



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 15 September 2022

THE MEETING WILL BE HELD AT 2:00 PM
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT
AND VIA VIDEO LINK

Statement of Ethical Obligations

Councillors are reminded of the oath or affirmation of office they made under section 233A of the Local Government Act 1993 and the obligation under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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 General Manager.

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 Councils website;

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



Thursday, 15 September 2022
In the Council Chambers 76 Capper Street Tumut
and Via Video Link
2:00 PM

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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

A Request for Leave of Absence from Cr Julia Ham and Cr Sam Hughes for this meeting.

Attachment 1 - 20220808 - Leave of Absence - 15 September 2022 Ordinary Council Meeting - Cr Hughes



REQUEST FOR LEAVE OF ABSENCE

Chief Executive Officer
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Dear Sir

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

Date:15th of September 2022.....

I will be absent for the following reason/s:

.....Attending family wedding.....
.....
.....
.....

Yours faithfully

A handwritten signature in black ink that reads "Sam Hughes".

Cr Sam Hughes

(Councillor Name & Signature)

3. DECLARATIONS OF PECUNIARY INTEREST

4. PUBLIC FORUM

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 18 AUGUST 2022

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 18 August 2022 be received and confirmed as an accurate record.

Attachment 1 - 20220818 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

Thursday, 18 August 2022

THE MEETING WAS HELD FROM 2.27PM
IN THE COUNCIL CHAMBERS, 76 CAPPER STREET, TUMUT

PRESENT: Mayor Ian Chaffey (Chair), Councillor Johanna (Hansie) Armour, Councillor Julia Ham, Councillor Sam Hughes, Councillor John Larter, Councillor Brent Livermore, Councillor Trina Thomson, Cr James Hayes joined the meeting from 2.29pm.

IN ATTENDANCE: Interim General Manager Hamish McNulty, Interim Chief Financial Officer Daryl Hagger, Interim Executive Director Infrastructure John Osland, Interim Executive Director Community & Corporate Julie Vaughan and Executive Assistant Jeannie Moran-Fahey.

1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Mayor, Cr Ian Chaffey.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

M219/22 RESOLVED that an apology from Cr Mick Ivill be received and granted.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Sam Hughes declared a pecuniary interest in relation to report # 10.6 'Review and Approval of Revotes 2022/23' due to and will leave the room during discussion and voting.

4. PUBLIC FORUM

Three individuals addressed the Public Forum held immediately prior to the 18 August 2022 Ordinary Meeting of Council as follows:

Jason Beavan, President Tumut Basketball Association spoke to Item 11.2 'Tumut Evacuation and Multi-purpose Facility Site Location' - for the project, but against the proposed location.

Ross Tout of Elders Gundagai spoke against Item 11.2 'Tumut Evacuation and Multi-purpose Facility Site Location'.

Rob Stubbs of Elders Tumut spoke against Item 11.2 'Tumut Evacuation and Multi-purpose Facility Site Location'.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 21 JULY 2022

M220/22 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 July 2022 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

6. CORRESPONDENCE/PETITIONS

Nil.

M221/22 RESOLVED that Item 11.2 'Tumut Evacuation and Multi-purpose Facility Site Centre' be brought forward to the beginning of the meeting.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

11.2. TUMUT EVACUATION AND MULTI-PURPOSE FACILITY SITE LOCATION

MOTION:

THAT COUNCIL no longer considers the Saleyards for the purpose of the evacuation centre and that urgent consultation be entered into with Member for Wagga Wagga Dr Joe McGirr MP and Member for Albury Justin Clancy MP to secure an extension for the grant and that consultation occur immediately with a user group committee as agreed by this Council to facilitate the evacuation centre being located to another appropriate site.

Cr John Larter/Cr James Hayes

M222/22 RESOLVED to move into Committee of the Whole.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M223/22 RESOLVED to move out of Committee of the Whole.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

M224/22 RESOLVED:

THAT COUNCIL no longer considers the Saleyards for the purpose of the evacuation centre and that urgent consultation be entered into with Member for Wagga Wagga Dr Joe McGirr MP and Member for Albury Justin Clancy MP to secure an extension for the grant and that consultation occur immediately with a user group committee as agreed by this Council to facilitate the evacuation centre being located to another appropriate site.

Cr John Larter/Cr James Hayes

CARRIED UNANIMOUSLY

7. NOTICE OF MOTION/NOTICE OF RESCISSION**7.1. NOTICE OF MOTION – FEE FOR MAYOR 2022/23****M225/22 RESOLVED:**

THAT COUNCIL:

1. Note the Local Government Remuneration Tribunal's determination for a 2% increase in mayoral fees for the 2022/23 financial year.
2. Set the annual Mayoral Additional Fee for the period of 01 July 2022 to 30 June 2023 at \$27,060;
3. Note the annual Mayoral Additional Fee for 2022/23 is the same fee as the 2021/22 financial year and does not contain the 2% increase.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M226/22 RESOLVED that Item L7.1 'Preparation of Business Case for the Possible Demerge of Snowy Valleys Council' be brought forward for discussion under Item 7.

Cr Trina Thomson/Cr John Larter

CARRIED UNANIMOUSLY

L7.1 PREPARATION OF BUSINESS CASE FOR THE POSSIBLE DEMERGE OF SNOWY VALLEYS COUNCIL**MOTION:**

THAT COUNCIL:

1. Seeks proposals for the preparation of a business case for the demerger of Snowy Valleys Council and the reinstatement of the former councils of Tumut and Tumbarumba subject to the Minister deciding to allow the demerger of Cootamundra Gundagai Regional Council;
2. Notifies the NSW Government of the intention to develop a business case for demerger;
3. Should the Minister allow the demerger of Cootamundra Gundagai Regional Council, follow the process for demerger that is set out in section 218CC of the Local Government Act.

Cr James Hayes/Cr John Larter

M227/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

M228/22 RESOLVED to move out of Committee of the Whole.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M229/22 RESOLVED:

THAT COUNCIL:

1. Seeks proposals for the preparation of a business case for the demerger of Snowy Valleys Council and the reinstatement of the former councils of Tumut and Tumbarumba subject to the Minister deciding to allow the demerger of Cootamundra Gundagai Regional Council;
2. Notifies the NSW Government of the intention to develop a business case for demerger;
3. Should the demerger of Cootamundra Gundagai Regional Council be successful, follow the process for demerger that is set out in section 218CC of the Local Government Act.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

L8.1 ORGANISATION STRUCTURE

MOTION:

THAT COUNCIL:

1. Rescind the previous resolution of 16 June 2022 to adopt Model 3;
2. Determine the senior leadership and functional structure of Snowy Valleys Council as attached with two directors reporting to the General Manager;
3. Determine that the Directors will be employed on standard senior staff contracts.

Cr Ian Chaffey/Cr Trina Thomson

Consideration of this matter was deferred to later in the meeting.

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. LGNSW ANNUAL CONFERENCE - OCTOBER 2022 - COUNCILLOR ATTENDANCES

M230/22 RESOLVED:

THAT COUNCIL:

1. Consider and endorse the in person attendance of councillors and/or senior executive at the LGNSW Annual Conference being held 23-25 October 2022 at the Hunter Valley.
2. Bring forward any proposed motions to the LGNSW Annual Conference for consideration by Monday 22 August to the Interim General Manager, for inclusion in a report to the 15 September Council meeting for review and adoption, ensuring that they also meet the deadline of Sunday 25 September for assessment by LGNSW.
3. Nominate two (2) voting delegates being the Mayor and Deputy Mayor for voting on Motions during the formal business sessions, and authorise these councillors to delegate their vote to another Snowy Valleys Council councillor should this be required at their discretion during the meeting.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

10.2. BATLOW TUMUT RAIL TRAIL PROJECT

MOTION:

THAT COUNCIL:

1. In accordance with the NSW Rail Trails Framework 2022 establish a Steering Committee in order to progress the first five steps in *Stage 1: Proposal* for the Batlow Tumut Rail trail Project;
2. Join with Batlow Tumut Rail Trail Association Inc. to submit a joint application for the *Regional NSW – Business Case and Strategy Development Fund, Stream One: Regional Significance*.

Trina Thomson/Julia Ham

M231/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY**M232/22 RESOLVED** to move out of Committee of the Whole.

Cr Trina Thomson /Cr Sam Hughes

CARRIED UNANIMOUSLY**M233/22 RESOLVED** that Item 10.2 'Batlow Tumut Rail Trail Project' be deferred until consultation occurs with the Gilmore community.

Cr James Hayes/Cr John Larter

FOR: Cr Armour, Cr Ham, Cr Livermore, Cr Hayes, Cr Larter

AGAINST: Cr Hughes/Cr Thomson/Cr Chaffey

5/3

CARRIED

10.3. FOURTH QUARTER PERFORMANCE REPORT (OPERATIONAL PLAN 2021-22)

M234/22 RESOLVED:

THAT COUNCIL:

1. Note the Fourth Quarter Performance Report (Operational Plan 2021-22); and
2. Acknowledge the comments made by responsible officers in the Fourth Quarter Performance Report (Operational Plan 2021-22) attachment.
3. Congratulate Council staff on the delivery of the Operational Plan.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

10.4. STATEMENT OF INVESTMENTS - JULY 2022

M235/22 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investments - July 2022.

Cr Tina Thomson/Cr John Larter

CARRIED UNANIMOUSLY

10.5. RATES HARDSHIP POLICY - FOR ADOPTION

M236/22 RESOLVED:

THAT COUNCIL:

1. Adopt the Rates Hardship Policy - SVC-FIN-PO-085-02.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Sam Hughes left the meeting at 4.06pm.

10.6. REVIEW AND APPROVAL OF 2022/23 REVOTES

M237/22 RESOLVED:

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in the Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 18 August 2022

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Mayor

Interim General Manager

THAT COUNCIL:

1. Approve the 2021/22 re-votes and increase the capital budget 2022/23 by \$365,926.
2. Note the carry forward projects of \$605,336 for expenditure in 2022/23.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

Cr Sam Hughes returned to the meeting at 4.08pm.

10.7. COMMUNITY PARTICIPATION PLAN AND DEVELOPMENT CONTROL PLAN AMENDMENTS

M238/22 RESOLVED:

THAT COUNCIL:

1. Repeal section 1.7 of the Snowy Valleys Development Control Plan 2019 'Notification of the Development Applications';
2. Amend the sections under the heading 'Planning Functions' relating to local development in the Community Participation Plan in accordance with this report and also insert the provisions (as amended) and supporting guidance from section 1.7 of the Snowy Valleys Development Control Plan 2019;
3. Publicly exhibit the proposed draft administrative changes to the Snowy Valleys Development Control Plan 2019 and the Community Participation Plan in accordance with the provisions of the CPP and the *Local Government Act 1993* for a period not less than 28 days;
4. Finally adopt the proposed administrative changes to both the Community Participation Plan (as amended) and Snowy Valleys Development Control Plan (as amended) should no submissions be received within the exhibition period.

Cr Brent Livermore/Cr John Larter

CARRIED UNANIMOUSLY

10.8. APPOINTMENT OF MEMBERS TO THE SOUTHERN REGIONAL PLANNING PANEL

M239/22 RESOLVED:

THAT COUNCIL:

1. Declare all existing Council appointed representatives on the Southern Regional Planning Panel (SRPP) vacant;
2. Appoint two (2) Council representatives being Cr Brent Livermore and the Interim General Manager to the Southern Regional Planning Panel (SRPP) immediately until the end of the current term of the Council or not more than a period of three (3) years;
3. Formally advise the New South Wales Department of Planning and Environment of the Council appointed representatives;
4. Establish the rate of remuneration for Council appointed representatives on the Southern Region Planning Panel in accordance with the Department's guidelines being \$600 per meeting inclusive

of GST (includes preparation, pre-meeting site inspections, determination meetings and post meeting administrative matters);

5. Thank Mr Paul Holton (Former Executive Director of Corporate and Community) for this contribution to the Southern Regional Planning Panel.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

11.1. MCMEEKIN STREET TUMBARUMBA - LAND SALE AND SUBDIVISION - LOT 1 DP 1148834

M240/22 RESOLVED:

THAT COUNCIL:

1. Authorise the sale of Lot 1 DP 1148834 McMeekin Street Tumbarumba through either Expressions of Interest or Public Auction;
2. Delegate authority to the Interim General Manager and Mayor to set reserve price for sale at public auction;
3. Delegate authority to the Interim General Manager to negotiate a sale by private treaty should the property not sell at public auction;
4. Authorise the application of the Council seal of the sale of land.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

11.3. REVIEW OF COSTS GOLDFIELDS PARK TUMBARUMBA AND PIONEER PARK TUMUT

M241/22 RESOLVED:

THAT COUNCIL:

1. Build Rotary Pioneer Park Tumut, and Goldfield Park Tumbarumba generally in accordance with the original masterplan, apart from the amenities;
2. That the amenities be installed as 'off the shelf' prefabricated facilities;
3. Locate the amenities in Goldfields Park at a location to be agreed with the local community;
4. Locate the amenities in Rotary Pioneer Park near the Western Car Park on Elm Drive adjacent to the Picnic Shelters;
5. Advise the community of the revised project designs;
6. The Interim General Manager be delegated authority to procure appropriate facilities.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - AUSTRALIA DAY COMMITTEE - 31 MAY 2022

M242/22 RESOLVED:

THAT COUNCIL:

1. Note the Minutes and recommendations of the Australia Day Committee meeting held on 31 May 2022;
2. Defer consideration of Points 2 and 3 of the report recommendation in order for Council to discuss arrangements for 2023 Australia Day celebrations.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

12.2. MINUTES - ABORIGINAL LIAISON COMMITTEE - 15 JUNE 2022

M243/22 RESOLVED:

THAT COUNCIL:

1. Note the minutes and recommendations of the Aboriginal Liaison Committee held on 15 June 2022;
2. Appoint Margaret Berg, Mary Greenhalgh, Sue Bulger, Coral Bulger, Sonia Piper, Uncle John Casey, June Wolter, Jenna Small, Sandra Casey and Craig Wilesmith as the voting members for the Aboriginal Liaison Committee and Council notify applicants of the outcome;
3. Adopt the *First Nations Liaison Committee Terms of Reference*.

Cr John Larter/Cr Ian Chaffey

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M244/22 RESOLVED:

THAT COUNCIL move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A(2) of the *Local Government Act 1993* for the reasons specified:

ITEM 13.1 PROPOSED MANAGED SERVICES CONTRACT

Item 13.1 is confidential under the *Local Government Act 1993* Section 10A (2) (d) as it relates to commercial information of a confidential nature that would if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council, or reveal a trade secret, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

ITEM 13.2 SNOW VIEW ESTATE - TUMBARUMBA - STAGE 3

Item 13.2 is confidential under the *Local Government Act 1993* Section 10A (2) (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council

Mayor

Interim General Manager

is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

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

13.1. CONFIDENTIAL - PROPOSED MANAGED SERVICES CONTRACT

M245/22 RESOLVED:

THAT COUNCIL:

1. Receive the report for the Managed Services Contract Renewal;
2. Resolve in accordance with Section 55(3)(a) of the *Local Government Act 1993* to accept the proposal of OutcomeX Pty Ltd for the provision of ICT managed services for a period of 12 months from 1 October 2022;
3. Authorise the Interim General Manager to enter into the contract with OutcomeX for ICT managed services.

Cr John Larter/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

13.2. CONFIDENTIAL - SNOW VIEW ESTATE, TUMBARUMBA - STAGE 3

M246/22 RESOLVED:

THAT COUNCIL:

1. Approve the allocation of required additional budget of \$530,040.00 for the development residential lots for SVE03 i.e., the total revised budget for SVE03 will be \$1,530,040;
2. Note the time frame for completion of the sale of these lots being the first quarter of 2023;
3. Approve to commence the marketing and sale of the 18 residential lots of SVE03.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

M247/22 RESOLVED to return to the open session of the meeting.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

The Interim General Manager read aloud the resolutions made during the closed session.

M248/22 RESOLVED to defer the Mayoral Minute 'L8.1 Organisation Structure' for consideration at a future meeting.

Cr Trina Thomson/Cr John Larter

CARRIED UNANIMOUSLY

Cr Julia Ham and Cr Sam Hughes advised that they will submit a Leave of Absence for the September Council meeting.

14. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 5.02pm.

6. CORRESPONDENCE/PETITIONS

7. NOTICE OF MOTION/NOTICE OF RESCISSION

7.1. NOTICE OF RESCISSION - CONFIRMATION OF ORGANISATION STRUCTURE

COUNCILLOR/S: Cr Trina Thomson, Cr Johanna (Hansie) Armour, Cr Sam Hughes.

NOTICE OF RESCISSION:

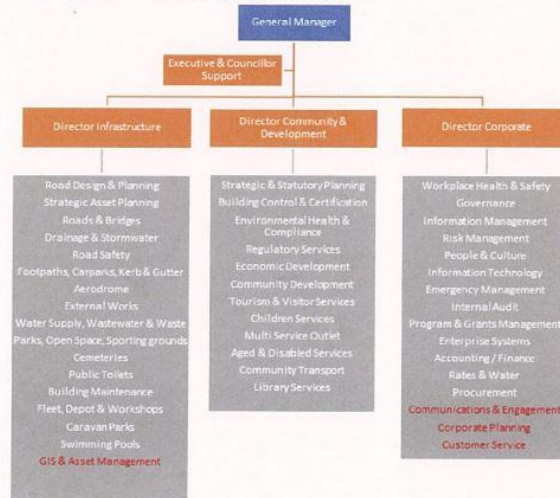
Pursuant to Notice, Councillor Trina Thomson, Councillor Johanna (Hansie) Armour and Cr Sam Hughes move that Council rescinds the 16 June 2022 resolution M194/22 'Confirmation of Organisation Structure'. A copy of the 16 June 2022 resolution is shown below:

13.1. CONFIRMATION OF ORGANISATION STRUCTURE

M194/22 RESOLVED:

THAT COUNCIL:

1. Receive the report on 'Confirmation of Organisation Structure';
2. Determine the senior leadership and functional structure of Snowy Valleys Council from the options presented as Model 3 consisting of Tier 2 reports to the Chief Executive Officer of three directors with the service areas under each as per below (noting changes in functional areas reporting to the director have been highlighted in red aim to minimise the change to the existing structure):



Cr John Larter/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

RECOMMENDATION:

THAT COUNCIL:

1. Determine the senior leadership and functional structure of Snowy Valleys Council as attached with two Directors reporting to the General Manager;
2. Determine that the Directors will be employed on standard senior staff contracts.

ATTACHMENTS

1. Two Director Structure (under separate cover)

8. MAYORAL MINUTE

9. URGENT BUSINESS WITHOUT NOTICE

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. PROPOSED MOTIONS FOR THE LGNSW ANNUAL CONFERENCE 2022

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

The Local Government NSW (LGNSW) Annual Conference is the primary policy-making event for the New South Wales local government sector. LGNSW member councils are invited each year to submit motions for discussion and debate to the conference.

Those motions that are resolved at the Conference will inform the update of the LGNSW Policy Platform which guides LGNSW in its advocacy on behalf of the local government sector.

RECOMMENDATION:

THAT COUNCIL:

- 1. Approve the following motions for submission to the LGNSW Annual Conference 2022:**
 - a. That LGNSW engage with relevant state government agencies and the Australian Local Government Association (ALGA) to ensure that rural landholders affected by the construction of Transgrid's Humelink transmission line are fully considered in the design and implementation of the project and that land owners and the community receive equitable annual compensation;**
 - b. That LGNSW work with relevant state government agencies to ensure that Transgrid make an annual contribution to the Emergency Service Levy in the local government areas where assets and infrastructure are located;**
 - c. That LGNSW engage with the Office of Local Government to look at ways to reduce the burden of compliance and reporting on small rural Councils which have the same obligations as large metropolitan councils;**
 - d. That LGNSW investigate ways of working with the state government to secure food-producing land to allow the community to become more self-sufficient and to stem the flow of land to renewable energy production.**

BACKGROUND:

Member councils are required to nominate voting delegates for the upcoming Local Government NSW (LGNSW) Board Elections and the LGNSW Annual Conference.

The LGNSW Annual Conference is the pre-eminent policy making event for the local government sector. Resolutions of the Conference help determine the policies and priorities for LGNSW and the sector.

It is a key event for local government where councillors come together to share ideas and consider issues that shape the way the sector functions and is governed. LGNSW member councils are invited to submit motions to the Conference to advance the sector wide policy agenda.

Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

REPORT:

The following motions are proposed by Snowy Valleys Council for submission to the 2022 LGNSW Conference, being consistent with the role of Council within the 2024 Community Strategic Plan that being to:

- Provide: Services, facilities, infrastructure, programs, planning and engagement;
- Collaborate: Partner with the community, business and industry, other councils, and other tiers of government;
- Advocate: Amplify the voice of our community to get the best possible outcomes.

Proposed Motion	Alignment with LGNSW Policy Platform
That LGNSW engage with relevant state government agencies and the Australian Local Government Association (ALGA) to ensure that rural landholders affected by the construction of Transgrid's Humelink transmission line are fully considered in the design and implementation of the project and that landowners and the community receive equitable annual compensation.	Roads & Infrastructure; 3.10
That LGNSW work with relevant state government agencies to ensure that Transgrid make an annual contribution to the Emergency Services Levy in the local government area where assets and infrastructure are located.	Roads & Infrastructure; 3.10
That LGNSW engage with the Office of Local Government to look at ways to reduce the burden of compliance and reporting on small rural Councils which have the same obligations as large metropolitan councils.	Governance; 17.14
That LGNSW investigate ways of working with the state government to secure food-producing land to allow the community to become more self-sufficient and to stem the flow of land to renewable energy production.	Planning; 7.10

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.6 Proactively support and advocate for the needs of the community to other level of government and organisations

FINANCIAL AND RESOURCES IMPLICATIONS:

There are no costs associated with the submission of motions to the conference.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Motions for the LGNSW Annual Conference should align with LGNSW Fundamental Principles and Position Statements and be consistent with the Conference Motions Submissions Guide.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

Council can opt to remove, add to or amend the proposed motions.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.2. DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY - FOR PUBLIC EXHIBITION

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report serves to inform Council of a review of the Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy, and to recommend that the revised policy be placed on public exhibition for a minimum of 28 days in accordance with Section 252 and Section 253 of the *Local Government Act 1993* (the Act).

RECOMMENDATION:

THAT COUNCIL:

- 1. Provide the community the opportunity to review and comment on the Draft Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy by placing the document on public exhibition for a period of 28 days;**
- 2. Note if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policies; and**
- 3. Adopt the policy if no submissions are received on the day after the completion of the public exhibition.**

BACKGROUND:

Council is required to adopt a policy that governs the payment of expenses and provision of facilities to the mayor, deputy mayor and other councillors that relate to the work undertaken as part of their civic duties.

Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

This policy has been reviewed in line with legislative requirements as well as updated guidelines and circulars published from the NSW Office of Local Government (OLG).

The updated policy is required under the Act to be placed on public exhibition for 28 days to allow the community to respond and provide feedback.

REPORT:

In accordance with Section 439 of the *Local Government Act 1993*, Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under this Act or any other Act.

The purpose of the Policy is to:

- ensure that the Councillors would not be financially or otherwise advantaged or disadvantaged in undertaking their civic responsibilities;
- ensure accountability and transparency in the reimbursement of expenses incurred by Councillors; and
- avoid unnecessary imposition of administrative burden on both Councillors and staff.

Councillor expenses and facilities policies must include all of the specific expenses for which councillors are entitled to receive reimbursement and all of the specific facilities councillors are entitled to use. Councillors can only receive reimbursement for expenses and the use of facilities when these are clearly identified in the policy.

The overriding principle addressed in the policy is that the details and range of expenses paid and facilities provided to councillors by the council must be clearly and specifically stated and be fully transparent and acceptable to the local community.

To this end, the policy has been updated to reflect the provisions contained in the OLG template policy (attached) and includes clear limits and processes for approval, reconciliation and reimbursement for all expenses and facilities to maximise accountability and transparency.

Given the significant reformatting of the existing policy, both the revised policy and the current policy are attached to this report to enable Council and the community to review and compare the changes.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.1 Communicate with our community and provide opportunities for participation in decision making

FINANCIAL AND RESOURCES IMPLICATIONS:

The annual budget has provision for councillor expenses and the provision of facilities for the Mayor and Councillors. This amount is set each year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The preparation and review of this policy is in accordance with S.252 and S.253 of the Act:

LOCAL GOVERNMENT ACT 1993 - SECT 252

252 Payment of expenses and provision of facilities

- (1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under [section 23A](#).

LOCAL GOVERNMENT ACT 1993 - SECT 253***253 Requirements before policy concerning expenses and facilities can be adopted or amended***

(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

(5) A council must comply with this section when proposing to adopt a policy in accordance with [section 252\(1\)](#) even if the council proposes to adopt a policy that is the same as its existing policy.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Sound processes around the use of Council funds ensures that Council is able to make the best possible, informed decisions.

RISK CATEGORY

	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Nil	Nil	Nil
Environmental & Public Health	Nil	Nil	Nil
Financial	Minor	Council budgets for the provision of funds to adequately cover the cost of councillors carrying out their civic duties.	Adoption and implementation of the policy and associated budget effectively mitigates financial risks.
People	Nil	Nil	Nil
Technology	Minor	Council budgets for the provision of IT equipment to councillors.	The provision of IT equipment enables councillors to carry out their role.
Stakeholder	Minor	The public exhibition of this policy may result in submission/s requiring amendment/change.	The public exhibition of this policy may result in submission/s requiring amendment/change.
Service Delivery	Minor	Nil.	Adoption and implementation of the policy and associated budget effectively enables councillors to carry out their civic duties.

OPTIONS:

Nil. Council is obligated under the Act to place the reviewed and updated policy on public exhibition.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal: The Executive Leadership Team have provided feedback on the draft policy and its provisions. All staff will have the opportunity to provide feedback during the public exhibition period.

External: The opportunity for feedback from the community will be provided through the public exhibition period.

ATTACHMENTS

1. Draft: Updated Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy - for public exhibition (Under separate cover)
2. Previous Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy as adopted by Council 18 February 2021 (Under separate cover)

10.3. 2023 SCHEDULE OF ORDINARY COUNCIL MEETING DATES AND TIMES

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

Council meeting dates are determined annually and in advance to support the effective forward planning of Council business and reporting processes.

In 2022 council meeting dates for ordinary council meetings were held on the third Thursday of each month, except for December which was held on the second Thursday, commencing at 2pm and held in the Council Chambers in Tumut and via Video Link.

Consistent with previous years, there is no scheduled Ordinary meeting in January due to reduced business over the holiday period and staff utilising the quieter period for leave.

Section 365 of the *Local Government Act 1993* prescribes that council is required to meet at least 10 times each year, each time in a different month. This proposed schedule shall be required to comply with this requirement.

RECOMMENDATION:

THAT COUNCIL:

- 1. Approve the following Ordinary Council meeting dates for 2023 commencing at 2pm to be held in the Tumut Council Chambers: Thursday 16 February 2023, Thursday 16 March 2023, Thursday 20 April 2023, Thursday 18 May 2023, Thursday 15 June 2023, Thursday 20 July 2023, Thursday 17 August 2023, Thursday 21 September 2023, Thursday 19 October 2023, Thursday 16 November 2023, Thursday 14 December 2023; and**
- 2. Approve the cancellation of the meeting in January 2023 unless there are extenuating circumstances and the Mayor deems it necessary to call a meeting.**

BACKGROUND:

This report sets the Council meeting schedule for the 2023 year.

REPORT:

The determination of meeting dates and times allows the appropriate scheduling of Council business and reporting processes and provides advanced notice of meeting dates to the community.

The following Ordinary Council meeting dates for 2023 commencing at 2pm in the Tumut Council Chambers are as recommended below:

Thursday 16 February 2023, Thursday 16 March 2023, Thursday 20 April 2023, Thursday 18 May 2023, Thursday 15 June 2023, Thursday 20 July 2023, Thursday 17 August 2023, Thursday 21 September 2023, Thursday 19 October 2023, Thursday 16 November 2023, Thursday 14 December 2023.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.4 Maintain and deliver a governance framework that guides good decision making, accountability and legislative compliance

FINANCIAL AND RESOURCES IMPLICATIONS:

Nil

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council meetings are governed by the Model Code of Meeting Practice as issued by the Office of Local Government. Council business is governed by the *Local Government Act 1993*.

It is essential that Council is able to meet with all Councillors to ensure good governance of Council business. Council is required to meet at least 10 times during the course of a year under Section 365 of the *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

To address business in an optimal manner, it is important to have as many Councillor representatives as possible at each meeting. This proposal aims to maximise attendance. The meeting calendar ensures forward planning for Council business and decision making.

OPTIONS:

Council may opt to amend the meeting schedule including meeting day and time.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Council will make available on its website the schedule of adopted meetings for 2023 and through the appropriate internal communication channels to staff.

ATTACHMENTS

Nil.

10.4. SNOWY VALLEYS COUNCIL COMMUNITY GRANTS

REPORT AUTHOR: PROGRAM MANAGER

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report seeks the endorsement of Council for the allocation of funding under the 2022/23 Community Strengthening Grants and Capital Sports Grant Programs as detailed in this report.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the projects recommended for funding by the Community Strengthening Grant Assessment Panel, being:**
 - a. Adelong Community Enterprises - \$7,793**
 - b. Do It For Batlow - \$9,300**
 - c. Jingellic Hub - \$5,773**
 - d. See Me Hear Me Theatre - \$9,898**
 - e. St Judes Anglican Church - \$3,000**
 - f. Talbingo Community Association - \$3,337**
 - g. Tumbarumba Golf Club - \$3,499**
 - h. Tumbarumba Little Athletics - \$7,775**
 - i. Tumut Girl Guides - \$5,000**
 - j. Tumut & District Historical Society - \$1,500**
 - k. Tumut Regional Family Services - \$780**
 - l. Tumut Schools as Community Centre - \$1,453**
 - m. Upper Murray Community Radio - \$892**
- 2. Endorse the projects recommended for funding by the Capital Sports Grant Assessment Panel, being:**
 - a. Adelong Golf Club - \$4,750**
 - b. Cycle Tumbarumba - \$5,470**
 - c. SWS Sporting Archers - \$2,800**
 - d. Tumbarumba Golf Club - \$10,000**
 - e. Tumut Swimming Club - \$6,980**
 - f. Tumut Netball Association - \$10,000**

BACKGROUND:

Each financial year, Snowy Valleys Council makes funds available under its Community Grants Program for local non-profit community groups. The aim of the program is to support a wide range of activities that supports and enhances community wellbeing. In 2022 this grants program includes the Capital Sports Grants, and the Community Strengthening Grants. The grant program opened on 1st July and closed on 5th August 2022.

REPORT:

Applications for the Community Strengthening Grants and the Capital Sports Grants have been reviewed by the assessment panel. The assessment panel consists of the Mayor, Deputy Mayor and an independent member and met on 23rd August to assess applications. There were 19 applications through the Community Strengthening Grants with \$134,335 of funds requested with \$60,000 of available funds. The assessment panel have recommended thirteen projects be funded through the Community Strengthening Grant Program. There were 7 applications through the Capital Sports Grants with \$56,132 of funds requested with \$40,000 of available funds. The assessment panel have recommended six projects be funded through the Capital Sports Grant Program.

Community Strengthening Grants Applications

Applicant Name	Project Title	Funds Applied For	Funds Recomm.
Adelong Alive Museum	Replica Poppet Mine Head	\$5,000	Nil
Adelong Community Enterprises	Post Masters Residence Revival	\$10,000	\$7,793
Do It For Batlow	Sharni Williams Mural	\$9,300	\$9,300
Jingellic Hub	Jingellic Heritage Markers	\$10,000	\$5,773
Rock the Turf	Rock the Turf	\$10,000	Nil
Rosewood Community Shed Committee	Wooden Gnome Statue	\$10,000	Nil
See Me Hear Me Theatre	See Me Hear Me Planet Man tour of the SVC	\$9,898	\$9,898
Snowy Valleys Resilience Hub	Apple Festival Community Lunch	\$9,200	Nil
St Judes Anglican Church	Hall Kitchen Appliances Upgrade	\$10,000	\$3,000
Talbingo Community Association	Talbingo Tattoo	\$7,000	\$3,337
Tumbarumba Golf Club	Conference and Training Centre	\$5,500	\$3,499
Tumbarumba Little Athletics	High Jump Mats	\$7,775	\$7,775
Tumbarumba Start Strong Preschool	Indoor Furniture	\$6,929	Nil
Tumut Girl Guides	Storage Shed	\$5,000	\$5,000
Tumut & District Historical Society	Collection Management of Tumut Museum	\$1,500	\$1,500
Tumut Learning Centre	Establishment of the Tumut Learning Centre	\$10,000	Nil
Tumut Regional Family Services	Growing Food and Flowers	\$780	\$780
Tumut Schools as Community Centre	Outdoor Play House	\$1,453	\$1,453
Upper Murray Community Radio	Furniture and Equipment	\$5,000	\$892
	TOTAL	\$134,335	\$60,000

Capital Sports Grants Applications

Applicant Name	Project Title	Funds Applied For	Funds Recomm.
Adelong Golf Club	Clubhouse Upgrade	\$4,756	\$4,750
Cycle Tumbarumba	Trail User Counter System	\$5,472	\$5,470
SWS Sporting Archers	Trailer and Targets	\$6,063	\$2,800
Tumbarumba Bowling Club	Water Tank	\$9,840	Nil
Tumbarumba Golf Club	Clubhouse Renovations	\$10,000	\$10,000
Tumut Swimming Club	Electronic Scoreboard	\$10,000	\$6,980
Tumut Netball Association	Replacement of LED Lights	\$10,000	\$10,000
	TOTAL	\$56,132	\$40,000.00

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****Delivery Program and Operation Plan Strategic Directions**

Theme 1 - Our Community

Community Strategic Plan Objectives

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

Delivery Program Principal Activities

1.1 Provide services that support our community in all stages of life

FINANCIAL AND RESOURCES IMPLICATIONS:

The Community Grants have allocated funds within the 2022/23 financial year budget.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Funding to enable community groups to identify and respond to local needs and issues. Funding for projects which may never be able to be undertaken without external funds.

OPTIONS:

1. Council can endorse the projects recommended for funding by the Grants Assessment Panel (preferred option);
2. Council can choose not to fund the recommended projects and provide feedback to the assessment panel.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Applications were invited through advertising in traditional and digital media and on Council's website and Facebook page.

ATTACHMENTS

Nil

10.5. COUNCILLOR EXPENSES FOR THE SIX MONTH PERIOD ENDING 30 JUNE 2022**REPORT AUTHOR: INTERIM CHIEF FINANCIAL OFFICER****RESPONSIBLE DIRECTOR: INTERIM CHIEF FINANCIAL OFFICER****EXECUTIVE SUMMARY:**

A six-monthly report on councillor expenses is provided in accordance with Section 15 of Snowy Valley Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

RECOMMENDATION:**THAT COUNCIL:**

1. Note the information.

BACKGROUND:

Council adopted the current Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy on 18 February 2021 which included the following reporting requirements:

Section 15 Reporting;

15.1 Council will report on the provision of expenses and facilities to council as required in the Act and Regulations.

15.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on councils website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

REPORT:

Detailed below are councillor related expenses totalling \$218,392.44 including net election expenses of \$128,330.43 costed to the period 1 January 2022 to 30 June 2022.

Recipient	Detail of Expenses	Amount
General Expenses		
Election Expenses	NSW Electoral Commission costs 2021	129,830.43
Election Expenses	Forfeited nomination deposits	(1,500.00)
Sustenance	Meetings and Workshops	1,834.41
Staff Salaries	Administrative Support	1,844.22
Training	Councillor Team Charter Workshop	5,250.00
Stationery	Printing of business cards	586.36
Stationery	Oath of Office Certificates	18.14
Stationery	Councillor name plates for Council Chambers	126.00
	Total General Expenses	137,989.56
I Chaffey - Mayor		
Mayoral Allowance		12,802.58
Councillor Allowance		6,199.98
Meeting Expenses	Country Mayors Association	540.86
Meeting Expenses	Canberra Region Joint Organisation	80.11
Conference Expenses	LGNSW	1,817.00

Recipient	Detail of Expenses	Amount
Conference Expenses	National General Assembly	2,830.32
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	24,420.85
T Thomson - Deputy Mayor		
Councillor Allowance		6,199.98
Conference Expenses	LGNSW	1,916.87
Conference Expenses	National General Assembly	2,690.29
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	10,957.14
J Armour		
Councillor Allowance		6,199.98
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	6,349.98
J Ham		
Councillor Allowance		6,199.98
Vehicle Allowance	Attendance at Council meetings and workshops	1,716.80
	Total	7,916.78
J Hayes		
Councillor Allowance		6,199.98
Vehicle Allowance	Attendance at Council meetings and workshops	460.60
Meeting Expenses	Disability Action Plan	12.50
Training	One Voice for Local Government (LGNSW)	150.00
	Total	6,823.08
S Hughes		
Councillor Allowance		6,199.98
Vehicle Allowance	Attendance at Council meetings and workshops	1,910.86
Conference	LGNSW	1,899.85
Training	Communicating Council Priorities (LGNSW)	400.00
Training	Understanding Local Government Finances (LGNSW)	400.00
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	10,960.69
M Ivill		
Councillor Allowance		6,199.98
Vehicle Allowance	Attendance at Council meetings and workshops	274.40
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	6,624.38

Recipient	Detail of Expenses	Amount
J Larter		
	Total	0.00
B Livermore		
Councillor Allowance		6,199.98
Training	Developing your Councillor Professional Development Plan (LGNSW)	150.00
	Total	6,349.98

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.4 Maintain and deliver a governance framework that guides good decision making, accountability and legislative compliance

FINANCIAL AND RESOURCES IMPLICATIONS:

Nil.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

10.6. STATEMENT OF INVESTMENTS - AUGUST 2022**REPORT AUTHOR: FINANCE OFFICER****RESPONSIBLE DIRECTOR: INTERIM CHIEF FINANCIAL OFFICER**

EXECUTIVE SUMMARY:

This report provides an overview of Council's cash and investment portfolio performance as at 31 August 2022.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Statement of Investments - August 2022.**

BACKGROUND:

Nil.

REPORT:

In accordance with Clause 212 of the Local Government (General) Regulations 2021, a monthly report is required to be submitted to Council detailing all investments of Council.

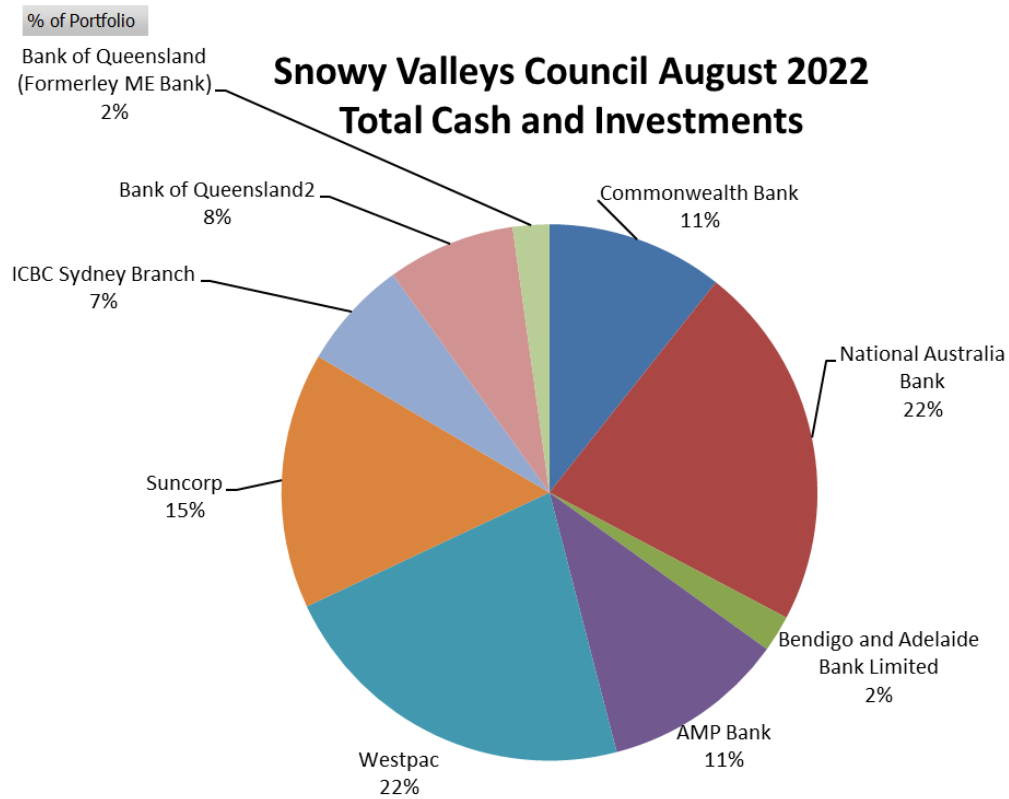
It is hereby certified that the above investments have been made in accordance with Section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council Investment Policy. Cash and Investments increased \$3.3M during August 2022.

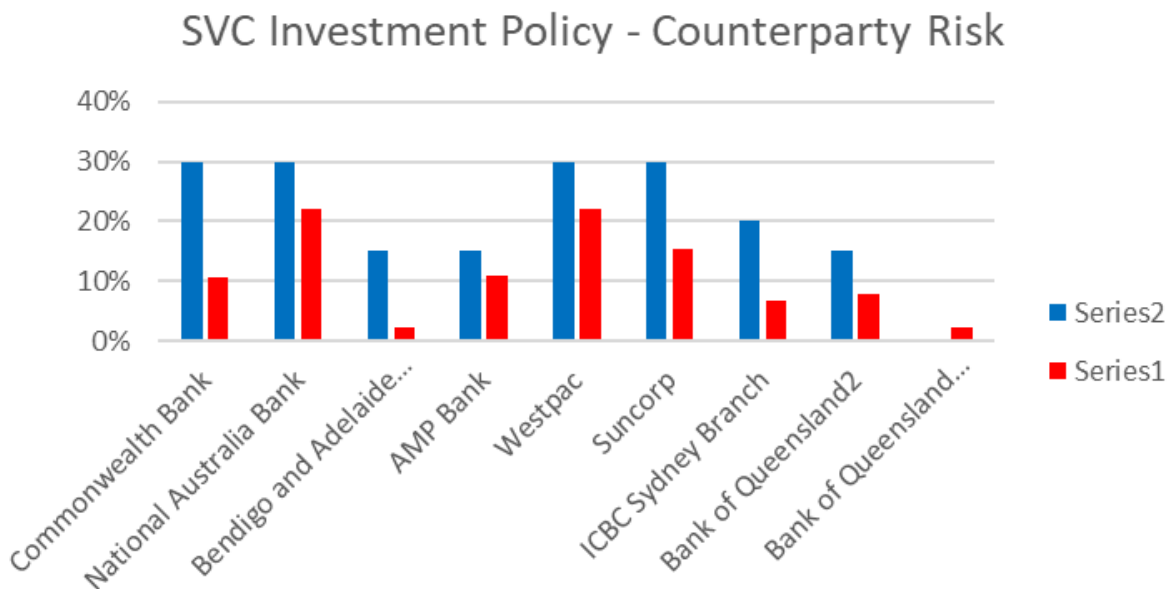
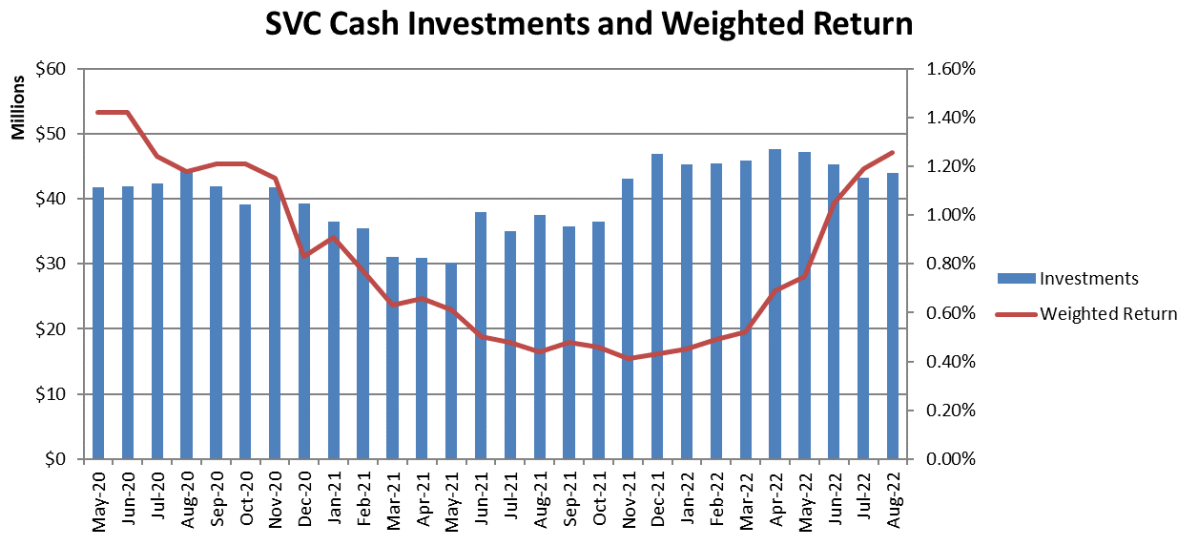
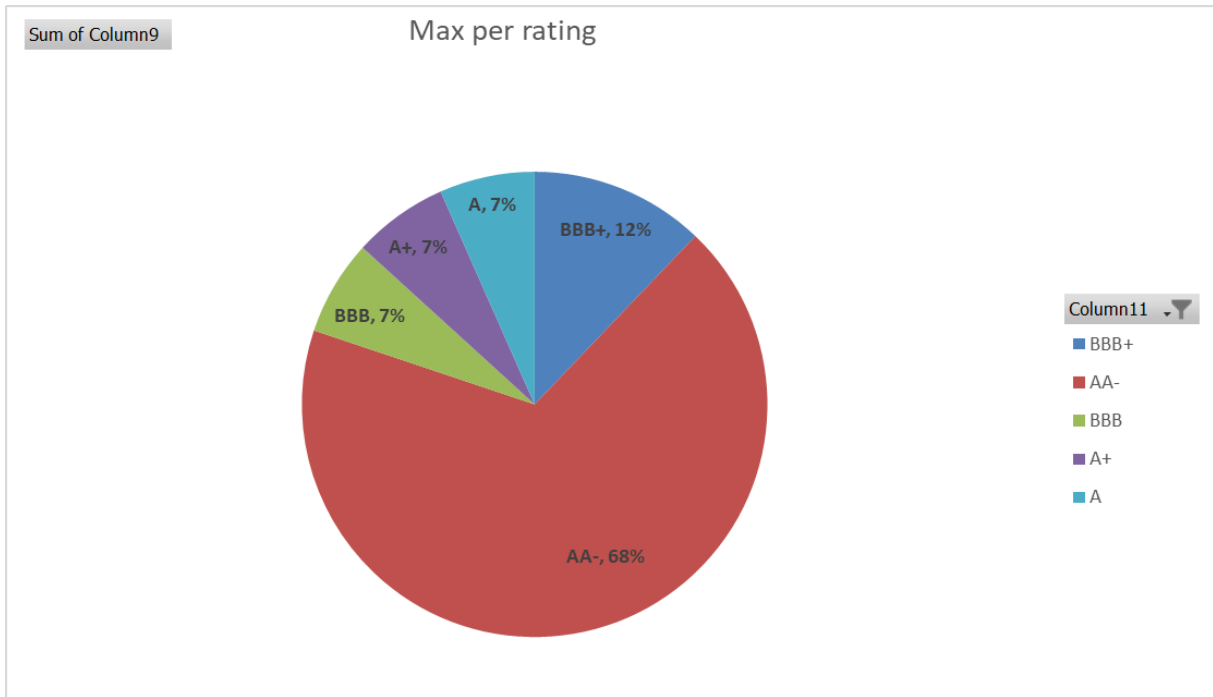
Cash investments rates are increasing with the market factoring in forward expectations of rate hikes and increasing rates. Council's investment policy requires Council officers to minimise investment risk by spreading investments across several institutions (institutional credit framework) as well as within its investment portfolio (overall portfolio credit framework). These risk minimisation measures impact the achievable rate of return. Council officers continue to monitor the investment market and regularly receive updates from Council's financial advisors.

This month the report includes a focus on maturity risk, one of the three risks addressed in Council's Investment Policy. Currently, Council's Investment portfolio remains highly liquid with 35% of investments maturing within 90 days and an additional 53% of investments maturing within 12 months.

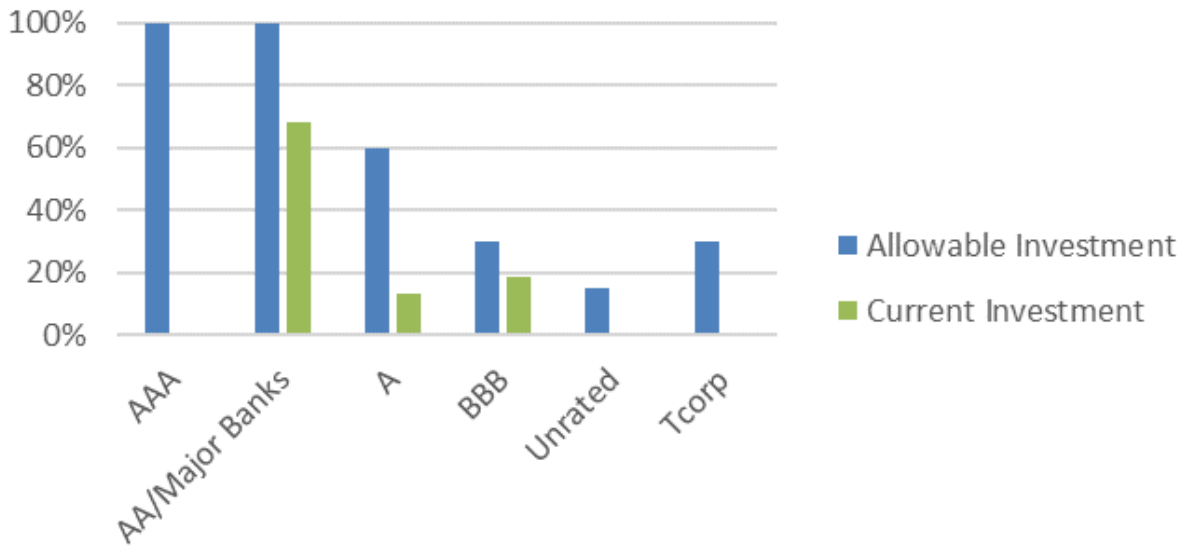
Combined Cash & Investments Table		31/08/2022					
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%		
Commonwealth Bank	\$ 1,395,227	\$ 1,594,075	-\$ 198,848	W/Acct	0.10%		
Commonwealth Bank	\$ 5,083,338	\$ 9,574,354	-\$ 4,491,016	At Call (BOS)	1.95%		
Commonwealth Bank	\$ 10,470	\$ 5,499	\$ 4,971	Gen-Roth	0.10%		
National Australia Bank	\$ 44	\$ -	\$ 44	Business	0.00%		
Sub Total Cash & 11 am at Call Accounts	\$ 6,489,078	\$ 11,173,927	-\$ 4,684,849		1.55%		
Total Cash & At Call Investments	\$ 6,489,078	\$ 11,173,927	-\$ 4,684,849		1.55%		

Term Deposits	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	22/09/2021	0.35%	22/09/2022
Suncorp	\$ 2,000,000	\$ 2,000,000	\$ -	4/04/2022	1.15%	4/10/2022
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	25/11/2021	0.50%	25/11/2022
Bendigo and Adelaide Bank Limited	\$ 500,000	\$ 500,000	\$ -	25/11/2021	0.50%	25/11/2022
Suncorp	\$ 1,500,000	\$ 1,500,000	\$ -	1/12/2021	0.52%	1/12/2022
Suncorp	\$ 1,500,000	\$ -	\$ 1,500,000	1/06/2022	2.45%	1/12/2022
AMP Bank	\$ 2,000,000	\$ 2,000,000	\$ -	7/12/2021	1.00%	7/12/2022
AMP Bank	\$ 1,000,000	\$ 1,000,000	\$ -	17/01/2022	1.10%	17/01/2023
Bank of Queensland	\$ 2,000,000	\$ 2,000,000	\$ -	21/02/2022	0.90%	21/02/2023
Suncorp	\$ 1,000,000	\$ -	\$ 1,000,000	15/06/2022	3.53%	15/03/2023
AMP Bank	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2022	1.00%	20/03/2023
ICBC Sydney Branch	\$ 1,500,000	\$ 1,500,000	\$ -	8/04/2021	0.65%	11/04/2023
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2022	2.27%	27/04/2023
Westpac	\$ 1,500,000	\$ 1,500,000	\$ -	1/06/2022	0.88%	1/09/2022
Bank of Queensland	\$ 1,500,000	\$ -	\$ 1,500,000	1/06/2022	3.20%	1/06/2023
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
Bank of Queensland (Formerly ME Bank)	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023
Westpac	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024
ICBC Sydney Branch	\$ 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
National Australia Bank	\$ 1,500,000	\$ -	\$ 1,500,000	29/07/2022	2.62%	31/10/2022
National Australia Bank	\$ 1,500,000	\$ -	\$ 1,500,000	29/07/2022	3.25%	30/01/2023
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	30/08/2022	3.49%	28/02/2023
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	7/09/2021	0.35%	7/09/2022
Total Term Deposits	\$ 37,500,000	\$ 29,500,000	\$ 8,000,000		1.41%	
Total Cash & Investments	\$ 43,989,078	\$ 40,673,927	\$ 3,315,151		1.43%	

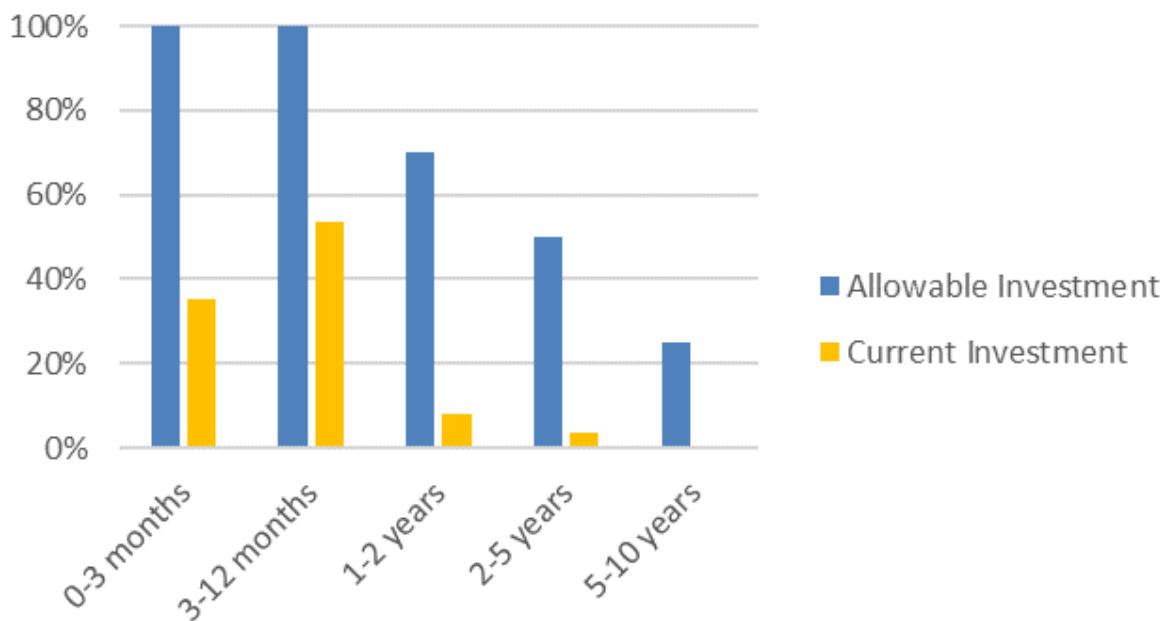




SVC Investment Policy - Portfolio Risk



SVC Investment Policy - Maturity Risk



LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.5 Provide effective short and long term financial management to deliver financial sustainability

FINANCIAL AND RESOURCES IMPLICATIONS:

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The information provided complies with Councils Investment Policy and Section 625 of the *Local Government Act 1993 (NSW)*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

Nil.

11. MANAGEMENT REPORTS

11.1. SNOWY MOUNTAINS HIGHWAY LAND PURCHASE FOR TUMUT PLAINS RFS BRIGADE SHED

REPORT AUTHOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Snowy Valley Council has been approached by Transport for New South Wales regarding the purchasing of a section of road corridor after the realignment to the Snowy Mountains Highway.

Riverina Highlands Rural Fire Service Zone has identified the Tumut Plains Rural Fire Brigade as requiring a shed for the storage of the Brigade's trucks and other resources. Land is not readily available in other areas for the Brigade and the current storage of Brigade vehicles on private land is undesirable.

RECOMMENDATION:

THAT COUNCIL:

- 1. Authorise the Interim General Manager to write to Transport for New South Wales, accepting the proposal to purchase lot 7 DP255952 for the construction of a Rural Fire Service Brigade Shed for a value of \$20,000.00 to be funded through consolidated revenue of recent land purchases;**
- 2. Authorise the General Manager to sign all documents associated with the purchase of lot 7 DP255952; and**
- 3. Authorise the General Manager to affix the Council Seal to all relevant documents involved in the land purchase of lot 7 DP255952.**

BACKGROUND:

Tumut Plains Rural Fire Service Brigade (the Brigade) currently house their trucks on private land. With the Rural Fire Service (RFS) moving towards centralised storage of trucks and equipment, the Brigade has been looking for suitable land for the development of a shed and area for this facility to be constructed on within their footprint.

Transport for New South Wales (TfNSW) has approached Council with an offer to purchase surplus land of lot 7 DP255952 (the land) adjacent to the Snowy Mountains Highway to the west of Tumut.

REPORT:

TfNSW have approached Council regarding the purchase of surplus land adjacent to the Snowy Mountains Highway (SMH). The land of lot 7 DP255952 has a total area of 5322 m² with direct access on to the SMH. TfNSW has approached Council due to the need of the Brigade to have a location to house its trucks and equipment. This land became surplus with the realignment of the SMH a number of years ago.

The purchase of the land and construction of a shed would need to be future proof for the forecast needs over the next 30 years. This would include the construction of a three bay shed equivalent which would include amenities and kitchenette and area for the housing of two trucks.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****Delivery Program and Operation Plan Strategic Directions**

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

CSP4 Our infrastructure includes Council services that plan, manage, maintain and renew our community infrastructure and transport networks

Delivery Program Principal Activities

4.2 Manage and plan for affordable infrastructure to meet current and future needs

FINANCIAL AND RESOURCES IMPLICATIONS:

The RFS have identified the need for a suitable location for a shed for the Brigade as an action requiring attention. The purchase of the land and construction of the shed can be funded through the RFS allocation fund in future years which has been programmed by the Riverina Highlands Zone. Construction would be undertaken in the 2024/2025 financial year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Under Section 120 of the *Rural Fires Act 1997*,

(1) Any of the following purposes are purposes to which the consolidated fund of a council may be applied under section 409 of the *Local Government Act 1993* -

- (a) the purchase, distribution, maintenance and storage of fire fighting apparatus for the prevention, mitigation and suppression of bush and other fires,
- (b) the organising of rural fire brigades and such matters as are relevant to doing so, including the establishment of fire stations and fire control centres,
- (c) the establishment and maintenance of fire breaks,
- (d) the removal or destruction of combustible matter,
- (e) the taking of measures generally for the prevention, mitigation or suppression of bush fires.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Financial	RFS is unable to fund the cost of purchase and development for the future	\$20,000 (purchase price) / Low Risk	Council has land for use for other options including stockpiles
Stakeholder	Rural Fire Service loses funding for the development of the parcel	Low Risk	Council has land available for future operational use

OPTIONS:

Council has the following identified options:

1. Adopt the recommendations;
2. Reject the recommendations and write to TfNSW rejecting the offer and not pursuing purchase of the land.

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Evidence suggests that the local community has undertaken some planting at the site. The RFS are engaged with the local community and will undertake communication at a local level regarding the site management and development.

ATTACHMENTS

1. SITE LOCATION OF PROPOSED TUMUT PLAINS RFS BRIGADE SHED (Under separate cover)
2. TITLE PLAN OF PROPOSED TUMUT PLAINS RFS BRIGADE SHED (Under separate cover)

11.2. FLOODPLAIN RISK MANAGEMENT COMMITTEE ESTABLISHMENT

REPORT AUTHOR: COORDINATOR GROWTH AND DEVELOPMENT

RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

The floodplain management program seeks to provide financial support to local councils and also eligible public land managers to assist in the management of flood risk in their communities. The program supports the implementation of the NSW Government's Flood Prone Land Policy and in 2021/2022 has awarded in excess of \$10 Million to Councils to undertake projects to assess the risks and reduce the impacts of flooding in New South Wales.

Council was successful in 2021/2022 in obtaining a grant to undertake a flood study of the Tumut River catchment given the current development pressures being experienced within the catchment area. As part of the terms of the funding agreement, Council is required to form a steering committee to assist in providing direction to the Council on the proposed Tumut Flood Study.

RECOMMENDATION:

THAT COUNCIL:

- 1. Formally establish a Floodplain Risk Management Committee being an Advisory Committee of Council;**
- 2. Endorse the draft Floodplain Risk Management Committee Terms of Reference (TOR)**
- 3. Accept the funding offer from The Department of Planning and Environment in the amount of \$115,568 dated 16th August 2022 with a funding ratio of 4:1; and**
- 4. Appoint two (2) Councillor representatives to the proposed Floodplain Risk Management Committee.**

BACKGROUND:

In 2021, the then New South Wales Department of Planning, Industry and Environment provided an opportunity for NSW Councils and public land managers to apply for grant funding to undertake flood studies and other mitigation works as part of a \$10 Million budget to address flood impacts on NSW communities. Council made two separate applications for funding to enable Council to undertake a flood study of both the Tumut River and associated catchments and also the Tumbarumba Creek and its tributaries. In February 2022, Council was advised that it was successful in obtaining grant funding in the order of \$96,000 with a co-contribution by Council of \$24,000 towards the Tumut Flood Study. The Tumbarumba Creek flood study was unsuccessful in the 2021/2022 round of funding however Council has made another application for the 2022/2023 funding round which is yet to be determined.

In compliance with the grant funding conditions issued by the Department, Council sought competitive tenders for the work by suitably qualified and professional flood hydrologists via the New South Wales Local Government Procurement Tender Panel (LGP). Council utilised, price point, scale and capacity, experience and knowledge of the project in order to select a preferred consultancy. Based on these criteria and in consultation with the Department, Council appointed WMA Water as the preferred tender to undertake the Tumut Flood Study.

Council has an existing flood study of the Tumut catchment which was prepared and adopted in 1987 which remains the current flood study utilised for the purposes of strategic landuse planning, development assessment and also for the purposes of infrastructure planning. The study is required to be updated to reflect revised two dimensional modelling incorporating revised catchment data and localised conditions. There has been many changes within the catchment including development which has occurred and other factors including riverine geometry which is likely to affect both floodplain storage and behaviour.

Whilst Council currently does not have a flood study for Tumbarumba, Council staff investigations with the Department suggest that this grant application outcome is expected in the fourth quarter of this year, with funding likely to be granted to Council for this project. This will enable Council to complete a flood study of the Tumbarumba Creek catchment and along with the flood study of the Adelong catchment in 2017, these studies will provide Council with a complete revised set of studies for the greater urbanised areas of the local government area.

Development pressures have continued to be experienced within the floodplain catchments of Tumut and Tumbarumba and in the absence of revised flood studies, Council's ability to respond to development applications for housing, tourist and visitor accommodation, agricultural pursuits and other land uses is impaired. In 2021, Council received two (2) development applications for residential housing in a designated floodway in Tumut and ultimately both applications were determined by way of refusal as Council was unable to satisfy itself that the proposals were not going to increase the risk to life or property during flood events. Whilst both applications are being litigated, the Tumut flood study will seek to address such matters and will provide both Council and the community the necessary flood data to inform such decision making.

REPORT:

As part of the funding agreement issued by the New South Wales Department of Planning and Environment, Council is required to appoint a floodplain risk management committee to provide a level of support to the Council in the development of the Tumut Floodplain Management Study. A draft terms of reference (TOR) has been developed to provide a governance framework for the committee and has been included as an attachment to this report. The committee is expected to be established as a Advisory committee for the study, and the committee will not have any decision making powers nor shall the committee be able to direct the Council on matters associated with the study. Council will be required to appoint two (2) Councillor representatives to the committee with the remainder of the appointments being designated positions within various organisations or members of the community as outlined in the TOR.

Any appointed member is not expected to be remunerated for any attendance at any committee meetings, briefing or other work outside of required meeting dates.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

3.1 Create climate resilience through our actions and advocacy

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

3.4 Partner with other agencies to protect our natural spaces and environment

5.1 Communicate with our community and provide opportunities for participation in decision making

FINANCIAL AND RESOURCES IMPLICATIONS:

As part of the funding agreement the Department has awarded Council \$115,568 Ex GST on a 4:1 funding ratio. Council currently has no funding allocation for the co-contribution within the management plan in the 2022/2023 financial year. As additional funding has been provided by the funding body this is likely to increase Council's contribution to \$28,892 Ex GST which will require a budget allocation for this project in the next quarterly review in order to comply with the terms of the funding agreement.

Council sought tenders from suitably qualified and professional hydraulic / floodplain engineering consultants via the New South Wales Tender Panel where WMA Consulting was awarded the project based on scale, capacity, experience and price point. The tender provided by WMA was \$144,460 Ex GST

It is not expected that any member that is appointed to the Committee will receive any remuneration and therefore no budget allocation has been made towards the establishment of the committee.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The establishment of a Floodplain Risk Management Committee will comply with the requirements of both the terms of the funding deed and also the New South Wales Floodplain Development Manual Guidelines.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Potential litigation	The absence of a revised Tumut Flood Study, will likely increase the risk to Council of litigation relating to development matters on floodprone land.	The development of a floodplain study for Tumut will decrease Council's risk to litigation primarily due to increased certainty around development matters and also better infrastructure planning to protect the community from the effects of flooding.
Environmental & Public Health	Nil	Nil	Nil
Financial	Increased co-contribution	Increased grant funding by the NSW Department of Planning and Environment is likely to lead to an increase in Council's contribution which is above Council's existing budget allocation for 2022/2023. Increased budgeted allocation will need to be identified at the quarterly review .	Project will be able to be completed and will likely reduce challenges for development matters in the NSWLEC and reduce Council's risk exposure in flood events.
People	Nil	Nil	Nil
Technology	Nil	Nil	Nil

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Stakeholder	The establishment of a committee will enable greater stakeholder participation in the project outcomes.	Nil	Enables greater community insights into the project leading to better project outcomes.
Service Delivery	More informed decision making and strategic planning	Nil	The project will likely lead to more informed decision making processes surrounding development assessment / infrastructure planning and strategic land use planning throughout the Local Government Area.

OPTIONS:

Option 1:

THAT COUNCIL:

1. Formally establish a Floodplain Risk Management Committee being a steering committee of Council.
2. Endorse the draft Terms of Reference (TOR) provided
3. Accept the funding offer from The Department of Planning and Environment in the amount of \$115,568 Ex GST dated 16th August 2022 with a funding ratio of 4:1.
4. Appoint two (2) Council representatives to the proposed Floodplain Risk Management Committee.

Option 2:

THAT Council not accept the grant funding offer by the New South Wales Department of Planning and Environment and not formally establish a Floodplain Management Committee.

Option 1 is recommended

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

There is no expected community engagement requirements as part of the establishment of the committee and acceptance of the funding agreement. Council will undertake engagement with a number of stakeholders and government agencies as the project progresses. Council has provided a media release to the community identifying that Council has been successful in the recent grant applications for 2021/2022 funding round.

ATTACHMENTS

1. Floodplain Management Program - FMP0083 - Tumut Flood Study
2. Floodplain Management Program - 2021 FMP 0083 - Funding Agreement
3. Draft Terms of Reference - Floodplain Management Committee

11.3. PLANNING PROPOSAL LEP2022/01 - COUNCIL ROAD RESERVE, ADELONG ROAD, TUMUT

REPORT AUTHOR: CONSULTING STRATEGIC PLANNER

RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Council has received a request to make an amendment to the Tumut Local Environmental Plan (LEP) 2012 via a 'Planning Proposal' submitted by Snowy Valley Developments Pty Ltd.

The planning proposal seeks to amend the land zoning of a 654m² parcel of land located within the existing Adelong Road reserve, which is to be closed and consolidated into the adjoining allotment known as 67-99 Adelong Road Tumut. The Planning Proposal seeks to amend the zoning of the subject site from SP2 "Infrastructure" to IN1 "General Industry."

RECOMMENDATION:

THAT COUNCIL:

1. Support the planning proposal LEP2022/01 prepared to amend the Tumut Local Environmental Plan (LEP) 2012.
2. Forward the planning proposal to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND:

Council is in receipt of a planning proposal LEP2022/01 to change the land zoning of a part section of Adelong Road that Council has previously resolved to close and transfer to the adjoining land owner.

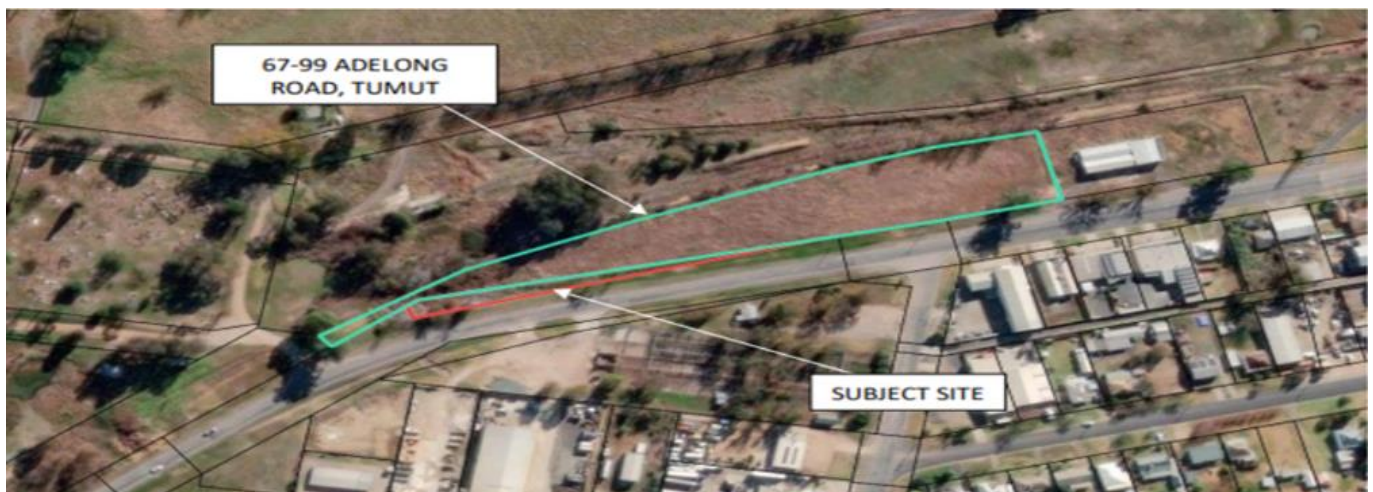


Figure 1: Aerial View - Subject site highlighted (Source: SixMaps)

Council's resolution minute number M59/22 of 17th February 2022 has been included for reference below:

MINUTES of the ORDINARY COUNCIL MEETING held on THURSDAY, 17 FEBRUARY 2022 in the TUMBURRUMBA COUNCIL CHAMBERS AND VIA VIDEO LINK,

MANAGEMENT REPORTS:

11.3 – Request for Purchase of Council Road Reserve – Adelong Road, Tumut

PURPOSE OF REPORT: To report on a proposal from a local land owner to purchase a parcel of Council Road Reserve

M59/22 RESOLVED that the Council:

1. Receive this report for the request for partial road closure, subdivision and sale of the part road reserve fronting number 67-69 Adelong Road, Tumut.
2. Approve the partial road closure, subdivision and sale of the formed lot subject to the terms of sale being met including:
 - I. Compliance with the legislation framework for the closing of public roads contained within the Roads Act 1993, and sale of land contained within the Real Property Act 1900.
 - II. Sale price to be determined by an independent land valuation and all survey, administration and application fees applicable to be covered by the purchaser upon settlement.
 - III. Parties to meet own legal costs.
3. Delegate to the Mayor and Chief Executive Officer to affix Council seal and execute document relevant to the closure of the road reserve and sale of the land.

Cr James Hayes/Cr John Larter
CARRIED UNANIMOUSLY

The current land zoning of the subject site is identified as Zone SP2 Infrastructure under the Tumut Local Environment Plan 2012 which is a common land use zone for main roads and rail corridors.

The planning proposal seeks to change the Zone to IN1 General Industry which is consistent with the surrounding allotments and will permit a greater range of land uses in the future.

Subject to the Local Environmental Plan amendment and land sale transaction, a proposed future Service Station, Truck Wash and Workshop are proposed for the site. The change to IN1 General Industrial would ensure that this portion of the site is consistent with the land use zone of the remainder of the site. The portion of the site is expected to be utilised for access and egress arrangements.

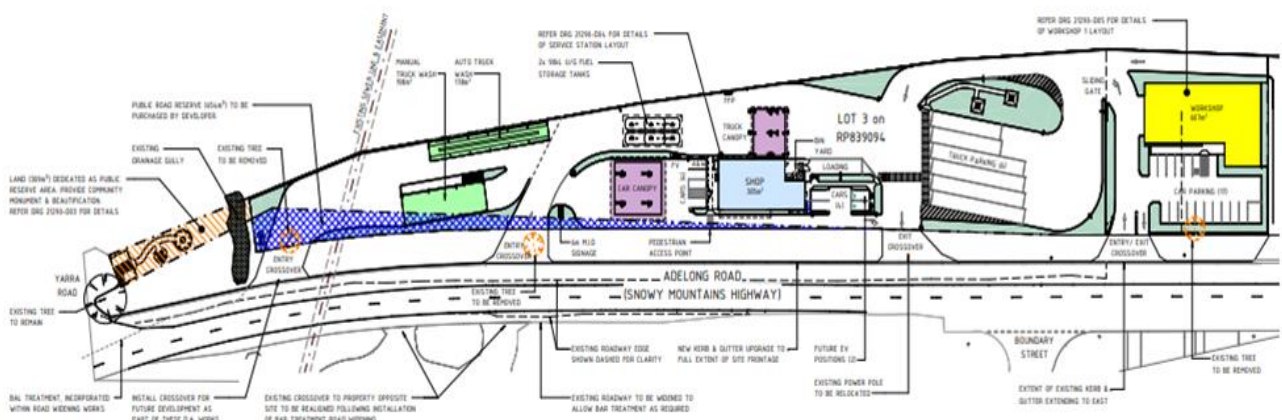


Figure 2 - Future Development Concept Plan

REPORT:

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the LEP Making Guidelines.

The proposal seeks to change the zoning of a part section of Adelong Road from SP2 to IN1 which would allow for additional land uses to occur on the subject site.

The existing Zone SP2 is described in the Tumut LEP 2012 land use tables as:

ZONE SP2 INFRASTRUCTURE**1. Objectives of Zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2. Permitted Without Consent

Nil

3. Permitted With Consent

Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4. Prohibited

Any development not specified in item 2 or 3

The SP2 Zone is common for main road and rail corridors and limits development potential to transport infrastructure and associated activities only.

The proposed Zone IN1 is described in the Tumut LEP 2012 land use table as:

ZONE N1 GENERAL INDUSTRIAL**1. Objectives of Zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2. Permitted Without Consent

Roads

3. Permitted With Consent

Cellar door premises; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4. Prohibited

Camping grounds; Caravan parks; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Health services facilities; Heavy industries; Pond-based aquaculture; Public administration buildings; Recreation areas; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation

The IN1 Zone is consistent in the locality with the lands surrounding the subject site all being zoned IN1. The change will permit a greater variety of land uses to occur and increase future development potential of the property.

The proposal has been assessed against the relevant Local and State provisions, guidelines and regional strategies, including the Department of Planning and Environment’s (DPE) Local Environmental Plan Making Guidelines 2021 - Section 2 that outlines the required content for planning proposals. The planning proposal is considered to be consistent with these requirements.

The proposal has also been assessed against the Riverina Murray Regional Plan 2036, with specific sections, including Division 4 - Promote business activities in industrial and commercial areas, Division 18 - Enhance Road and rail freight links, and Division 21 - Align and protect utility infrastructure investment, being considered to be applicable to the subject site and proposal. Additionally, the proposal was assessed against local strategic documents including the Snowy Valleys Local Strategic Planning Statement (LSPS) 2020-2040 and the Snowy Valleys Community Strategic Plan 2028. The proposal is considered to be consistent with the themes of the relevant local strategies, these include:

- Towns and Villages
- Growth Through Innovation
- Our Natural Environment
- Our Infrastructure
- Communication and Engagement

The planning proposal also considered the Snowy Valleys Council Region Economic Development Strategy, 2018-2022 and was not found to be inconsistent with the strategies outlined in that document.

From this assessment, the following conclusions are able to be drawn:

- The repurposing of the subject premises is considered to be accepted in principle by council, by proxy of the pre-lodgement discussions and the acceptance of the closure and impending sale of this portion of road reserve.
- The site adjoins existing IN1 – General Industrial zoned land, and the rezoning would be a logical extension of this zoning designation.
- The proposal is considered to be consistent with the policy provisions and intent of the relevant regional strategies.
- The proposal is not considered to impact adversely on any surrounding receiving environment and any perceived impacts can be managed through appropriate environmental management measures demonstrated at development application stage. On the basis of the above, it is considered sufficient planning grounds exist to warrant the proposal and the application is recommended for Council approval.

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	The section of reserve subject to the zone change does not impact on any neighbouring properties, not prevent access to the public.	Nil
Environmental	Nil foreseeable environmental impacts for zone change	Nil
Economic	The zone change may be linked to future purchase price of the subject site, survey, application and administration fees to be	Council responsible for own legal fees

	Positive	Negative
	finalised by purchaser at time of settlement	
Governance	No foreseen impact	No foreseen impact

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

Delivery Program Principal Activities

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

FINANCIAL AND RESOURCES IMPLICATIONS:

The costs associated with the assessment of the planning proposal will be covered through Council's existing allocated budget for 2022/2023. The adopted fees and charges provide for levying any application for a minor LEP amendment.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Legislative framework for amending the Tumut Local Environmental Plan 2012 is covered under the *Environmental Planning and Assessment Act 1979* and associated *Regulation 2021* and the Plan making guidelines.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

THAT COUNCIL:

1. (i) Support the Planning Proposal LEP2022/01 prepared to amend the Tumut Local Environmental Plan (LEP) 2012.

(ii) Forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

2. Not support the Planning Proposal.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Any community engagement will be identified by the NSW Department of Planning and Environment through a gateway determination if the planning proposal is supported by Council

ATTACHMENTS

1. Draft Tumut Planning Proposal - Snowy Mountains Developments (under separate cover)
2. Conceptual Site Layout (under separate cover)
3. Existing Land Zoning Map (under separate cover)
4. Existing Lot Size Map (under separate cover)
5. Preliminary Site History (under separate cover)
6. Site Survey (under separate cover)

11.4. TUMUT EVACUATION AND MULTI-PURPOSE CENTRE LOCATION

REPORT AUTHOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report presents for consideration the preferred site locations for the Tumut Evacuation and Multi-Purpose Centre after engagement with the established Community User Group. The report outlines the consideration of several sites and the final two that have been assessed as most suitable for progression.

RECOMMENDATION:

THAT COUNCIL:

1. **Approve the preference order of the below locations for commencement of site investigations and progression for the Tumut Evacuation and Multi-Purpose Centre:**
 - a. **First preference - Lockeridge Park**
 - b. **Second preference - Richmond Park;**
2. **Approve site investigation for Lockeridge Park in the first instance, followed by Richmond Park should Lockeridge Park be found unsuitable.**

BACKGROUND:

The original concept site of the Tumut Bull Paddock, off Fitzroy Street, has been found to be unsuitable for development due to a number of reasons, including but not limited to, site access and size, budget constraints and overall footprint needs. A suggested alternative site of the Saleyards at Tumut was also dismissed at the 18 August 2022 Ordinary Meeting of Council following community feedback:

M224/22 RESOLVED:

THAT COUNCIL no longer considers the Saleyards for the purpose of the evacuation centre and that urgent consultation be entered into with Member for Wagga Wagga Dr Joe McGirr MP and Member for Albury Justin Clancy MP to secure an extension for the grant and that consultation occur immediately with a user group committee as agreed by this Council to facilitate the evacuation centre being located to another appropriate site.

Cr John Larter/Cr James Hayes

CARRIED UNANIMOUSLY

Correspondence was sent to the Member for Wagga Wagga and the Member for Albury as per the above resolution, seeking support for an extension of the associated grant. An extension has previously been provided to June 2024, pending the formal identification and resolution by Council of a preferred site.

A user group committee was immediately facilitated, including community members, staff and councillors, with three meetings held for discussion of potential sites.

REPORT:

Council has engaged with the community user group over the past three weeks to facilitate review of various sites considered as options. The assessment has concluded that the following locations are not suitable for various reasons including but not limited to land access, land tenure, footprint limitations and expansion opportunities:

- 1 . Bull Paddock off Fitzroy Street
2. Tumut Saleyards
3. Tumut Railway Precinct
4. Bonner Fields
5. Tumut High School
6. Riverglade Oval
7. Boonderoo (next to Riding for the Disabled Australia)
8. Tumut Golf Club
9. McAuley School
10. Tumut Showgrounds
11. Gilmore industrial land
12. Forestry Land, Sydney Street
13. Jarrah Oval
14. Pioneer Park (area behind the pool)
15. Boys Club/ old Ambulance Station / Netball Courts

Council has further engaged a suitably experienced architect for site assessment of the two preferred location identified as Lockeridge Park and Richmond Park. A site assessment occurred on Wednesday 7 September with the Community User Group, Council and the architect identified that the Lockeridge Park site, on preliminary assessment is the preferred option.

The acceptance of the recommendation or identification and ranking of preferred sites will enable progression of the project to meet with the current funding deed requirements for the project to be completed by June 2024. This will include geotech, site survey, footprint evaluation and traffic flow assessments.

Lockeridge Park, when compared to Richmond Park, will have the least overall impacts to the community. This assessment includes the impact of traffic, removal of structures both in use and not in use, relocation of other facilities for users and current site conditions.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

CSP4 Our infrastructure includes Council services that plan, manage, maintain and renew our community infrastructure and transport networks

Delivery Program Principal Activities

4.2 Manage and plan for affordable infrastructure to meet current and future community needs

FINANCIAL AND RESOURCES IMPLICATIONS:

Council is engaging the services of a suitably experienced and licensed architect for the development and management of the project. The project sites have been assessed by the architect and the community group and unanimous support of the preference order provided after the onsite visits and discussions.

The project is expected to be delivered within budget and required timeframes to meet the funding deed.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council will need to undertake the relevant site ownership transfer actions to ensure that building is permitted and compliant.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

A detailed risk assessment will be undertaken as part of the delivery of the project.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Formal acceptance of the proposal to acquire the land for the preferred site and development by the current Crown Licences is still to be undertaken. Preliminary discussions have raised no insurmountable issues requiring addressing.	Low	Usable site and suitable for multiple user groups.
Environmental & Public Health	Relevant acoustic and traffic assessments will be undertaken as part of the project development. This will be part of the environmental impact assessment of the project as it moves forward.	To be determined	A compliant building in line with the relevant standards that meets the needs of the community
Financial	To be determined as the site investigations are undertaken. Current restrictions on timeline of the project for completion by June 2024	To be determined	To be determined
People	The engagement of the Facility Design Group will enable Council to deliver the project with a suitably experience Project Manager and Architect	Current shortage of suitable resources available in the sector	Singular engagement for services provides continuity
Technology	Nil identified	Nil identified	Nil identified
Stakeholder	The Community User Group has been key in assessing and providing information relevant to the suitability of the various sites considered	Low	Community engagement and understanding of the site and the conditions and limitations considered.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	Nearby residents have been provided with a brief outline of the two potential sites. As the preferred site is identified and the project development continues, further engagement will be undertaken		Acceptance and mitigation of risk associated with the development of the project.
Service Delivery	This project with the size and complexity will need to be prioritised by specific staff, this may take them away from other duties	Other duties may not be completed within designated timeframes	Project retains momentum and is able to be delivered within timeframes.

OPTIONS:

Council has the option to:

1. Accept the proposed location preferences in order as per the recommendation
2. Adjust the order of the preferred location in the recommendation
3. Reject the recommendations

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Council will continue to provide community engagement at the relevant stages of the project development.

Stakeholder engagement will need to be formalised with the relevant land managers for Council to become the land manager of the required land.

ATTACHMENTS

1. Lockeridge Park proposed site orientation for Tumut Evacuation and Multi-Purpose Centre (Under separate cover)
2. Richmond Park proposed site orientation for Tumut Evacuation and Multi-Purpose Centre (Under separate cover)

11.5. DA2022/0036 PROPOSED MULTI DWELLING HOUSING, LOT 1 DP599341, 66 POUND LANE TUMBARUMBA

REPORT AUTHOR: BUILDING SURVEYOR

RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Development application DA2022/0036 was lodged with Council on 21 March 2022 seeking development consent for the purposes of a single storey dwelling under section 4.11 of Snowy Valley's Development Control Plan (DCP) -Multi dwelling Housing" at Lot 1, DP 599341, known as 66 Pound Lane, Tumbarumba NSW 2653. The merits of the proposal include the construction of single storey three-bedroom dwelling with single garage and alfresco area on the subject property where there is currently two existing dwellings (being two one bedroom units). This application has requested five (5) separate variations to the Snowy Valleys Development Control Plan (DCP) 2019.

The proposal has been reported to full Council on the basis that there are significant policy departures to Council's adopted DCP controls and the proponent is not seeking to amend their plans to achieve compliance with the adopted controls.

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

Applicant	Gus McEachern
Land owner	Gus McEachern, Alexander McEachern
Zoning Context	R3 – Tumbarumba Local Environmental Plan 2010
Capital Investment Value (\$)	\$376,215
Notification Period	Community Participation Plan – 14 days
Number of submissions	Nil
Political Donations declaration	Nil
Reasons for referral to Council	Identified significant departure to adopted Policies

RECOMMENDATION:

THAT COUNCIL:

Determine the Development Application DA2022/0036 for a proposed Multi Dwelling Housing development at Lot 1, DP 599341, 66 Pound Lane, Tumbarumba NSW 2653, by way of refusal for the following reasons:

- (a) The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clauses 4.11.3 Building Setbacks, 4.11.4 Car parking, 4.11.5 Carports & Garages & 4.11.10 Internal Access. The application as submitted does not adequately address the objectives or general principles for development of the Development Control Plan.**
- (b)The proposed development is setback 1.35m from the southern boundary that is considered to affect the amenity of the adjoining dwelling. It has been considered that the character of the neighbourhood in the design especially regarding the overlooking to neighbouring property and diminishing the solar access in which it may impact the energy efficiency of the**

neighbouring dwelling. It is considered that the required setback could be achieved with a reduction in the floor area of the proposed building.

- (c) The proposed development has only provided one single garage behind the front building line and the secondary car parking space is provided at the front of building line by expanding the driveway cross over towards the dwelling front porch providing an unmanageable impact on the road reserve causing road safety and pedestrian safety issues. In addition, the design traffic flow does not leave the site in a forward direction. This is considered non-compliant with the objectives of section 4.11.5 & 4.11.10 of the Development Control Plan in respect of diminishing the established character of the neighbourhood, safe traffic movement and character of the street scape.
- (d) The required carparking for two units is four parking spaces in conjunction with one additional visitor carpark required in relation to three dwellings proposed. The proposed carparking spaces is deficient than required number of parking spaces which is inconsistent with the objectives of the DCP.
- (e) The development application is not consistent with the requirements of section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, including a) iii) any Development Control Plan.
- (f) The development due to the number of Development Control Plan departures is not in the public interest in accordance with s4.15 of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND:

Subject site and locality

The site is located at Lot 1, DP 599341, known as 66 Pound Lane, Tumbarumba NSW 2653, and comprises approximately 1033.162m² of total land area. An aerial view of the land has been shown below in Figure 1 and cadastral layout in Figure 2.

The subject site is located in the Tumbarumba township and is zoned R3 Medium Density Residential under the Tumbarumba Local Environmental Plan 2010 (LEP), with the surrounding land currently being utilised for residential land uses. It is considered that the proposal is generally consistent with the existing land uses. With the site currently utilised for multi residential housing purposes with two existing dwellings on the land. The application proposes to provide for a third separate dwelling.

Council staff have discussed the proposed departures to the Development Control Plan with the applicant, including attendance at a site meeting with a view to resolving or attempting to resolve the number and extent of the departures from the prescriptive standards. Whilst staff have provided some concessions where it believes following merit assessment is unlikely to have significant impact on the surrounding properties, the applicant has pursued the remaining departures to the controls for the purposes of enabling the development to proceed in its proposed form.



Figure 1: Aerial of Subject Site (Lot 1, DP 599341, known as 66 Pound Lane, Tumbarumba NSW 2653)

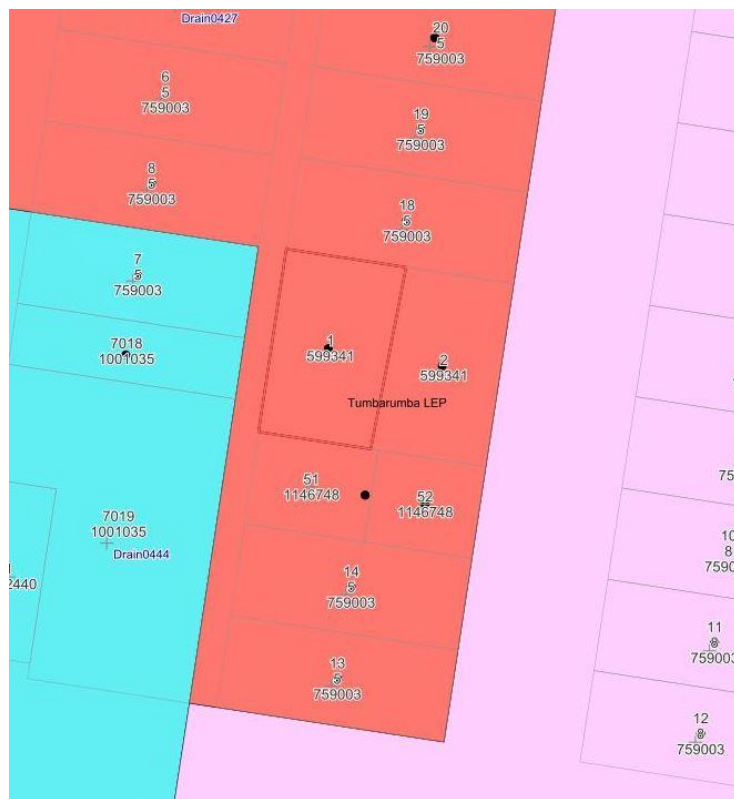


Figure 2: Cadastral map of subject site and surrounding properties

Proposed Development

The merits of the proposal include:

- Proposed construction of a new Residential Dwelling as part of a multi dwelling housing development.
- The proposal includes the construction of single storey dwelling with single garage, living, family dining, meals, kitchen, three bedrooms, two bathrooms and laundry.
- Ancillary works include driveway accesses.

Attachment 1 Applicant's request to DCP variation

Attachment 2 provides the site plan layout and

Attachment 3 provides the proposed floor plan (under confidential attachment)

Attachment 4 provides elevation drawings that outline the development as proposed.

The application as submitted seeks five (5) separate departures to the DCP (Attachment 1). The applicant has requested variations to Clauses 3.2.6 Cut & fill (with the merits of the departure considered acceptable for the purposes of this application as it is likely to reduce overall amenity impacts of the development), 4.11.3 Building Setbacks (was not address by the applicant), 4.11.4 Car Parking (was not address by the applicant), 4.11.5 Carports and Garages (was not address by the applicant), 4.11.9 Floor space to site area ratio (departure supported based on merit assessment) and 4.11.10 Internal Access (departure accepted based on merit assessment).

1. (4.11.3) The proposed development is 1.35m forward to the setback of southern boundary that is considered to affect the amenity of the adjoining dwelling. The application fails to adequately consider the character of the neighbourhood in the design especially regarding the overlooking to neighbouring properties and diminish the solar access in which it may impact the energy efficiency of the neighbouring dwelling.

It is considered that the required setback could be achieved through a reduction in the building footprint. The development does not meet the requirements of these sections of DCP.

2. (4.11.5/4.11.10) The proposed new dwelling provides a garage behind the front building line that facilitates only single car space leaving the second car parking space at the front of the primary building line with increased driveway cross over to facilitate the parking in which the proposal is considered over development is likely to create negative effect on traffic movement and streets scape including traffic and pedestrian safety. In addition to that the design traffic flow does not leave the site in a forward direction

It is considered that the development does not meet the requirements of these sections of DCP.

3. (4.11.4) The required carparking for two units of four parking and one additional visitor carpark is required in relation to three dwellings proposed. The proposed carparking spaces is less than required which is inconsistent with the objectives of DCP and is likely to lead to unmanageable car parking impacts in the general vicinity as the proposed development fronts a narrow laneway.

REPORT:

Statutory Provisions

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

State Environmental Planning Policies

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

State Environmental Planning Policy – (Building sustainability Index: BASIX) 2004

- Clause 6 – Buildings to which Policy applies.

The proposed building is a BASIX affected development that is required a BASIX certificate to accompany with development application. The proposed development satisfies the objectives of policy by the submission of BASIX certification (No:1273313S_02) in which the building is subject to conditions to be fulfilled at the completion.

Local Environmental Plans

The *Tumbarumba Local Environmental Plan 2010* as amended applies to the subject site.

- **Clause 1.2 Aims of the Plan**

The aims of the Tumbarumba LEP are:

- to develop local planning controls that manage human settlement, rural activities and the natural environment in a manner that contributes to the unique quality of Tumbarumba,
- to encourage development that promotes positive social outcomes for the local community

The proposal is considered to be generally consistent with the overall aims of the *Tumbarumba Local Environmental Plan 2010*.

- **Clause 1.4 Definitions**

The proposed development comprises of the construction of a “*Multi Dwelling Housing*”, as defined in the Tumbarumba Local Environmental Plan 2010.

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

The land is zoned as R3 Medium Density Residential under the *Tumbarumba Local Environmental Plan 2010*. The proposed development site is located wholly within the R3 Medium Density Residential zone. As defined within the R3 Land Use Table, Multi-Dwelling housing is permissible with the development consent of the Council.

Figure 4: Zoning Map of Subject Site and Locality

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

This clause permits exemptions to development standards outlined in the Tumbarumba Local Environmental Plan 2010 that may be necessary to permit development on the site. No exemptions to development standards outlined in the LEP are required to facilitate the development.

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

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 that applies to the land. The following sections of the DCP require variation to permit the proposed development

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.6 Cut and fill	Cut and fill not to exceed 1m.	Some cut will be required to facilitate the development. A maximum of 1.4m of cut is required to achieve the required floor level of the dwelling. This requires a variation to the DCP control of a maximum of 1m of cut to be undertaken onsite. It is considered that a variation could be supported, given the topography of the site and further that it is likely to lead to a reduction in the height	Non complaint – variation possible.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		of the development and overall privacy concerns to the rear of the proposed dwelling.	
4.11.3 Building Setbacks	The proposed building is required to be setback minimum 3m from all the side boundaries as required for single storey dwelling in multi dwelling housing development.	<p>The proposed development is 1.35m forward of the south boundary setback.</p> <p>The application does not provide adequate justification why they couldn't meet the setback. It is considered that the required setback could have been met through a reduction in the floorspace of the dwelling. The development does not meet the requirements of this section of DCP.</p>	Non-compliant – variation not supported
4.11.4 Carparking and 4.11.5 Carport & Garages	<p>Each dwellings containing more than two bedrooms required to be provided two car parking spaces.</p> <p>Two carparking spaces for one- or two-bedroom dwellings.</p> <p>One visitor carparking space for three dwellings.</p> <p>Garage providing required car parking is to be located behind the dwelling front facade</p>	<p>The proposed new dwelling is provided garage behind the front building line only for a single car space and the second car parking space is proposed at the front of the primary building line with increased driveway cross over to facilitate the space in which the proposal is considered inconsistent with performance standards of DCP and creates a pedestrian and traffic safety issue.</p> <p>The required carparking for two units is four parking and one additional visitor carpark is required in relation to three dwellings. The proposed carparking area addressing this requirement is inconsistent with the objective.</p> <p>It is considered that the required setback and the number of carparking for three dwelling could have been meet. The development does not meet the requirements of this section of DCP.</p> <p>Council does support the removal of one carspace in the front setback of the dwelling</p>	Non-compliant – variation not supported

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		and removal of an increased width layback.	
4.11.9 Floor space to site area ratio	The total floor space of all buildings (multi-dwelling development) will not exceed 40% of the site area of the lot.	The proposed development is a multi-dwelling development that involves the construction of a new single storey dwelling in addition to the existing two one-bedroom units. The total site coverage from three buildings is exceeded by 3.8%. This requires a variation to the DCP control of a maximum site coverage. It is considered that a variation could be supported, given the nature of the site and the establishment of existing neighbourhood. The departure is considered to be minor.	Non complaint – variation possible.
4.11.10 Internal Access and 3.2.3.2 Car parking layout	All vehicles are required to be enter and leave the site forward direction.	The proposed new dwelling is provided garage for a single parking space that is not a consisted forward direction egress of traffic. It is considered that the required forward direction egress could have been meet. The development does not meet the requirements of this section of DCP.	Non-compliant – variation not supported

It is considered that the proposal is not consistent with all relevant controls of the Snowy Valleys Council DCP 2019 with five (5) departures from the controls including three (3) significant departures as identified above. It is considered that the development is compliant with all other relevant controls of the DCP.

Planning Agreements

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

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

Regulations

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

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

Coastal Management Plans

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

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

Impacts of the Development

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

The identified as departures of DCP controls are considered to have impacts on both built environment and social character of the neighbourhood. The departures signify that there is likely an over development of the site and therefore is likely to have unmanaged and uncontrolled impacts on surrounding properties.

Context and Setting

The site provides an opportunity for infill development that is close to the central business district and also provides for additional housing opportunity within the town.

In order to reduce the overall impacts of the development the proposal needs to comply with the DCP controls as the bulk and scale is likely to dominate the street scape, traffic disturbance and energy efficiency of adjoining dwelling. It is considered that the required southern setback, parking behind the primary building line, forward direction egress could be met through a reduction in the overall footprint of the development.

Site design and internal design

The overall site design and layout is considered non-compliant with the DCP performance standards for the reasons as outlined in the report, as the proposed design could meet or attempt to meet the controls of the DCP through a reduction in the building footprint.

Heritage

The site is not identified as an item of heritage in accordance with schedule 5 of the Tumbarumba Local Environment Plan 2010 nor is the site listed on the State Heritage Register. No heritage significance has been identified on the subject site as part of the assessment of this application.

Flooding

The site is not subject to flooding and not identified as flood prone land, being shown in the flood planning layer for the Tumbarumba Local Environment Plan 2010.

Suitability of the site for the development

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

The site is not considered to be suitable for the proposed development given the bulk and scale of the proposed development. The overdevelopment of the site has lead to a number of departures that are likely to cause amenity impacts on the surrounding area.

Submissions made in accordance with the Act or Regulations

The application was notified to adjoining and adjacent residents for a period of 14 days in accordance with Council's adopted Community Participation Plan. No submissions were received during the notification period.

Public Interest

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

The proposed development is not in the public interest, given the Bulk and Scale on the existing streetscape.

Consultation

Pre-lodgement Meetings Internal Consultation

There are records from the applicant of pre-lodgement meetings having been undertaken with the Council planner in relation to this proposal. Whilst Council generally supports infill development, there is concerns with respect to the number and scale of DCP departures.

Additional Information Meetings

Further to the pending request for additional information, Council staff emailed the applicant comments on 12 July 2022 and met with the applicant and one owner, on 12 August 2022, to discuss the proposal and the provision of information that may satisfy the Snowy Valleys Councils DCP. The following key points were made at this meeting:

- The application needs to comply with the DCP 4.11.3 Building Setbacks and 4.11.4 Carports, 4.11.5 Carport & garages, 4.11.10 Internal access.

The proposed development is 1.35m forward of the south boundary setback. The application does not provide adequate justification why the application is unable to meet the required setback where the development's bulk and scale will have an adverse impact on solar access of adjoining dwelling.

The proposed new dwelling provides a garage behind the front building line that facilitates only a single car space leaving the second car parking space at the front of the primary building line with increased driveway cross over to facilitate the parking in which the proposal is considered over development is likely to create negative effect including safety concerns on traffic movement and streetscape.

The required carparking for two units of four parking and one additional visitor carpark is required in relation to three dwellings proposed. The proposed carparking spaces is less than required which is inconsistent with the objectives of the DCP.

- The proponent was requested to re-design the proposal to comply or attempt to comply with the DCP.
- The request for the variation to other DCP Clauses could be supported on the grounds of merit.
- Given the number of departures to the DCP Council staff advised that the matter would be required to be referred to full Council as it was likely to be outside of staff delegations to consider the proposal.

The proponent has advised that the application should proceed in its submitted form.

Internal Referrals:

Engineering Referral.

Due to the proximity of the development to an existing stormwater easement on the Southern Boundary and also the issues relating to parking, access and egress including concerns relating to compliance with AS2890.1 Offstreet Parking, the application was referred to Council's Engineers.

Council's Engineers have advised that amendments were required to the plans to delete the parking within the front setback of the dwelling and reduce the width of the layback to allow perpendicular access to the garage of the dwelling only.

The proposed dwelling will not impact on the stormwater easement however some works will need to be undertaken in the road reserve and also connection of drainage pipes to ensure that Council's stormwater drainage system is not impacted.

Community Participation Plan – Notification

The DA was notified for the standard period (01 April 2022 to 21 April 2022) and during this period no submissions were received by Council.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

Delivery Program Principal Activities

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

FINANCIAL AND RESOURCES IMPLICATIONS:

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

- Should the applicant choose to appeal a determination by way of refusal or pursue a deemed refusal by Council through the NSW Land and Environment Court and lose, the question of cost with regard to Council's Legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or deemed refusal by Council through the NSW Land and Environment court and win the question of costs be dependent on the extent of the reasons for refusal;
- Should any person choose to pursue Class 4 proceedings against Council to the Land and Environment Court and lose, the question of costs with regards to Council's legal representation would be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.

Should the applicant make no appeal, or proceedings not to be taken out by another party to the NSW Land and Environment Court regardless of determination, the application would result in no further financial implication on the Council

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There are no expected costs associated with the application where the refusal determination is made. The refusal of the application will reduce the bulk and scale impacts to residents of the locality. Additionally, any approval may form a precedent for development in areas and weaken previously established planning principles.

OPTIONS:

Council has the following options with respect to Determination DA2022/0036:

Option 1

Determine DA 2022/0036 by way of approval and delegate to the Interim General Manager to apply standard conditions of development consent to any notice of determination issued.

Option 2

Determine the Development Application DA2022/0036 for a proposed Multi Dwelling Housing development at Lot 1, DP 599341, 66 Pound Lane, Tumbarumba NSW 2653, by way of refusal for the following reasons:

1. The proposal is inconsistent with the controls outlined in the Snowy Valleys DCP 2019, specifically Clauses 4.11.3 Building Setbacks, 4.11.4 Car parking, 4.11.5 Carports & Garages & 4.11.10 Internal Access. The application as submitted does not adequately address the objectives or general principles for development of the DCP.
2. The proposed development is setback 1.35m from the southern boundary that is considered to affect the amenity of the adjoining dwelling. It has been considered that the character of the neighbourhood in the design especially regarding the overlooking to neighbouring property and diminishing the solar access in which it may impact the energy efficiency of the neighbouring dwelling. It is considered that the required setback could be achieved with a reduction in the floor area of the proposed building.
3. The proposed development has only provided one single garage behind the front building line and the secondary car parking space is provided at the front of building line by expanding the driveway cross over towards the dwelling front porch providing an unmanageable impact on the road reserve causing road safety and pedestrian safety issues. In addition, the design traffic flow does not leave the site in a forward direction. This is considered non-compliant with the objectives of section 4.11.5 & 4.11.10 of the DCP in respect of diminishing the established character of the neighbourhood, safe traffic movement and character of the streetscape.
4. The required carparking for two units is four parking spaces in conjunction with one additional visitor carpark required in relation to three dwellings proposed. The proposed carparking spaces is deficient than required number of parking spaces which is inconsistent with the objectives of the DCP.
5. The development application is not consistent with the requirements of section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, including a) iii) any Development Control Plan.
6. The development due to the number of DCP departures is not in the public interest in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Option 3

Defer any decision relating to Determination of DA 2022/0036 pending the submission of amended plans and additional information.

Councillors must record their votes on the matter.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

1. Refer to Attachment 3 (Statement of Environmental Effects) - Part 1.6 - Variations to the DCP (under separate cover)
2. Site Plan – 66 Pound Lane Tumbarumba (under separate cover)
3. Confidential – Floor Plan – 66 Pound Lane Tumbarumba (under confidential cover)
4. Site Plan – 66 Pound Lane Tumbarumba (under separate cover)

11.6. DRAFT SNOWY VALLEYS COUNCIL DISABILITY INCLUSION ACTION PLAN 2022-2026

REPORT AUTHOR: MANAGER COMMUNITY SERVICES

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to have the Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 – 2026, adopted after being on public exhibition for more than 28 days.

The Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 – 2026 was placed on public exhibition after the 19 May 2022 Council meeting.

RECOMMENDATION:

THAT COUNCIL:

- 1. Adopt the Snowy Valleys Council Disability Inclusion Action Plan 2022 -2026 without changes to the content.**
- 2. Authorise the General Manager to make any final editorial amendments to the Draft Snowy Valleys Disability Inclusion Action Plan 2022 - 2026, if required, to ensure correctness and clarity.**

BACKGROUND:

The *Disability Inclusion Act 2014* (the Act) mandated the development of the Disability Inclusion Plan and disability inclusion action planning across NSW Government and local councils. The Act enshrines the principles of inclusion in legislation and holds government accountable to making real change in this area. (NSW Disability Inclusion Action Plan Guidelines 2021).

As a 'public authority', Council is required to have a current DIAP. Snowy Valleys Council has been delivering on the current 2021 - 2021 DIAP and has completed most of the thirty-six actions entailed in this document.

REPORT:

The *Disability Discrimination Act 1992* (Cth) (DDA) was passed nearly thirty years ago. Although the DDA has had many positive effects on Australian society, its impact has been limited due to a lack of understanding of the benefit of widespread inclusion of people with disability. (Human Rights Commission 2021).

SVC preliminary work in addressing inclusion and disability access gaps in the Local Government Area (LGA) is witnessed through the 2017 -2021 SVC DIAP and will continue through the 2022 – 2026 DIAP.

The draft SVC DIAP 2022 – 2026, has been written after consultation with SVC communities. Over one hundred participants gave feedback through a range of consultation options which included six community workshops, two online community workshops, an online survey, one-on-one interviews, targeted sector discussions, and phone consultations.

Community responses identified more inclusion and access, an increased level of advocacy for the disability sector, added employment support and job opportunities, and increasing positive attitudes and behaviours towards people with disability.

Under the NSW Disability Inclusion Action Plan Guidelines 2021, the prescription for DIAP's has four focus areas; liveable communities, employment, systems and processes, and attitudes and behaviours.

The draft SVC DIAP 2022 – 2026 has actions under each of these areas that have stated outcomes and timelines for delivery that will align with the SVC Delivery Plan.

The draft DIAP has been shared with relevant action owners and all staff with the view of receiving their feedback before putting the plan to Council for placement on public exhibition.

Issues

Actions in the draft DIAP have an estimated cost of \$879,640.00. Council will need to consider the actions of the draft DIAP in setting budgets and encourage prioritisation of actions achievable and consider disability access and inclusion in planning and setting of budgets for future projects.

NSW Councils were required to have DIAPs developed by 1 July 2021. A 17 month extension has been given to Councils to have renewed DIAPs by 30 November 2023.

Public Exhibition

At the 16 June 2022 Council meeting,

M189/22 RESOLVED:

THAT COUNCIL:

1. Receive the report on Draft Snowy Valleys Council Disability Inclusion Action Plan 2022–2026;
2. Approve the placing of the Draft Snowy Valleys Council Disability Inclusion Action Plan 2022–2026 (DIAP) on public exhibition for a minimum of 28 days;
3. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the DIAP;
4. Adopt the DIAP if no submissions are received on the day after the completion of the public exhibition period;
5. Subject to budget allocation resource yearly actions in the SVC Disability Inclusion Action Plan 2022–2026.

The Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 – 2026 was on public exhibition from 19 June to 19 July 2022. The Plan was viewed by 66 people and received feedback from one person.

Feedback	Comment	Proposed amendment
<p>Model</p> <p>Reference should be that state SVC embraces the biopsychosocial model of disability as referenced by WHO and the UN CRPD.</p>	<p>The biopsychosocial model is a health approach. The DIAP was developed to the NSW Communities of Justice DIAP guidelines. The United Nations Conventions on the Rights of People with Disabilities is the overarching convention on which the <i>Disability Inclusion Act (NSW) 2014</i> and the National Disability Act fall from.</p>	No changes to plan.
<p>Membership</p> <p>Disability Inclusion Access Reference Group (DIARG) Chair must be a person with disability (PWD). Membership must include only people with PWD. Only one ex-officio representative from SVC should</p>	<p>DIARG is an advisory committee of Council and functions under Council's committee guidelines.</p> <p>Representation on the Committee strongly represents and advocates for people with disability.</p> <p>Relevant Council staff are invited to meetings as observers</p>	No changes to plan.

Feedback	Comment	Proposed amendment
attend, otherwise empowerment of PWD is diminished.	depending on disability issues raised.	
Remuneration Non-employed members of DIARG should receive a per-diem for committee attendance. SVC should reward SME that employ PWD by providing a discount of SVC services.	Remuneration for committee members would not be an equal practice for Council as there is not remuneration made to other Council committees for committee attendance.	No changes to plan.
Acknowledgement to Country Different to acknowledgement contained in SVC First Nations Cultural Protocols.	Version used is not Council approved Acknowledgement to Country.	Changed to reflect SVC First Nations Cultural Protocols.
Word Change Improvements Page 33. Change 'update' to 'review'. Page 35. Change 'develop' to 'identify'.	Suggested changes improve the clarity of the actions, and ability to achieve the actions.	Slight word changing made as proposed which does not alter intent or content of the Disability Inclusion Action Plan.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 1 - Our Community

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

1.1 Provide services that support our community in all stages of life

5.1 Communicate with our community and provide opportunities for participation in decision making

FINANCIAL AND RESOURCES IMPLICATIONS:

The overall estimated cost to implement the 2022 - 2026 DIAP is \$879,640.00, with no financial budget.

Action owners have identified and prioritised those actions that will need considerable funding years 2 - 4. Actions that have lower costs are indirect costs and have been prioritised for year one actions.

Year one costs of the DIAP have not been captured in the 2022 – 2023 budgets, due to the late development of the DIAP. Any action without budget allocation will only be implemented should budget be sourced internally or externally.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Disability Inclusion Act 2014, “All NSW Government Departments, some other government agencies and all Local Councils (collectively referred to as “public authorities”) are required to develop a Disability Inclusion Action Plan (DIAP).”

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

A risk management strategy is still to be developed for the plan as mentioned in the plan under ‘Risk Assessment’.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Council is compliant in all areas of disability practice and a strong disability advocate.	Non compliance by not developing a DIAP.	Developed plan that guides actions.
Environmental & Public Health	N/A	N/A	N/A
Financial	Increased community expenditure due to increased improved changes to access in the LGA.	Increase in demand for Council support.	Increased business
People	Improved accessibility to supports and services.	Increased vulnerable communities.	Improved health and well being.
Technology	N/A	N/A	N/A
Stakeholder	Increased confidence in Council by person with disability (PWD).	Lack of confidence by PWD.	Improved relationships.
Service Delivery	Improved Council staff understanding of PWD.	Lack of understanding leading to poor customer service.	Improved services.

OPTIONS:

1. Accept the recommendations for the report Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 – 2026.
2. Not accept the recommendations for the report Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 – 2026.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

A survey addressing the four focus areas of the DIAP was developed using Survey Monkey.

6 community consultation workshops held in March at locations across the Local Government Area. Participation in consultations was low.

2 Online forums held in March, with low attendance.

Interested individuals and disability organisations took up the opportunity for face-to-face consultations. These consultations garnered the most information and feedback.

Consultation with Disability Inclusion Access Group at February meeting and through emails to raise awareness of consultation period.

20 April 2022 shared with internal action owners for feedback on timelines.

27 April 2022 shared with internal actions owners for feedback on timelines.

29 April 2022 Consultation with Regional Disability Advocacy Service (RDAS). RDAS gave feedback on the draft DIAP included in draft put up for public exhibition.

09 May 2022 shared with SVC all staff for feedback.

Public exhibition from 19 June to 19 July 2022.

ATTACHMENTS

1. Draft Snowy Valleys Council Disability Inclusion Action Plan 2022 - 2026. (Under separate cover)

11.7. 2022-2023 REFLECT RECONCILIATION ACTION PLAN - FOR ADOPTION

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

On 20 February 2019, Snowy Valleys Council entered into an agreement through the Memorandum of Understanding (MoU) between Council and the Aboriginal Community of the Snowy Valleys. The MoU at the time provided an agreement between Council and the Aboriginal community and also led to development of the Aboriginal Cultural Practices and Protocols Policy. The DRAFT Reflect Reconciliation Action Plan (RAP) was developed to assist Council to continuously develop and strengthen reconciliation commitments with First Nations Peoples. The RAP is a commitment by Council to address the gaps of acknowledgement, learning and understanding of First Nations histories and cultures to make a genuine contribution to reconciliation through our business and activities. During the development of the RAP both the MoU and the Aboriginal Cultural Protocols and Practices policy have been extensively reviewed following consultation with the Aboriginal Liaison Committee, Council Staff and Reconciliation Australia.

Council endorsed at the 16 June 2022 the Draft Reconciliation Action Plan for public exhibition for a period of no less than 28 days. The draft RAP was also placed on public exhibition on 20 June 2022. Feedback received has been considered and is summarised in this report.

During the RAP development the *Aboriginal Cultural Protocols and Practices Policy* has been under review. The policy has been renamed and is attached to the report as the First Nations Cultural Protocols. The First Nations Cultural Protocols now align with preferred language recommended by the *First Nations Liaison Committee* formerly known as the Aboriginal Liaison Committee (M260/21).

It is intended that the 2022-2023 Reflect Reconciliation Action Plan will effectively replace the Memorandum of Understanding between the Aboriginal Community of Snowy Valleys and Snowy Valleys Council.

This report seeks Council's adoption of the 2022-2023 Reflect Reconciliation Action Plan, noting that if adopted, the 'Memorandum of Understanding between the Aboriginal Community of Snowy Valleys and Snowy Valleys Council' will not be renewed.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the First Nations Cultural Protocols;**
- 2. Adopt the 2022-2023 Reflect Reconciliation Action Plan.**
- 3. Authorise the General Manager to make any final editorial amendments to the Reflect Reconciliation Action Plan, if required, to ensure correctness and clarity**

BACKGROUND:

In July 2007, Tumut Shire Council and the Aboriginal Community developed a Memorandum of Understanding (MoU). The MoU provided the agreed wording for the Council Acknowledgement of Country and also led to the development of the Aboriginal Cultural Protocols and Practices Policy (adopted in 2011).

On 20 February 2019, the MoU was reviewed and the Snowy Valleys Council entered into an agreement through the Memorandum of Understanding (MoU) between Snowy Valleys Council and the Aboriginal Community of the Snowy Valleys. A formal reconciliation journey was identified as a priority through the collaborative work undertaken with the Aboriginal Liaison Committee, Council Staff and community members.

Reconciliation Australia was identified as the governing body to assist in the reconciliation journey and Council developed the DRAFT Reflect Reconciliation Action Plan (RAP) to strategically establish its reconciliation commitments to achieve meaningful impact during this journey.

Following guidance from Reconciliation Australia, the RAP was developed and presented to Council in September 2020, where it was resolved to place the document on public exhibition for 28 days. Reconciliation Australia is required to review the document before it can be placed on public exhibition and provided Council with recommendations for consideration. As a result of these recommendations, amendments were made to the RAP and conditional endorsement had subsequently been provided by Reconciliation Australia.

In October 2021, the RAP as recommended by the Aboriginal Liaison Committee was sent to Reconciliation Australia for review. Following this, the document underwent extensive review in collaboration with Council Staff, Reconciliation Australia and the Aboriginal Liaison Committee.

The 2022-2023 RAP and First Nations Cultural Protocols now align with Council's Integrated Planning and Reporting Framework to enable a staged, appropriately managed and resourced implementation and has been scaled to enable delivery of actionable items with Council's resource capabilities. It is intended that the Reflect Reconciliation Action Plan will replace the MoU.

At the June 2022 Aboriginal Liaison Committee meeting (AL06/22), the committee resolved that upon Council adopting the 2022-2023 Reflect Reconciliation Action Plan, the MoU between the Snowy Valleys Aboriginal Community and Snowy Valleys Council should not be renewed.

During January 2022, the Governance and Risk team reviewed The Aboriginal Cultural Protocols and Practices Policy and following this review, the First Nations Cultural Protocols were presented to the Aboriginal Liaison Committee to seek feedback. Council staff also provided feedback during the internal review beginning the 2nd of August and ending the 10th of August.

Following adoption, the Reflect RAP will be resubmitted to Reconciliation Australia.

REPORT:

The First Nations Cultural Protocols is a commitment by Council to participate *in processes and protocols which will enhance the understanding and awareness of First Nations peoples heritage.*

The Executive Leadership Team endorsed the First Nations Cultural Protocols for internal review (ELT109/22) for a period of 7 days, beginning the 2nd August and ending 10th August.

The Reflect Reconciliation Action Plan (RAP) has been developed aiming to assist Council to continuously develop and strengthen reconciliation commitments. Council has strategically aligned reconciliation commitments in line with the Integrated Planning and Reporting framework to have guidance and structure to the implementation of actions and ongoing reporting.

At its Ordinary Meeting on 16 June 2022, Council resolved to place the Draft Reflect Reconciliation Action Plan on public exhibition for a period of no less than 28 days. The document went on public exhibition from 20 June 2022 to 19 July 2022. Council received 3 formal submissions during the exhibition period. The first submission was in relation to grammatical and spelling errors and dates associated with actions in the draft RAP. A number of dates were altered to reflect the updated timeframes for delivery of the 2022-2023 Reflect Reconciliation Action Plan. The second submission related to specific actions within the document. Council considered the feedback and the majority of deliverables remain unchanged as they reflect items that are within Council's resource capabilities and the third submission related to specific culture and heritage. The feedback was considered and has been implemented to include the culture and history relating to Ngarigo Country within the Snowy Valleys Local Government Area.

The First Nations Liaison Committee at its August meeting recommended to have information in the RAP regarding the Leo Kelly Arts and Culture Award removed. The information has been removed.

During the development of the DRAFT 2022-2023 Reflect Reconciliation Action Plan, the Place Activation Team have worked collaboratively across all levels of Council and engaged extensively with

First Nations Peoples to seek valuable feedback and input. Reconciliation Australia have also provided feedback throughout its development and is presented to Council for consideration to Adopt.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 1 - Our Community

Community Strategic Plan Objectives

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

Delivery Program Principal Activities

1.5 Value our heritage and promote civic pride

FINANCIAL AND RESOURCES IMPLICATIONS:

The responsibility of the implementation of the RAP and facilitation of the actions resides with the Place Activation Team. Relevant actions within the document have been assigned to positions within Council. Delivering actions within the RAP will have a budgetary impact. The RAP has been brought into alignment with Council's Integrated Planning and Reporting Framework and coordination and reporting on the implementation of the RAP is included in Council's 12 month Operational Plan. Some actions will be pursued utilising existing in-house staff resources, however a number of sections will require a separate allocation within Council's adopted budget and/or external grant funding to be achieved. Council's current 2022-2023 financial year budget provides \$20,000 for community development cultural contingencies. This budget will fund the actions under the RAP that require resourcing beyond Council's in-house capabilities. Where it is identified as being required, additional funding will be scoped and requested through Council's Quarterly Budget Review process for Council approval to adjust the budget or external grants may need to be achieved to complete some actions.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	As an adopted Council document, reporting on the RAP will need to comply with requirements.	Failure to report on the RAP accordingly will not comply with IP&R requirements.	Consistent reporting will ensure actions are monitored and plan remains on track for delivery according to timeframes.
Environmental & Public Health	N/A	N/A	N/A
Financial	Some actions will be pursued utilising existing Council staff resources, however a number of sections will require a separate allocation.	Some actions not being delivered to a lack of available funding.	Council's current 2022-2023 financial year budget provides \$20,000 for community development cultural contingencies. This budget will fund key

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
			actions under the plan that require resourcing beyond Council's in-house capabilities.
People	N/A	N/A	N/A
Technology	N/A	N/A	N/A
Stakeholder	Stakeholders include the Aboriginal Liaison Committee, Reconciliation Australia, the Snowy Valleys community and Snowy Valleys Council.	Ensuring all stakeholders have a say and feedback considered to ensure a collaborative and cooperative approach is taken.	The RAP will further establish positive relationships between Council and First National People and reflects a genuine commitment to reconciliation through actions agreed between Reconciliation Australia, the Aboriginal Liaison Committee, the Snowy Valleys community and Snowy Valleys Council.
Service Delivery	The responsibility of the implementation of the RAP and facilitation of the actions resides with the Place Activation team however actions within the plan have been assigned to positions within Council.	Actions sitting across positions within Council/Council teams. Consistent monitoring will be required to ensure the plan remains on track.	Assigning actions to positions within Council will ensure resources are allocated for implementation and monitoring.

OPTIONS:

That Council:

Not adopt the First Nations Cultural Protocols or the Reflect Reconciliation Action Plan and seek further information/amendments to both the protocols and plan prior to adoption.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Reflect Reconciliation Action Plan has been developed in collaboration and consultation with a number of key stakeholders. The Aboriginal Liaison Committee has provided significant input. Internal communications were undertaken with Council's Place Activation Team and more broadly within Council for a period of 7 days until 1 June 2022.

Council has also undertaken courtesy notification of the amended plan after the internal review with the Aboriginal Liaison Committee for a period of 7 days until 1 June 2022.

The draft Reflect Reconciliation Action Plan was placed on public exhibition for 28 days from 20 June 2022 to 19 July 2022 during which two submissions were received.

ATTACHMENTS

1. First Nation Cultural Protocols - Internal Feedback Implemented. (Under separate cover)
2. Reconciliation Action Plan (RAP) - Snowy Valleys Council (Under separate cover)
3. 2022 - Community Feedback - Reconciliation Action Plan - Snowy Valleys Council (Under separate cover)

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - ABORIGINAL LIAISON COMMITTEE - 17 AUGUST 2022

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The Aboriginal Liaison Committee is an Advisory Committee and the purpose of the Committee is to provide a forum for discussion between Council and the Aboriginal Community on key issues.

This report seeks the adoption of the Committees Recommendations from the 17 August 2022 Committee meeting.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Minutes and recommendations of the Aboriginal Liaison Committee meeting held on 17 August 2022; and**
- 2. Appoint Sue Bulger as the Chairperson for the First Nations Liaison Committee.**

BACKGROUND:

The Aboriginal Liaison Committee and Council through collaborative work in 2019 identified the need for a formal reconciliation journey. This led to the development of the DRAFT Reflect Reconciliation Action Plan (RAP).

During the development, Council identified that the existing Aboriginal Framework including the Memorandum of Understanding (MOU) between the Aboriginal Community of Snowy Valleys and Snowy Valleys Council, the Aboriginal Cultural Protocols and Practices Policy and the Aboriginal Liaison Committee Terms of Reference were not consistent and replicated each other and therefore an extensive review was undertaken in collaboration with Council Staff, Reconciliation Australia and the Aboriginal Liaison Committee. The Feedback received has been considered.

The suite of documents including the RAP, First Nations Cultural Protocols and the First Nations Liaison Committee Terms of Reference (adopted), now align with Council's Integrated Planning and Reporting Framework to enable a staged, appropriately managed and resourced implementation that are scaled to enable delivery of actionable items within Council's resource capabilities.

REPORT:

At the Aboriginal Liaison Committee meeting held on the 17th August 2022, key agenda items were discussed and details are included in the attached minutes. A summary of the agenda items and discussion points is as follows:

1. Sue Bulger elected chairperson of the Committee.
2. Committee members were delighted with the attendance at this years NAIDOC Week celebration.
3. Committee request to have the Leo Kelly Arts and Culture Award for NAIDOC Week Celebrations removed from the RAP.
4. Following the presentation from Councils Road Safety Officer regarding foot paths in Brungle, the Brungle Tumut Local Aboriginal Local Council (Brungle Tumut LALC) will follow up on some of the issues raised. (detailed report attached in minutes - under separate cover)

5. Members from Brungle Tumut LALC thanked Snowy Valleys Council for the work completed at the ecology reserve to assist with storm water run off and raised concerns regarding erosion on some of the graves at the Brungle Cemetery.
6. A minute's of silence in memory of Aunty Denese.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 1 - Our Community

Community Strategic Plan Objectives

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

Delivery Program Principal Activities

1.5 Value our heritage and promote civic pride

FINANCIAL AND RESOURCES IMPLICATIONS:

Preparation for the First Nations Liaison Committee meetings held quarterly involves staff time taken to prepare the agenda and report, conduct the meetings and complete the minutes. This would be approximately 3-4 hours of staff time depending on the length of the meeting. Councils will utilize the Cultural budget for its commitment to celebrate First Nations ceremonies and events, including NAIDOC Week, Reconciliation Week and events identified in the DRAFT Reflect Reconciliation Action Plan and provide appropriate remuneration to Elders performing "Welcome to Country's" stated in the *Aboriginal Cultural Protocols and Practices Policy*.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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:

N/A

ATTACHMENTS

FINAL Minutes - Aboriginal Liaison Committee - Wednesday, 17 August 2022 (Under separate cover)

12.2. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 10 AUGUST 2022**REPORT AUTHOR: COORDINATOR GOVERNANCE****RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE**

EXECUTIVE SUMMARY:

The Audit, Risk & Improvement Committee (ARIC) was established by Council in August 2016 pursuant to section 355 of the *Local Government Act 1993*. The ARIC reports to Council after each meeting.

RECOMMENDATION:**THAT COUNCIL:**

1. **Adopt the Minutes of the Audit Risk and Improvement Committee held on 10 August 2022 and they be received and noted.**

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:

All information including notes and actions have been captured in the ARIC minutes which are attached to this report.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****Delivery Program and Operation Plan Strategic Directions**

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

5.4 Maintain and deliver a governance framework that guides good decision making, accountability and legislative compliance

FINANCIAL AND RESOURCES IMPLICATIONS:

The approved budget for the operation of the ARIC for 2022/2023 is \$40,000 and includes member remuneration, training and the engagement of the internal auditor.

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 Section 23A the *Local Government Act, 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The Committee is charged with the responsibility of:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes - Audit Risk & Improvement Committee - 10 August 2022 (Under Separate Cover)

12.3. MINUTES - LOCAL TRAFFIC COMMITTEE - 10 AUGUST 2022**REPORT AUTHOR: ROAD SAFETY OFFICER****RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE**

EXECUTIVE SUMMARY:

The Local Traffic Committee is an advisory committee with representatives from NSW Police, Transport for NSW, Local Members of Parliament, councillors and council staff.

The purpose of the committee is to advise Council on matters related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

This report seeks adoption of the committees minutes and recommendations.

RECOMMENDATION:**THAT COUNCIL:**

1. **Adopt the Minutes of the Local Traffic Committee held on Wednesday 10 August 2022 and they be received and noted;**
2. **Support the Special Event Application for the Tumut Christmas Fun Night for Thursday 8th December 2022 to go ahead, subject to Council's standard conditions;**
3. **Support the Special Event Application for the Tumbarumba Christmas Carnival for Friday 16th December 2022 to go ahead, subject to Council's standard conditions;**
4. **Support the Special Event Application for the Tumbarumba Rodeo Street Parade for Saturday 31st December 2022 to go ahead, subject to Council's standard conditions;**
5. **Support the 2023 Tumut Cycle Classic to enable this event to go ahead, subject to Council's standard conditions;**
6. **Support the Special Event Application for the 2023 Snowy Valleys Cycle Challenge to enable this event to go ahead, subject to Council's standard conditions.**
7. **Extend the School Bus Zone 8am - 9:30 am and 2:30 pm - 4pm School days in front of the Tumut Public School, Simpson Street, Tumut by 30m to the northern side of Kaleema Crescent;**
8. **Endorse and support the proposed installation of "Plan Your Trip" signage within Council Road Reserve on Alpine Way, Khancoban;**
9. **Request TfNSW to plan and install similar "Plan Your Trip" signage along the Snowy Mountains Highway and Gocup Road as the signs planned for the Alpine Way;**
10. **Requests a Native Title Search to determine the correct purpose of the block Lot 7028 DP94510, and then notify Crown Lands of intention to realign driveways and footpath;**
11. **Draw a design and calculate estimates to convert Travers Street, Adelong from a thorough fair to a cul de sac using chevrons, these plans would be presented at the next Local Traffic Committee meeting for discussion;**
12. **Design a plan for alterations to vehicle parking on the south side of Tumbarumba Road across the Rosewood Store to improve sight distances and that these are presented at the next Local Traffic Committee Meeting;**
13. **Write a letter to MP Justin Clancy requesting information about the status of works on Jackson Bridge; and**
14. **Include motorcycle parking in the consultation regarding parking and Traffic in the Tumut CBD.**

BACKGROUND:

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

REPORT:

A copy of the Local Traffic Committee Minutes are attached to this report.

The next meeting of the Local Traffic Committee is scheduled for Wednesday 9 November 2022. This meeting will be held in Tumbarumba with Microsoft TEAMS Access.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****Delivery Program and Operation Plan Strategic Directions**

Theme 2 - Our Community

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

CSP2 Our diverse economy supports community longevity, vibrancy and a sustainable future

CSP4 Our infrastructure includes Council services that plan, manage, maintain and renew our community infrastructure and transport networks

Delivery Program Principal Activities

2.3 Provide and support a variety of events, festivals and visitor activities

4.1 Plan and provide sustainable transport infrastructure, including footpaths, walking tracks and cycleways

4.3 Plan and provide a program to maintain the local road network

FINANCIAL AND RESOURCES IMPLICATIONS:

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

The delivery of traffic safety initiatives proposed by the Local Traffic Committee are subject to the availability of funding. Council has an allocated budget for the commencement of agreed road safety initiatives. The items outlined in this report will be actioned as time and resources are available.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Risk Management Assessments are provided with Special Event applications.

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

OPTIONS:

Council may choose to:

- Endorse the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
- Endorse some of the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
- Not endorse the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
- Reject or defer the report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The traffic management for events that occupy road reserves requires consultation with NSW Police, Transport for NSW, Snowy Valleys Council, road managers, event organizers and other stakeholders. Changes to the road environment require communication with the community.

ATTACHMENTS

1. Minutes - Local Traffic Committee - 10 August 2022 (Under Separate Cover)

13. CONFIDENTIAL

Section 10D of the *Local Government Act 1993* provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature. Section 10A(2) lists such matters.

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

RECOMMENDATION:

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

13.1. CONFIDENTIAL - TUMUT BULL PADDOCK IRRIGATION AND DRAINAGE PROJECT

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

13.2. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE

Item 13.2 is confidential under the Local Government Act 1993 Section 10A (2) (e) as it relates to information that would, if disclosed, prejudice the maintenance of law and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.3. CONFIDENTIAL - WRITE-OFF OF DEBTS

Item 13.3 is confidential under the Local Government Act 1993 Section 10A (2) (b) and (e) as it relates to discussion in relation to the personal hardship of a resident or ratepayer and information that would, if disclosed, prejudice the maintenance of law and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

14. MEETING CLOSURE
