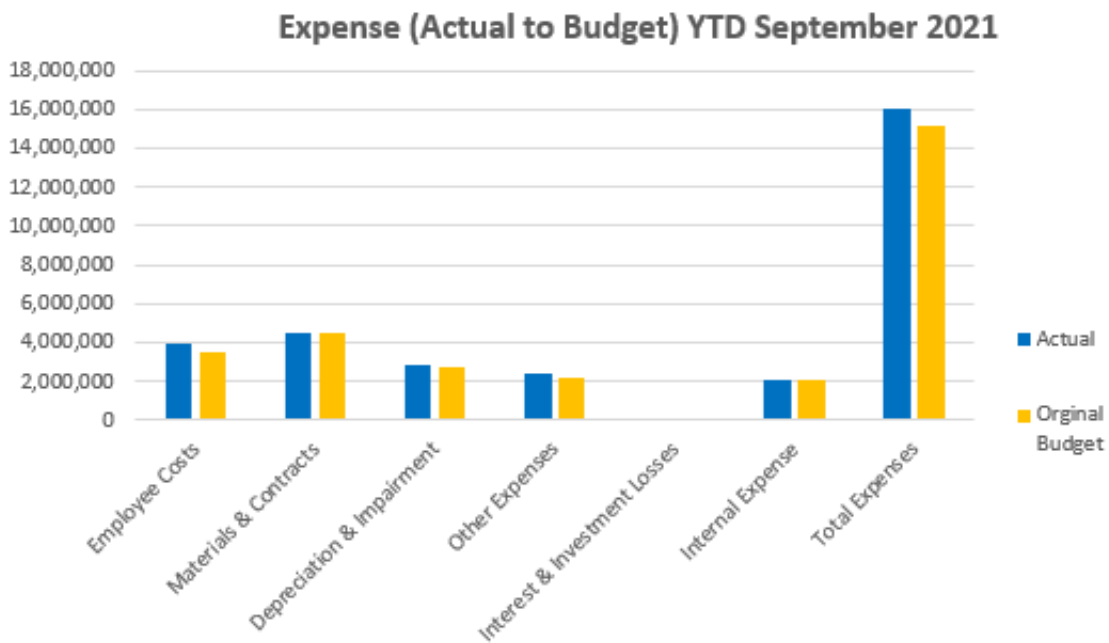
Income

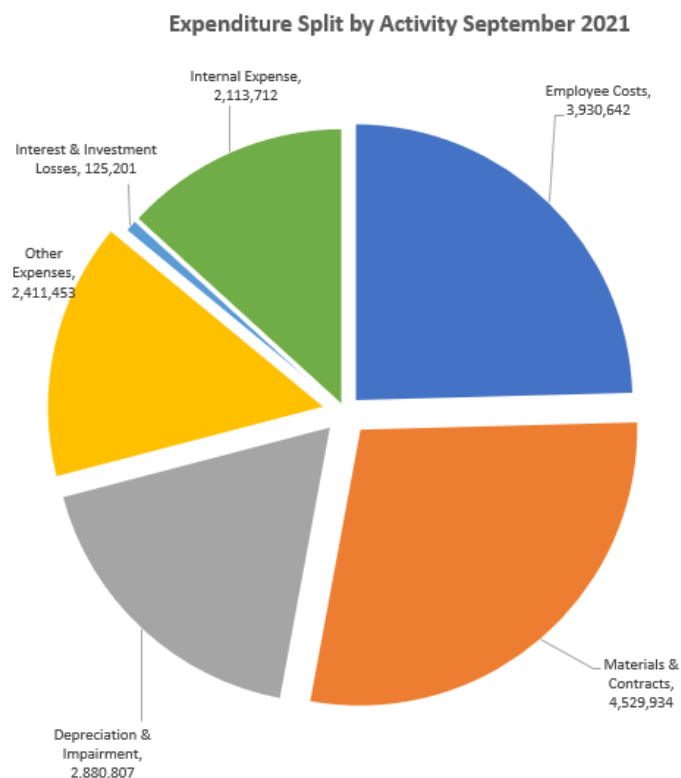
Income (Actual to Budget) YTD September 2021





Expenditure





Capital

11% of the projected capital budget has been expensed at the end of September 2021. This is to be expected as the conditions over winter are not favourable for construction works and construction staff take winter leave during this period.

Water Fund

The Water fund Income and expenditure are below 5% variance to budget for the first quarter.

Sewer Fund

The Sewer fund Income and expenditure are below 5% variance to budget for the first quarter.

Unrestricted Cash

The unrestricted cash position at 30 September 2021 and projected at financial year-end is satisfactory. Unrestricted cash is to be available to cover unexpected and emergency expenses that are not provided for in the annual budget or an available reserve. The level of unrestricted cash fluctuates during the year depending on cash receipts and cash payments, adherence to capital budget plans and Council decisions where reserve funding is allocated.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

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

Operational Actions

4.3.9 Report on financial outcomes compared to industry benchmarks

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

Monitoring of the Quarterly Budget Review enables timely financial management.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

Clause 203 (1) of the Local Government (General) Regulation 2005 requires Council's responsible account officer to prepare and submit a quarterly budget review statement to the governing body of Council.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Quarterly reporting allows Council to keep informed of the progress of the budget to actual income and costs.

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

- 1 Quarterly Budget Review - Quarter 1 - 30 September 2021 (under separate cover)

10. GOVERNANCE AND FINANCIAL REPORTS**10.8 SNOWY VALLEYS COUNCIL CHILD SAFE ORGANISATION FRAMEWORK AND POLICY - ADOPTION**

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

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council the draft Snowy Valleys Council Child Safe Organisation Framework SVC-COR-PO-126-01 and Policy SVC-COR-PO-125-01 for adoption.

The draft Snowy Valleys Council Child Safe Organisation Framework and Policy was considered by Council at its meeting 19 August 2021. At that meeting Council resolved to release the documents on public exhibition. The plan was then on exhibition for 42 days.

One submission was received regarding the Child Safe Policy. As a result, minor changes have been made to the policy and are detailed in this report.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Adoption of the Snowy Valleys Council Child Safe Organisation Framework and Policy.**
- 2. Adopt the draft Snowy Valleys Council Child Safe Organisation Framework SVC-COR-PO-126-01 and Policy SVC-COR-PO-125-01 with the changes detailed in this report.**
- 3. Authorise the Chief Executive Officer to implement the adopted Snowy Valleys Council Child Safe Organisation Framework and Policy within available budget and resources.**

BACKGROUND:

In 2019, the Children's Guardian Act was ratified making all Local Government Authorities members of the reportable conduct scheme. The reportable conduct scheme is a new scheme for child protection was applied in NSW from 1 March 2020.

The Reportable Conduct Scheme came into effect in New South Wales from 1 March 2020.

At the 10 December 2020 Council meeting, Council adopted 11.4 SVC Child Safe Organisation M314/20 and resolved:

THAT COUNCIL:

- 1. Receive the report on the SVC Child Safe Organisation.*
- 2. Undertake the processes to be recognised as Child Safe Organisation in accordance with the Children's Guardian Act 2020.*

REPORT:

The draft Snowy Valleys Council Child Safe Organisation Framework and Policy was placed on exhibition from 25 August to 5 October 2021.

No submissions were received to Council's 'Your Voice' on the website in the public exhibition period.

The policy and framework were forwarded to the Office of the Children's Guardian as the technical experts for feedback. The framework was praised with no feedback to this document. Feedback received was to the policy.

Feedback suggestions were to expand explanations and corrections to naming of organisations.

The changes made to the policy from Office of the Children's Guardian feedback are as follows:

- **STRATEGIC PURPOSE**

- 'Sub-contractors' added to who the policy includes.

- **POLICY STATEMENT**

- 'Sub-contractors' added to who the policy includes.

- **DEFINITIONS**

- Child(ren) definition changed from "a young human being below the age of puberty or below the legal age of majority" to "a person under the age of 18 years old".
- Subcontractors added into the definitions.
- Family and Community Services (FaCS) changed to the Department of Communities and Justice (DCJ). The department's current name.
- Police Record Check changed to National Police Check
- Reportable conduct – update definition to include offences defined und the Crimes Act 1900.
- Significant Harm changed to Risk of Significant Harm (RoSH). The correct title.
- Young People definition changed from "A person who is 12 years old or older, but not yet an adult" to 'A person who is between the ages of 12 and 18 years old'.

- **CONTENT**

- Inclusion of "have Systems, Policies and Processes to implement the ten Child Safe Standards" in opening sentence.
- 4.3 acronym FaCS changed to DCJ.
- Change in legislation reference from Part3A of the Ombudsman Act 1974 (NSW) to Part 4 of the Children's Guardian Act 2019
- Inserted additional information: "i.e. for all reportable conduct matters to be referred to OCG, all mandatory reporting matters to DCJ; for matters relating to Early Childhood and Children's Services Provision the Early Childhood Education and Care Directorate are required to be advised"
- 4.3.4 inclusion of "...including the delegation of a staff member to take on the responsibility of a 'Child Safe Officer'..."
- 5.1 inserted, "how staff respond, manage and report allegations of harm, as well reflecting, reviewing and improving systems in response to child safe incidents."

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 4: Communication & Engagement

Delivery Outcomes

1.6 Support and partner with other agencies to ensure community safety

Operational Actions

1.6.1 Undertake community safety initiatives in line with the Crime Prevention Plan

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Nil	Nil
Environmental	Nil	Nil
Economic	Sharing of resources with other Council's and organisations reduces financial impact to develop and implement.	Develop of framework and associated resources is human resource intensive.
Governance	Developed framework, policies and procedures will minimise risk as a public authority	Lack of developed framework places SVC at risk.

Financial and Resources Implications

- Long term implications maybe financial in achieving the actions related to implementation of the framework to be a Child Safe Organisation.

Costs and Benefits:

Organisations that implement the Child Safe Standards will be demonstrating their leadership and commitment to child safety and wellbeing. These organisations will become 'organisations of choice', because children and young people, families and communities will feel confident that they provide safe environments where children's rights, needs and interests are met

Policy, Legal and Statutory Implications:

In accordance with section 253 of the Local Government Act states that Council must give notice of its intention to adopt or amend policies, allowing at least 28 days for the making of public submissions.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

1. Council may resolve to adopt the SVC Child Safe Organisation Policy with changes contained in this report and the SVC Child Safe Organisation Framework.
2. Council may seek further information and consider this matter at a future meeting.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:Internal Consultation

The draft Snowy Valleys Council Child Safe Organisation Framework and Policy was circulated internally to staff during May 2021. There was no feedback received.

External Consultation

The draft Snowy Valleys Council Child Safe Organisation Framework and Policy was placed on public exhibition with no feedback received after 42 days.

The draft Snowy Valleys Council Child Safe Organisation Framework and Policy was forwarded to the Office of the Children's Guardian as technical experts in child safety. Feedback from the Office of the Children's Guardian is detailed under report section of this report.

ATTACHMENTS

- 1 Draft SVC Child Safe Organisation Framework - SVC-COR-126-01 (ECM 3114263) (under separate cover)
- 2 Draft SVC Child Safe Policy SVC-COR-PO-125-01 (ECM 3114255) (under separate cover)

11. MANAGEMENT REPORTS**11.1 BOMBOWLEE CREEK ROAD LAND ACQUISITION**

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

EXECUTIVE SUMMARY:

Council has received funding for the replacement and realignment of the Bombowlee Creek Bridge through the Softwoods Working Group.

This report seeks the approval of Council for the formal endorsement for the land acquisitions associated with the realignment of the Bombowlee Creek Bridge on Bombowlee Creek Road.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive this report on Bombowlee Creek Road Land Acquisition.
2. Proceed to acquire the following land by agreement and where agreement is unable to be reached by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 and by authority contained in the Roads Act for the purpose of public road;
 - a. Proposed Lot 35 DP1236404 being part of Lot 1 DP528841 located at 993 Bombowlee Creek Road, Tumut, NSW, 2720
 - b. Proposed Lot 36 DP1236404 being part of Lot 22 DP1054576 located at 996 Bombowlee Creek Road, Tumut, NSW, 2720
 - c. Proposed Lot 37 DP1236404 being part of Lot 302 DP750991 located at 1036 Bombowlee Creek Road, Tumut, NSW, 2720
 - d. Proposed Lot 38 DP1236404 being part of Lot 20 DP1018866 located at 1121 Bombowlee Creek Road, Tumut, NSW, 2720
 - e. Proposed Lot 39 DP1236404 being part of Lot 1 DP840407 located at 1070 Bombowlee Creek Road, Tumut, NSW, 2720
3. Endorse compensation being paid to the effected landowners as per valuation reports obtained by Council and advice received from the registered property valuer.
4. Approve the attachment of the Council 'seal' as per Policy.
5. Note that minerals are to be excluded from this acquisition.
6. Note that these acquisitions are not for the purpose of resale.
7. Approve that the necessary applications be made to the Minister for Local Government and the Governor, if acquisition with agreement is unable to be reached.
8. Approve that the Chief Executive Officer be provided with authority to finalise the land acquisitions and sign any documentation necessary to give effect to this resolution.

9. Approve that upon acquisition the land be dedicated as public road under Section 10 of the Roads Act.

BACKGROUND:

Council has received funding through the Growing Local Economies as part of the Softwoods Working Group. This has involved successful funding and projects for the Taradale Complex, Broadleaf Park Road and Bombowlee Creek Road.

As part of the improvements on Bombowlee Creek Road, the project has included the realignment of the bridge over the Bombowlee Creek, approximately 10km from the Wee Jasper Road intersection. These works have commenced in line with the project schedule and with written in principle agreement from the affected landholders, whilst the formal process of land acquisition is undertaken.

REPORT:

Council Officers have engaged in negotiations with the landholders affected by the realignment of the Bombowlee Creek Road. The realignment of the bridge and road is a key component of the road and safety improvements being undertaken as part of this Growing Local Economies Funded project.

The Bombowlee Creek Bridge sees significant use from industry, being the main heavy vehicle access for the Bondo State Forest. The bridge is also used for a significant quarry in the area which is less than 1km from the site and provides a significant amount of material for industry and road construction.

There have been several accidents recorded at the site, involving both heavy vehicles and light vehicles.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework: CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.1 Provide a program to improve local roads

SUSTAINABILITY ASSESSMENT:

This replacement and realignment of the bridge will be a renewal of a Council asset and have slight increase in depreciation due to the increase in the length of the bridge on the new alignment. Balancing of this for sustainability will be undertaken as the new alignment should decrease the pavement failures from stress of breaking and acceleration in the area and damage to the current bridge from accidents.

Financial and Resources Implications

Council has engaged suitably experienced consultants to facilitate the acquisition in line with current legislative procedures.

This is unable to be funded from the grant funding. Council has budgeted to a value of \$100k in the 2021/2022 Capital Works budget to the acquisition of the land from funds allocated from the general fund.

Some internal Council resources will be required to provide assistance with the processing of the land acquisitions as part of the normal duties.

Costs and Benefits:

Financial Costs	Financial Benefits	Benefits	Opportunities
Council will be required, as per the resolution to compensate the affected landholders.	By undertaking the process for all lots at one time, Council will be achieving efficiencies as part of the project.	The new alignment will improve the momentum of heavy vehicles going towards the Bondo State Forest.	
Legal fees will be incurred by Council for processing of the acquisitions			This project provided funding for three Councils to undertake works to ensure roads are suitable for the haulage of softwoods within the region

Policy, Legal and Statutory Implications:

Land Acquisition (Just Terms Compensation) Act 1991 is relevant to the proposed acquisition of the land.

The Roads Act 1993 outlines gazetted needs for the dedication of a road corridor.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

If the land acquisition is not to be undertaken, Council is exposed to significant reputational risk with the community and industry as a key delivery of the funding agreement (bridge realignment) will not be able to be achieved.

Failure to approve the recommendations will involve risks to the Project Delivery and potentially impact on the financial management of the project.

OPTIONS:

Council can:

1. Adopt the resolution as recommended
2. Change the resolution
3. Not accept the processing of the land acquisitions

COUNCIL SEAL REQUIRED:

Yes - Council Seal will be required for the acquisition of the land identified.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No external communication will be required.

ATTACHMENTS

- 1 Map - Bombowlee Creek Bridge Road Realignment (under separate cover)

11. MANAGEMENT REPORTS**11.2 SNOWY VALLEY COUNCIL'S DRAFT RURAL LANDS STUDY (RLS)**

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

EXECUTIVE SUMMARY:

This report presents the draft Snowy Valleys Council Rural Lands Study (Draft RLS) to Council for endorsement for public exhibition. Riverina Agriconsultants were commissioned to undertake the study and have prepared the document to assist in the preparation of the Draft Snowy Valleys Local Environment Plan. The Draft RLS has implications for the Snowy Valleys Council community and more generally NSW. Focus of the Draft RLS is on land zoned RU1 Primary Production, RU4 Primary Production Small Lots, E3 Environmental Management and R5 Large Lot Residential (for the land in the vicinity of Tumut only) under the two (2) existing Local Environmental Plans (LEPs) applicable to the Council area.

RECOMMENDATION:

THAT Council:

Receive and note the report on the Draft Rural Lands Study.

Release the Draft Rural Lands Study for public exhibition for a period of 28 days.

- 1. Adopt the Draft Rural Lands Study as a key reference document for the development of a new SVC Local Environment Plan, if no submissions are received on the day after the completion of the public exhibition.**

BACKGROUND:

Specified broad purposes for undertaking a Rural Lands Study were to:

- Enhance lifestyle opportunities for existing and potential future residents by identifying and providing additional land for rural living in the vicinity of Tumut as specified in the adopted Snowy Valleys Council Local Strategic Planning Statement (LSPS).
- Adopt a consistent approach to rural zoning and lot sizes over rural land covered by the two (2) existing Local Environmental Plans (LEPs) applicable to the Council area to ensure that the subsequent Snowy Valleys Local Environmental Plan is logical and cohesive with regards to rural areas zonings and lot sizes.

Riverina Agriconsultants as Council's appointed consultant to undertake the study completed the Draft RLS in October 2021.

REPORT:

Key findings of the Draft RLS include:

- The LGA has significant areas of natural assets which should be protected.
- Agriculture is a core industry and core driver of the LGA and therefore warrants protection.
- The value of agricultural commodities produced in the LGA in 2016 was \$143M with nearly 70% of this value derived from livestock production and the balance derived from horticulture and cropping. Livestock production includes beef, dairy and sheep. Horticulture includes apples, blueberries and wine grapes.

- The value of agricultural commodities produced in 2016 was 26% of the LGA's Gross Regional Product.
- 37% of the LGA is used for agriculture, with livestock grazing the dominant land use at 83% of the agricultural area. Other key rural land uses include plantation forestry (7%) and horticulture and cropping (4%).
- 28% of the value of agriculture commodities produced is derived from horticulture which is produced from just 1% of the land used for agricultural production in the LGA.
- The distribution of horticulture and viticulture across the LGA does not correlate to land capability mapping.
- Climate change will have a negative impact on agricultural production in the LGA.
- Identifying and protecting important agricultural land, addressing land use conflict and creating certainty for primary producers is a priority.
- The E3 zone comprises land with considerable production constraints and high conservation value and should be protected.
- Less than 1% of the land zoned RU4 is being used for intensive agricultural production.
- There are eight different minimum lot sizes in the RU1 zone across the LGA, but no correlation between land use and/or land capability and minimum lot size. A different zoning may be appropriate for land zoned RU4 together with land zoned RU1 that has small minimum lot sizes. A reduction to one (or two) minimum lot size for the balance of the RU1 zone along with a clause for a smaller minimum lot size for horticulture would be appropriate. In this regard Riverina Agriconsultants recommend adoption of 150ha minimum lot size with a 20ha horticultural clause.
- There is land suitable for rural living opportunities adjacent to the existing R5 Large Lot Residential Zone east of Tumut at Lacmalac.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

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

Operational Actions

1.9.2 Develop new draft Local Environment Plan that harmonises current Tumut LEP and Tumbarumba LEP

Local Strategic Planning Statement

Council's adopted Local Strategic Planning Statement (LSPS) provides relevant background material as follows.

Towns and Villages: Planning Priority 2

Towns and villages within Snowy Valleys have the capacity within the existing urban footprints to cater for any moderate growth that may occur if the projected decline in population growth reverses.

In this regard population growth will be encouraged and assisted by Council through enhancing lifestyle opportunities for existing and potential future residents by identifying and providing additional land for rural living in the vicinity of Tumut.

Towns and Villages: Planning Priority 3

Completion of a Rural Lands Study that would guide the zoning of land and lot sizes and changes to the mapping outside of the residential zones within the towns and villages of the Snowy Valleys Local Environmental Plan.

Monitoring and Reporting

M8 Finalise a Rural Lands Study by June 2021.

M9 Complete Stage 2 of merging the Tumbarumba Local Environmental Plan 2010 and Tumut Local Environmental Plan 2012 to amend the Snowy Valleys Local Environmental Plan that focuses on the review of zonings and lot sizes in the rural areas whilst also protecting productive agricultural lands from uses that may lead to land use conflict or fragmentation of productive properties by June 2022.

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	<p>The Draft RLS will assist Council to appropriately plan for future use of agricultural lands to ensure local employment opportunities for the long term and that agricultural pursuits remain a core industry.</p> <p>Potential land use conflicts in rural areas are likely to diminish.</p> <p>Value adding and location of agritourism facilities can be properly planned and facilitated.</p>	Some landowners may perceive that future subdivision potential would be reduced.
Environmental	Significant natural assets would be protected.	Nil
Economic	Agricultural commodities production would be facilitated and enhanced. Certainty for agricultural producers becomes a priority.	Nil
Governance	Arguments can be mounted to provide better enabling infrastructure for agriculture such as roads and services including electricity and higher quality telecommunications.	Nil

Financial and Resources Implications:

The funding required for the development of the draft Local Environment Plan and also associated underpinning strategic documents has been identified in the 2021/2022 financial management plan. The draft RLS was prepared at a cost of \$45,000 Inc GST. Costs and Benefits:

The underpinning strategic documents such as the draft RLS will provide the appropriate basis to assist in the harmonisation of Council's two Local Environment Plans which are in operation in the Local Government Area. Providing a framework for allocation of rural land zones including

permissible uses and minimum lot sizes in rural areas will provide benefits in Council reaching its overall strategic aims to protect and enhance rural opportunities whilst also providing housing opportunities and economic investment.

Policy, Legal and Statutory Implications:

Finalisation and adoption of a Rural Lands Study will in part facilitate the formulation of the Snowy Valleys Local Environmental Plan. It will provide the comprehensively researched logic for adoption of appropriate planning provisions for the rural areas.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:**N/AOPTIONS:**

In consideration of this report Council has the following options:

1. Release the Draft Rural Lands Study for public exhibition as recommended.
2. Seek further information and refer the matter to a future meeting of Council.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**External Consultation**

In the preparation of the Draft RLS the following NSW Agencies were consulted:

- NSW Planning Industry & Environment Local and Regional Planning (DPIE)
- NSW Planning Industry & Environment Biodiversity and Conservation Division (BCD)
- NSW Planning Industry & Environment Resilience Planning (DPIE Resilience Planning)
- Department of Primary Industries (DPI)
- Department of Primary Industries Fisheries (DPI Fisheries)
- Heritage NSW

Targeted stakeholder meetings will occur during the exhibition of the draft Local Environmental Plan which is expected to occur in the 2022/2023 financial year period.

Councillor Workshop

Councillors were briefed on the draft RLS on the 21 October 2021 by the author of the document.

ATTACHMENTS

- 1 20211104 - Draft Rural Lands Study - Snowy Valleys Council (ECM 3135910)
(under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.1 MINUTES - ABORIGINAL LIAISON COMMITTEE MEETING - 20 OCTOBER 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 – 20 October 2021
2. Note the Minutes of the Aboriginal Liaison Committee meeting held Wednesday 20 October 2021
3. Adopt the following recommendations from the minutes:

a) RECONCILIATION ACTION PLAN UPDATE

THAT COUNCIL:

1. Use the terms 'First Nations' or 'Aboriginal' when referring to Local Aboriginal people throughout the Reconciliation Action Plan.
2. Send the Reconciliation Action Plan to Reconciliation Australia for review upon changes.

b) COMMITTEE MEMBER RESIGNATIONS AND APPLICATIONS

THAT COUNCIL:

1. Accept committee member resignations from Bernadette Radford —Director of TKNIC, John Casey - Director of TKNIC, and Lorna Casey - Director of TKNIC.
2. Accept Committee member application from June Wolter — Director of TKNIC.
3. Advertise for committee membership nominations through an Expression of Interest from the Toomaroombah Kunama Namadgi Indigenous Corporation

c) INTERPRETATIVE WALKING TRIAL AT MURRAYS CROSSING TUMBARUMBA

THAT COUNCIL:

1. Consider and commence implementation of the interpretative walking trial in Tumbarumba that begins at Murrays Crossing and links up with the Rail Trail.
2. Name the Interpretive walking trail " Gudja Gudja Mura "
3. Consider including Gudja Gudja Mura" in the Tracks and Trails Masterplan.

d) FUTURE MEETINGS IN 2022

THAT COUNCIL:

1. Consider scheduling Aboriginal Liaison Committee meetings for 2022 as per the Committees Term of Reference to be held Quarterly commencing at 10am on the third Wednesday of the month, first meeting to be held 16 February 2022.

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:

At the 20 October meeting the following items were discussed.

AL09/21 RESOLVED:

The minutes for the Aboriginal Liaison Committee Meeting held on 18th August 2021 be received.

Mary Greenhalgh / Rhonda Casey

CARRIED

AL10/21 RESOLVED:

THAT THE COMMITTEE:

1. Received the report on Aboriginal Liaison Committee Matters – 20 October 2021.

Sue Bulger / Mary Greenhalgh

CARRIED

Geographic Information System Presentation:

A presentation was made by the GIS and Asset Systems Coordinator to the Committee to discuss and obtain information regarding signification Aboriginal sites and connecting Country with Local Aboriginal Communities. The Committee provided information regarding what they felt was needed and important.

The GIS team aim to present a draft map of the Local Government Area at a future committee meeting for review and feedback.

SVC Draft Reconciliation Action Plan:

Feedback received from Reconciliation Australia to avoid using "Indigenous". It was asked of the committee what terminology would be preferable in the Plan.

RECOMMENDATION:

THAT COUNCIL:

1. Use the terms "First Nations" or "Aboriginal" when referring to Local Aboriginal people throughout the Reconciliation Action Plan.
2. Send the Reconciliation Action Plan to Reconciliation Australia for review upon changes.

Sue Bulger / Rhonda Casey

CARRIED

Changes to Membership Status:

Since the previous Aboriginal Liaison Committee Meeting there has been three resignations from committee members and one application for a new member.

RECOMMENDATION:

THAT COUNCIL:

1. Accept the committee member resignations from Bernadette Radford- Director of TKNIC, John Casey – Director of TKNIC, and Lorna Casey – TKNIC.
2. Accept Committee member application from June Wolter – Director of TKNIC.
3. Advertise for committee membership nominations through an Expression of Interest from Toomaroombah Kunama Namadgi Indigenous Corporation.

Rhonda Casey / Mary Greenhalgh
CARRIED

Gudja Gudja Mura Interpretive Walking Trail:

Committee members raised the implementation of a walking trail that highlights the significance of the area to the local Aboriginal community and culture. It is envisaged that the trail will be interactive for participants. The trail also links Murrays Crossing to the existing Tumbarumba Rail Trail and has the prospective ability to provide the region with eco-tourism opportunities.

RECOMMENDATION:

THAT COUNCIL

1. Consider and commence implementation of the interactive walking trail in Tumbarumba that begins Murrays Crossing and links up with the Rail Trail.
2. Name the Interpretive walking trail “Gudja Gudja Mura”
3. Consider including “Gudja Gudja Mura” in the Track and Trails Masterplan.

Rhonda Casey / Mary Greenhalgh
CARRIED

Future Meetings in 2022:

Committee discuss the dates and format of future meetings. Meetings will be held quarterly from 10.00am on the third Wednesday of the Month, at Riverina Highlands Building, Tumut or the Tumbarumba Council Chambers. Committee members may request to have the option of online meetings. It was agreed one meeting to be held during NAIDOC week would be held face to face and not offered online.

RECOMMENDATION:

THAT COUNCIL:

1. Consider scheduling Aboriginal Liaison Committee meetings for 2022 as per the Committees Term of Reference to be held Quarterly commencing at 10am on the third Wednesday of the month, first meeting to be held 16 February 2022.

Rhonda Casey / Mary Greenhalgh
CARRIED

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/WHS/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 20211020 - Minutes - Aboriginal Liaison Committee (under separate cover)

12. MINUTES OF COMMITTEE MEETINGS**12.2 MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 03 NOVEMBER 2021**

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

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on the Minutes – Audit Risk and Improvement Committee – 03 November 2021**
- 2. Note the Minutes of the Audit Risk and Improvement Committee meeting held on 03 November 2021**

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 03 November meeting of the Audit, Risk and Improvement Committee the following items were discussed and considered:

- Action Report to the Audit, Risk & Improvement Committee
 - One action was closed out as complete
- Audit Matrix
 - Four audit recommendations were closed out as complete during the period
 - Two audit recommendations from the Final Management Letter were added during the period to the Audit Matrix
- 2020/2021 Audit Office NSW Engagement Closing Report
 - The external auditor gave a verbal presentation to the committee
 - One high risk audit recommendation was added to the Audit Matrix
 - Three moderate risk audit recommendations were added to the Audit Matrix

- Two low risk audit recommendations were added to the Audit Matrix
- Submission to the Office of Local Government Regarding the Draft Risk Management and Internal Audit Guidelines 2021
 - Endorsed a response submission to be submitted to the Office of Local Government before close of business 26 November 2021
- OLG Guideline on the Use and Management of Credit Cards
 - The Committee discussed the links the current Purchase Card Policy has with other fraud control policies and enterprise risk management
- Safety, Risk & Quality Quarterly Update
 - Examined and discussed the quarterly update and the full year data from the Safety, Risk & Quality Committee, including:
 - Liability incidents and insurance claims
 - Continuous Improvement Program submission
 - WHS update
 - Audit Office NSW Performance Audit
 - The Committee discussed better reporting metrics for liability claims
- Industrial Advice Relating to COVID Vaccination for Local Government Workers
 - The Committee discussed the current advice received by Council from various agencies including the Office of Local Government, Local Government NSW and the Fair Work Ombudsman.
- State Government Report - Managing Climate Risks to Assets and Services
 - Noted the Council's awareness of Climate Risks in the Strategic Risk Register
- State Government Report – Managing Cyber Risks
 - Noted ongoing improvement of Council's technology system
 - Discussed the appropriate targets for cyber security maturity against the Essential 8 standards
- Update on Special Rate Variation
 - The Committee discussed the risks to Council depending on various possible outcomes from the Special Rate Variation process
 - Discussed the engagement with community and Councillor candidates about the impacts, requirements, and expectations regarding the Special Rate Variation
- PMG Project Status Report
 - Discussed the progress of the Program Management review and status of the current high risk rated Council projects
- 2021-2028 Updated Integrated Planning & Reporting Guidelines
 - Examined the changes affecting the 2022-2024 Delivery Program in the current guidelines, noting the increased level of ARIC oversight
- 2021-22 Operational Plan

- Discussed the 2021-22 Operational Plan and noted that reporting would proceed on a biannual basis
- 2020/21 Annual Report Process
 - The Committee examined the Annual Report process and the progress of the current Annual Report against the required timeline
- Policies and Procedures Management
 - The Committee examined the current state of policies for Snowy Valley Council
- Audit, Risk & Improvement Committee Annual Report 2020/2021
 - The Committee Annual Report is to be presented by the Chairperson at the November 2021 Council meeting
- Forward Meeting Plan
 - The Forward Meeting Plan was reviewed and meeting dates were set for 2022.
 - Council meetings calendar will be updated to incorporate the agreed meeting dates

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

There was one matter raised in General Business to be brought to Council's attention. A 'meet and greet' with the Committee will be incorporated into Councillor onboarding. This will enable the newly elected Council to be introduced to the Committee members and discuss their role, expectations and functions. The Committee Chair will also meet with the newly elected Council as part of the Councillor onboarding process.

It was also noted that the Mayor was present at the extraordinary meeting on 04 August 2021 and this was amended in the minutes.

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/WHS/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 & Improvement Committee 03 November 2021 (under separate cover)