



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 17 November 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 Council's website;

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



Thursday, 17 November 2022

In the Council Chambers 76 Capper Street Tumut and Via Video Link

2:00 PM

AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY	6
2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE	6
3. DECLARATIONS OF PECUNIARY INTEREST	6
4. PUBLIC FORUM	6
5. CONFIRMATION OF MINUTES	6
5.1. MINUTES - ORDINARY COUNCIL - 20 OCTOBER 2022	6
6. CORRESPONDENCE/PETITIONS	21
7. NOTICE OF MOTION/NOTICE OF RESCISSION	21
8. MAYORAL MINUTE	21
9. URGENT BUSINESS WITHOUT NOTICE	21
10. GOVERNANCE AND FINANCIAL REPORTS	22
10.1. 2021-2022 ANNUAL REPORT	22
10.2. CODE OF CONDUCT REVIEW	25
10.3. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW PLANNING 101 COURSE	27
10.4. STATEMENT OF INVESTMENTS - OCTOBER 2022	30
10.5. QUARTERLY BUDGET REVIEW - AS AT 30 SEPTEMBER 2022	34
10.6. PRESENTATION OF THE 2021/22 ANNUAL FINANCIAL STATEMENTS	40
10.7. REVIEW OF ARRANGEMENTS TO SETTLE ACCOUNT POLICY FOR PUBLIC EXHIBITION	45

11. MANAGEMENT REPORTS	47
11.1. DA2022/0099 - LOT 32, DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720	47
11.2. DRAFT SNOWY VALLEYS TRACKS AND TRAILS MASTERPLAN - FOR PUBLIC EXHIBITION.....	65
11.3. APPLICATIONS FOR EVENT SPONSORSHIP	69
11.4. BALD HILL QUARRY LICENCE AGREEMENT	73
12. MINUTES OF COMMITTEE MEETINGS.....	75
13. CONFIDENTIAL.....	75
13.1. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE - ADMINISTRATIVE CORRECTION REQUIRED	75
14. MEETING CLOSURE.....	75

1. ACKNOWLEDGEMENT OF COUNTRY

Snowy Valleys Council proudly acknowledges the traditional owners and custodians of this land and water and pay respects to their Elders past and present.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

3. DECLARATIONS OF PECUNIARY INTEREST

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

4. PUBLIC FORUM

The External Auditor, Dannielle MacKenzie, from CroweHorwath will 'phone in' to address Council on Report #10.6 Presentation of the 2021-2022 Annual Financial Statements.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 20 OCTOBER 2022

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 20 October 2022 be received and confirmed as an accurate record.

Attachment 1 - 20221020 - DRAFT Minutes - Ordinary Council

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 20 October 2022



ORDINARY MEETING

MINUTES

Thursday, 20 October 2022

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

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 1

Deputy Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 20 October 2022

PRESENT: Deputy Mayor, Cr Trina Thomson (Chair), Councillor Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr John Larter, Cr Brent Livermore.

IN ATTENDANCE: Interim General Manager Hamish McNulty, Interim Chief Financial Officer Daryl Hagger, Acting Executive Director Infrastructure Brad Beed, 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 Cr Trina Thomson.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

M282/22 RESOLVED that the request from Cr Ian Chaffey and Cr James Hayes for remote attendance be received and granted.

Cr Mick Ivill/ Cr Julia Ham

CARRIED UNANIMOUSLY

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Julia Ham declared a non-pecuniary interest in relation to report # 11.6 Tumbarumba Pre-School Preferred Location due to being on the Committee and will leave the room during discussion.

Cr James Hayes declared a pecuniary interest in relation to report # 11.1 Snowy Valleys Council Local Heritage Grants due to being a member of the Board of Adelong Community Enterprises Inc. and will leave the room during discussion.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 15 SEPTEMBER 2022

M283/22 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 September 2022 be received and confirmed as an accurate record.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 2

Deputy Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 20 October 2022

Cr Brent Livermore/ Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

6. CORRESPONDENCE/PETITIONS

6.1. PETITION RECEIVED - UPGRADES TO BANKSIA PARK - TUMUT

M284/22 RESOLVED:

THAT COUNCIL:

1. Receive the petition for 'UPGRADE TO BANKSIA PARK - TUMUT';
2. Forward the petition to the NSW Land & Housing Corporation for consideration with an accompanying letter encouraging a review of the general usage of the park and the equipment; and
3. Inform the community and chief petitioner of the ownership of the land.

Cr Johanna (Hansie) Armour/Cr Julia Ham

CARRIED UNANIMOUSLY

8. MAYORAL MINUTE

8.1 MAYORAL MINUTE - APPOINTMENT OF GENERAL MANAGER

M285/22 RESOLVED:

1. Ken Gouldthorp be appointed as General Manager of Snowy Valleys Council for a term of 12 months;
2. The Mayor be authorised to negotiate the terms of the contract with Mr Gouldthorp.

CARRIED UNANIMOUSLY

7. NOTICE OF MOTION/NOTICE OF RESCISSION

7.1. NOTICE OF RESCISSION - M241/22 REVIEW OF COSTS GOLDFIELDS PARK TUMBARUMBA AND PIONEER PARK TUMUT

M286/22 RESOLVED:

THAT COUNCIL:

1. Rescind Point 4 only of Resolution M241/22, 18 August 2022 so that the resolution now becomes:

THAT COUNCIL:

1. Build Rotary Pioneer Park Tumut, and Goldfields Park Tumbarumba generally in accordance with the original masterplan;
2. Install the amenities as 'off the shelf' prefabricated facilities;

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 3

Deputy Mayor

General Manager

3. Locate the amenities in Goldfields Park at a location to be agreed with the local community;
4. Advise the community of the revised project designs;
5. Provide the Interim General Manager delegated authority to procure appropriate facilities.

Cr Mick Ivill/ Cr Julia Ham

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter

CARRIED

9. URGENT BUSINESS WITHOUT NOTICE

Cr John Larter suggested Council seek a vote of confidence in Upper House Member for Parliament Mick Veitch MLC given Mr Veitch's experience in regional matters.

Cr John Larter

Lapsed

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW COURSES

M287/22 RESOLVED:

THAT COUNCIL:

1. Consider and endorse the attendance of Cr Hansie Armour at the online "Understanding LG Finances for Councillors" course on 25 November 2022; and
2. Approve the attendance of additional councillors who also wish to undertake this training, provided it is within the councillors budget allocation to do so;
3. Accept delivery of the course for councillors and any interested staff online.

Cr Julia Ham/ Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter

CARRIED

10.2. PECUNIARY INTEREST RETURNS FOR DESIGNATED STAFF AND ARIC MEMBERS

M288/22 RESOLVED:

THAT COUNCIL:

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 4

Deputy Mayor

General Manager

1. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Persons as at 30 June 2022 as listed in accordance with the Code of Conduct:
 - o Designated Persons:
Interim General Manager; Interim Executive Director Community & Corporate; Interim Chief Financial Officer; Audit Risk & Improvement Committee Chairperson and Committee Members.
2. Approve for the redacted Pecuniary Interest Returns Designated Staff to be placed on council website in accordance with the current Information and Privacy Commission Guideline 1.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

10.3. COMMITTEE MEMBERSHIP RECRUITMENT - APPLICATION APPROVAL - TUMUT AERODROME COMMITTEE

M289/22 RESOLVED:

THAT COUNCIL:

1. Approve the re-nomination from Peter Wilson to the Tumut Aerodrome Committee.

Cr Johanna (Hansie) Armour/Cr Julia Ham

CARRIED UNANIMOUSLY

10.4. CHRISTMAS CLOSURE 2022

M290/22 RESOLVED:

THAT COUNCIL:

1. Endorse the implementation of the operational arrangements outlined in this report for the 2022/23 Christmas/New Year period and that these details be published to the community; and
2. In accordance with Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and General Manager or in their absence, to the persons acting in these roles, during the period of Council recess to jointly exercise the powers, authorities, duties and functions of Council which cannot reasonably be deferred to the first ordinary Council meeting following the Council recess. This period:
 - (a) Commencing at midnight on the day of the Council meeting held immediately before the recess period as approved by Council (8 December 2022) and
 - (b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (16 February 2023) and noting that any such decisions are to be unanimous and circulated to Councillors for their information and will be reported to the first Ordinary Council meeting following the recess period.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

10.5. STATEMENT OF INVESTMENTS - SEPTEMBER 2022**M291/22 RESOLVED:**

THAT COUNCIL:

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

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**10.6. DELEGATION OF AUTHORITY TO SIGN "STATEMENT BY COUNCIL ON ITS OPINION OF THE ACCOUNTS" FOR THE 2021/22 ANNUAL FINANCIAL STATEMENTS****MOTION:**

THAT COUNCIL:

In accordance with Section 413 of the *Local Government Act 1993*, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

1. That its 2021/22 Annual Financial Statements:
 - a) Are in accordance with the *Local Government Act 1993* (as amended and the Regulations made there under);
 - b) Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c) Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2021/22;
 - d) Present fairly the Council's 2021/22 operating result and financial position;
 - e) Are in accordance with Council's accounting and other records; and
 - f) Council is not aware of any matter that would render this report false or misleading in any way.
2. To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the Statement by Council on its Opinion of the Accounts (clause 215 of the Local Government (General) Regulation 2021).
3. That the Chief Executive Officer (General Manager) be authorised to issue the 2021/22 accounts immediately upon receipt of the auditor's report; and
4. To invite Council's Auditor to attend the November Ordinary Council Meeting to present the 2021/22 Financial Reports.

Cr Julia Ham/ Cr Brent Livermore

M292/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY**M293/22 RESOLVED** to move out of Committee of the Whole.

Cr Johanna (Hansie) Armour /Cr Sam Hughes

Deputy Mayor

General Manager

CARRIED UNANIMOUSLY**M294/22 RESOLVED:****THAT COUNCIL:**

In accordance with Section 413 of the *Local Government Act 1993*, and subject to endorsement from the Audit, Risk & Improvement Committee, resolve:

1. That its 2021/22 Annual Financial Statements:
 - a) Are in accordance with the *Local Government Act 1993* (as amended and the Regulations made there under);
 - b) Are in accordance with the Australian Accounting Standards and Professional Pronouncements;
 - c) Are in accordance with the Local Government Code of Accounting Practice and Financial Reporting 2021/22;
 - d) Present fairly the Council's 2021/22 operating result and financial position;
 - e) Are in accordance with Council's accounting and other records; and
 - f) Council is not aware of any matter that would render this report false or misleading in any way.
2. To delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer (General Manager) and the Responsible Accounting Officer to sign the Statement by Council on its Opinion of the Accounts (clause 215 of the Local Government (General) Regulation 2021).
3. That the Chief Executive Officer (General Manager) be authorised to issue the 2021/22 accounts immediately upon receipt of the auditor's report; and
4. To invite Council's Auditor to attend the November Ordinary Council Meeting to present the 2021/22 Financial Reports.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**10.7. REVIEW OF INVESTMENT POLICY FOR PUBLIC EXHIBITION****M295/22 RESOLVED:****THAT COUNCIL:**

1. Approve the updated Investment Policy SVC-FIN-PO-067-09 for public exhibition for a period of no less than 28 days.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Investment Policy; and
3. Adopt the Investment Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Brent Livermore/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.8. REVIEW OF FINANCIAL RESERVE MANAGEMENT POLICY FOR PUBLIC EXHIBITION

M296/22 RESOLVED:

THAT COUNCIL:

1. Approve the updated Financial Reserve Management Policy SVC-FIN-PO-056-02 for public exhibition for a period of no less than 28 days with the amendments:
Clause 4.1.1 Externally Restricted Reserves, subclause (c) after the word 'resolution' include: 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
Clause 4.1.2 Internally Restricted Reserves, subclause (c) after the word 'resolution' include: 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
Clause 4.4 Transfers To And From Restricted Cash - on the first line after the word 'Council' insert 'prior to the transfer of funds. Transfer of funds are to be subject to a detailed justification'.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Financial Reserve Management Policy; and
3. Adopt the Financial Reserve Management Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr John Larter, Cr Julia Ham

CARRIED

10.9. REVIEW OF BORROWING POLICY FOR PUBLIC EXHIBITION

M297/22 RESOLVED:

THAT COUNCIL:

1. Approve the updated Borrowing Policy SVC-FIN-PO-106-02 for public exhibition for a period of no less than 28 days.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Borrowing Policy; and
3. Adopt the Borrowing Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Mick Ivill/Cr Brent Livermore

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

11.1. SNOWY VALLEYS COUNCIL LOCAL HERITAGE GRANTS

M298/22 RESOLVED:

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 8

Deputy Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 20 October 2022

THAT COUNCIL:

1. Endorse the projects recommended for funding through the Local Heritage Grants being:
 - a. 80 Tumut Street, Adelong - \$3,750.00
 - b. 29 Capper Street, Tumut - \$5,000.00
 - c. 12-14 The Parade, Tumbarumba - \$4,250.00

Cr Julia Ham/ Cr Brent Livermore

FOR: Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson

AGAINST: Cr Sam Hughes

CARRIED**11.2. TRANSGRID ACCOMMODATION OPTIONS WORKING GROUP TERMS OF REFERENCE****M299/22 RESOLVED:**

THAT COUNCIL:

1. Endorse the Terms of Reference for the Transgrid Accommodation Options Working Group; and
2. Nominate Mayor, Cr Ian Chaffey and Cr Johanna (Hansie) Armour to join the Transgrid Accommodation Options Working Group.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY**11.3. REQUEST FOR PURCHASE - PART OF COUNCIL ROAD RESERVE - LITTLE RIVER ROAD - SHELLEYS CREEK BRIDGE RESERVE TUMUT****M300/22 RESOLVED:**

THAT COUNCIL:

1. Approve the partial road closure, subdivision and sale of the formed lot subject to the terms of sale being met including:
 - a. 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*.
 - b. 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.
 - c. Parties to meet own legal costs; and
2. Delegate to the Mayor and Interim General Manager to affix the Council seal and execute document relevant to the closure of the road reserve and sale of the land.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 9

Deputy Mayor_____
General Manager

11.4. DRAFT SNOWY VALLEYS COUNCIL LIBRARY STRATEGIC PLAN 2022 - 2026**M301/22 RESOLVED:****THAT COUNCIL:**

1. Note the report on Draft Snowy Valleys Council Library Strategic Plan 2022–2026;
2. Approve the placing of the Draft Snowy Valleys Council Library Strategic Plan 2022–2026 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 Draft Snowy Valleys Council Library Strategic Plan 2022-2026;
4. Adopt the Draft Snowy Valleys Council Library Strategic Plan 2022-2026, if no submissions are received on the day after the completion of the public exhibition period; and
5. Subject to budget allocation resource yearly actions in the Draft Snowy Valleys Council Library Strategic Plan 2022–2026.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY**11.5. FLOODPLAIN RISK MANAGEMENT COMMITTEE ESTABLISHMENT****M302/22 RESOLVED:****THAT COUNCIL:**

1. Appoint Cr Trina Thomson and Cr Brent Livermore to the proposed Floodplain Risk Management Committee.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

Cr James Hayes joined the meeting at 2.48pm.

Cr Julia Ham left the meeting at 2.51pm.

11.6. TUMBARUMBA PRE-SCHOOL PREFERRED LOCATION**M303/22 RESOLVED:****THAT COUNCIL:**

1. Nominate the preferred option to lease space on King George Fifth Park at the intersection of King Street and York Street, Tumbarumba;
2. Delegate authority to the General Manager or their delegate to negotiate terms of the lease on the preferred site; and
3. Delegate the Interim General Manager and/or the Mayor to sign and affix Council's seal on all lease documents.

Deputy Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 20 October 2022

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

Cr Julia Ham returned to the meeting at 2.54 pm.

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - EXTRA-AUDIT RISK AND IMPROVEMENT COMMITTEE - 21 SEPTEMBER 2022

MOTION:

THAT COUNCIL:

1. Note the Minutes of the Audit Risk and Improvement Committee held on 21 September 2022.
2. Note the following recommendations from the minutes:
 - a. That the Audit Risk and Improvement Committee support the Council's approach in not recognising the RFS Assets and are aware that this may result in a qualified audit.
 - b. Unrestricted cash was discussed in detail and additional information to be provided to Council regarding the discrepancy with the Financial Reserve Management Policy.
 - c. Additional information be provided to Council regarding the cash flow amount shown as 'other' under receipts in Statement of Cash Flows.

Cr Brent Livermore/Cr Julia Ham

M304/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY**M305/22 RESOLVED** to move out of Committee of the Whole.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

M306/22 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Audit Risk and Improvement Committee held on 21 September 2022.
2. Note the following recommendations from the minutes:
 - a. That the Audit Risk and Improvement Committee support the Council's approach in not recognising the RFS Assets and are aware that this may result in a qualified audit.
 - b. Unrestricted cash was discussed in detail and additional information to be provided to Council regarding the discrepancy with the Financial Reserve Management Policy.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in Council Chambers
76 Capper Street Tumut and Via Video Link on Thursday, 20 October 2022

Page 11

Deputy Mayor_____
General Manager

- c. Additional information be provided to Council regarding the cash flow amount shown as 'other' under receipts in Statement of Cash Flows.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

12.2. MINUTES - TUMUT AERODROME COMMITTEE - 13 SEPTEMBER 2022

M307/22 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Tumut Aerodrome Committee held on 13 September 2022;
2. Accept the new proposed Tumut Aerodrome Committee meeting time of 2:30pm for the 2023 meeting calendar;
3. Include the southern parallel taxiway as a prioritised element of the Stage 2 aerodrome works, budget dependent; and
4. Provide a report to the aerodrome committee regarding the consultant's advice.

Cr Mick Ivill/Cr John Larter

CARRIED UNANIMOUSLY

13. CONFIDENTIAL

M308/22 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:

13.1 CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE

Item 13.1 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.

13.2 CONFIDENTIAL - RFT 2022/04 - BITUMINOUS SURFACING - NEW WORK

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 is conducting (or proposed 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 Johanna (Hansie) Armour/ Cr Sam Hughes

CARRIED UNANIMOUSLY

At this stage, the time being 3.06pm Council went into Confidential closed session.

Cr James Hayes confirmed that he is alone/unaccompanied during this confidential session.

13.1. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE**M309/22 RESOLVED:****THAT COUNCIL:**

1. Formally write to the owners of the properties (i) Lot 3 DP 1107472 & Lot 11 DP 1134807 and (ii) Lot 1 DP 1063491 and seek to have the land that has been cleared, remediated through mulching of the felled timber and applying the material to the land as mulch and further replanting the sites with native vegetation. In any formal correspondence Council shall advise that:
 - (a) It alleges that following Council investigations illegal land clearing has been undertaken in contravention of the *Biodiversity Conservation Act 2016*.
 - (b) It directs the owners of (i) Lot 3 DP 1107472 & Lot 11 DP 1134807 and (ii) Lot 1 DP 1063491 to prepare a remediation plan for Council approval in accordance with any specification provided by Local Lands Services and Holbrook Local Land Care Group within three (3) months of the date of the direction.
 - (c) All remediation works are to be undertaken at the cost of the landowners and are to be completed in accordance with the approved remediation plan within twelve (12) months of the date of the direction.
 - (d) Should the remediation not be carried out within the specified period and to the required specification, that Council consider a further report to Council to consider commencing Class 5 Proceedings in the NSW Land and Environment Court against the owners.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY**13.2. CONFIDENTIAL - RFT 2022/04 - BITUMINOUS SURFACING - NEW WORK****M310/22 RESOLVED:****THAT COUNCIL:**

1. Accept all five (5) tenders, or a minimum of three (3), onto a panel of suitable bitumen services contractors: (LFT Bitumen, Countrywide, Roadworx, Stabilized Pavements Australia & Southern Asphalt Services); and
2. Approve the selection of any contractor from the panel to perform bitumen sealing services provided quotations are sought in accordance with Council Procurement Policy on each occasion.

Cr Mick Ivill/Cr Sam Hughes

CARRIED UNANIMOUSLY**M311/22 RESOLVED** to move out of Confidential.

Cr Sam Hughes / Cr Brent Livermore

CARRIED UNANIMOUSLY

14. MEETING CLOSURE

The Deputy Mayor acknowledged on behalf of the Mayor and fellow councillors the efforts of the Interim General Manager, Hamish McNulty.

There being no further business to discuss, the meeting closed at 3.14pm.

6. CORRESPONDENCE/PETITIONS

7. NOTICE OF MOTION/NOTICE OF RESCISSION

8. MAYORAL MINUTE

9. URGENT BUSINESS WITHOUT NOTICE

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. 2021-2022 ANNUAL REPORT

REPORT AUTHOR: COMMUNITY & ENGAGEMENT OFFICER

RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

Council's Annual Report provides an overview of council programs, achievements, and performance over the last financial year.

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

The Snowy Valleys Council's 2021-22 Annual Report has been prepared in accordance with the requirements of the *Local Government Act 1993* and Regulations and is the last Annual Report against Snowy Valleys Community Strategic Plan 2028 and 2018-2021 Delivery Program.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse a copy of the 2021-2022 Annual Report including the Audited Financial Statement to be placed on Council's website and submitted to the Office of Local Government by 30 November 2022.**

BACKGROUND:

The Annual Report provides Council with the opportunity to report to the community and government stakeholders on its achievements and accomplishments over the past year against this objective contained in the Delivery Program (2018-2021).

Council is required to prepare an annual report within five months of the end of the financial year and is required for Council to place the report on its website and submit it to the Office of Local Government by 30 November 2022.

REPORT:

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

Council's 2021-2022 draft Annual Financial Statements were presented at Council's ordinary meeting (M294/22) in October 2022. The Fourth Quarter Operational Plan Performance Report was presented at Council's ordinary meeting (M234/22) in August 2022. The performance report, along with the Audited Annual Financial Statement, are included in the Annual Report.

Council committed to the delivery of 120 actions and initiatives to the community over the 2021-22 financial year. During the year, the low supply of materials and workers as a result of COVID-19 interfered with the timely delivery of some works and services. In summary, 103 actions and initiatives were completed, with 14 marked not completed and rolled over to 2022-23 to allow council officers to progress and complete unfinished actions. Three actions were marked as not complete.

As per a mandatory requirement introduced in 2022, Council must publish a statement of the total number of persons who performed paid work for them on Wednesday 25 May 2022 including in separate statements, the total number of the following:

- the number of persons directly employed by the council:
- on a permanent full-time basis
- on a permanent part-time basis
- on a casual basis, and
- under a fixed-term contract
- the number of persons employed by the council who are "senior staff" for the purposes of the *Local Government Act 1993*
- the number of persons engaged by the council, under a contract or other arrangement with the person's employer, that is wholly or principally for the labour of the person, and
- the number of persons supplied to the council, under a contract or other arrangement with the person's employer, as an apprentice or trainee.

In accordance with legislative requirements, Snowy Valleys Council 2021-2022 Annual Report (including audited financial statement) will be submitted to the Office of Local Government before 30 November 2022 and published online at:

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

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:

In accordance with *Local Government Act 1993* section 428 (1), Council must prepare an annual report within five (5) months of the end of the financial year. The deadline for Council to place the report on Council's website and submit the report to the Office of Local Government is 30 November 2022.

The Annual Report must be prepared in accordance with the Integrated Planning and Reporting Guidelines (IP&R) in accordance with the *Local Government Act 1993* section 428 (3).

A copy of Council's Annual Report must be posted on Council's website and be provided to the Minister for Local Government (via OLG), as per *Local Government Act 1993* section 428 (5).

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

1. SNOWY VALLEY COUNCILS 2021-2022 ANNUAL REPORT (UNDER SEPERATE COVER)

10.2. CODE OF CONDUCT REVIEW

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

This report provides a brief on the outcome of a review of Council's Code of Conduct in accordance with section 440(7) of the *Local Government Act 1993*.

RECOMMENDATION:

THAT COUNCIL:

1. **Note the review of the Code of Conduct in accordance with s. 440(7) of the *Local Government Act 1993*; and**
2. **Make no amendments to the Code of Conduct adopted at Council's 15 October 2020 meeting (Minute Number M244/20).**

BACKGROUND:

Snowy Valleys Council is committed to fair dealing and high standards of ethical behaviour. The community places its trust in our Councillors, Council staff and Council delegates to ensure that they serve it faithfully and honestly and that they manage its resources in a sustainable and responsible manner.

The community is entitled to expect that the business of Council will be conducted with efficiency, impartiality and integrity and that the public will always have absolute priority over private interests.

Councillors, staff and delegates are required to observe the highest standards of honesty and loyalty to the Council and avoid any form of conduct that would bring Council, Councillors, staff or Council delegates into disrepute.

REPORT:

Section 440(7) of the *Local Government Act 1993* requires Council to review and adopt, within twelve (12) months of an election, a Code of Conduct based on the Office of Local Government (OLG) Model Code of Conduct, prescribed by the Local Government (General) Regulation 2021. There is no requirement to review and adopt a new Code of Conduct Procedures for Administration.

The most recent amendment made to the OLG's Model Code of Conduct was in August 2020. Council adopted the same amendments to its Code of Conduct at its 15 October 2020 meeting.

A review of Council's Code of Conduct by the governance team has revealed no amendments are required at this time.

There is no requirement under the *Local Government Act 1993* for this document to be placed on public exhibition.

Council's adopted Code of Conduct is attached to this report for Councillors' information.

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:

Review of the Code of Conduct was undertaken in accordance with section 440(7) of the *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

By not adopting the Code of Conduct, it would be a direct breach of section 440(7) of the *Local Government Act 1993*.

OPTIONS:

Should Council not adopt the Code of Conduct as presented, it would breach section 440(7) of the *Local Government Act 1993*.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community engagement is not required under the *Local Government Act 1993*. The Code of Conduct is a legislative requirement and therefore mandatory.

ATTACHMENTS

1. DRAFT Code of Conduct - SVC-RP-STY-001-04 (Under separate cover)

10.3. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW PLANNING 101 COURSE**REPORT AUTHOR: EXECUTIVE SUPPORT OFFICER****RESPONSIBLE DIRECTOR: GENERAL MANAGER**

EXECUTIVE SUMMARY:

The purpose of this report is to advise Council of this training opportunity and to seek approval for the attendance of councillors at the online training course "Planning 101 for Councillors" offered through Local Government NSW (LGNSW).

This training course is regularly scheduled by LGNSW's Learning & Development Team.

Cr Sam Hughes has sought approval to attend the session scheduled for 23 November 2022. This opportunity is also available to any other councillor who may wish to participate and has the budget to do so.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Consider and endorse the attendance of Cr Sam Hughes at the online "Planning 101 for Councillors" course on 23 November 2022; and**
- 2. Approve the attendance of additional councillors who also wish to undertake this training, provided it is within the councillor's budget allocation to do so.**

BACKGROUND:

The LGNSW Learning & Development Team provide a wide range of short training courses aimed at enhancing the skills of elected members. These courses are available via online or face-to-face delivery.

The courses facilitate professional and leadership development in a variety of areas, thereby enabling elected members to effectively represent the community. The "Planning 101 for Councillors" course assists councillors with making decisions about development and planning issues. The duration of the course is 4 hours.

REPORT:

Local Government planning functions are complex and often give rise to controversial debates over the development of specific sites through to precincts, local government areas and regions. This course covers the NSW planning system in detail - strategic land-use planning and development assessment, with a focus on the role of councils and the implications for councillors.

At the completion of the course, participants will:

- Be aware of fundamental matters underpinning planning in concept and in practice
- Appreciate the breadth of environmental law and the place of planning law
- Understand how strategic land use planning operates in NSW - role of councils (and other levels of government)
- Understand the development assessment process in NSW, with a focus on local development
- Understand the role of local community engagement in NSW
- Be aware of recent (and proposed) changes to the system
- Appreciate the councillor's role in planning matters at a local level

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Provisions within Council's 2022/23 Operational Budget have been made for the attendance at training courses by councillors.

Training / conference attendance for councillors and the Mayor total \$39,500 in the 2022/23 Budget, as per the values listed below:

Mayor \$6,500

Deputy Mayor \$5,000

Councillors \$4,000 each

The cost to attend the course is \$440 incl. GST. The course is offered online and therefore no further expenses should be incurred. The attendance at future sessions of this course by other councillors will be subject to having sufficient budget available.

As at 30 September 2022, the councillors have the following budget balances:

Councillor	Budget Balance as at 30 September
Mayor Ian Chaffey	\$ 4875
Deputy Mayor Trina Thomson	\$ 3750
Cr Sam Hughes	\$ 3000
Cr Brent Livermore	\$ 3000
Cr James Hayes	\$ 3000
Cr John Larter	\$ 3000
Cr Julia Ham	\$ 3000
Cr Mick Ivill	\$ 3000
Cr Hansie Armour	\$ 3000

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council's *'Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy'* requires Council to make a resolution on conference attendance for those seeking Council's financial support to attend.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Financial	Attendance Cost	Given Council is facing a sustainability issue, training undertaken by councillors may be perceived as a waste of money	Attendees will increase their knowledge and awareness, allowing them to contribute more effectively to Council decisions
Councillors	Professional Development	Councillors are at risk of not fulfilling their obligations by taking available opportunities to expand their knowledge on important council areas	Attendance aligns with Council's statutory requirement to provide professional development opportunities to all councillors
Stakeholders	Community	Councillors lack of experience and knowledge may hinder their ability to understand complex planning and development issues	Attendees will be more effective in their ability to review, analyse and make decisions on planning and development matters. They will be able to communicate Council's position more effectively

OPTIONS:

Council can choose not to approve the attendance of the nominated councillor.

Council can choose to approve the attendance of additional councillors to this training course, within this budget period.

Council can choose to approve for LGNSW to run an in-house training program (in person or remote) for all councillors.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.4. STATEMENT OF INVESTMENTS - OCTOBER 2022**REPORT AUTHOR: FINANCE OFFICER****RESPONSIBLE DIRECTOR: INTERIM CHIEF FINANCIAL OFFICER****EXECUTIVE SUMMARY:**

This report provides an overview of Councils cash and investment portfolio performance as at 31 October 2022.

RECOMMENDATION:**THAT COUNCIL:**

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

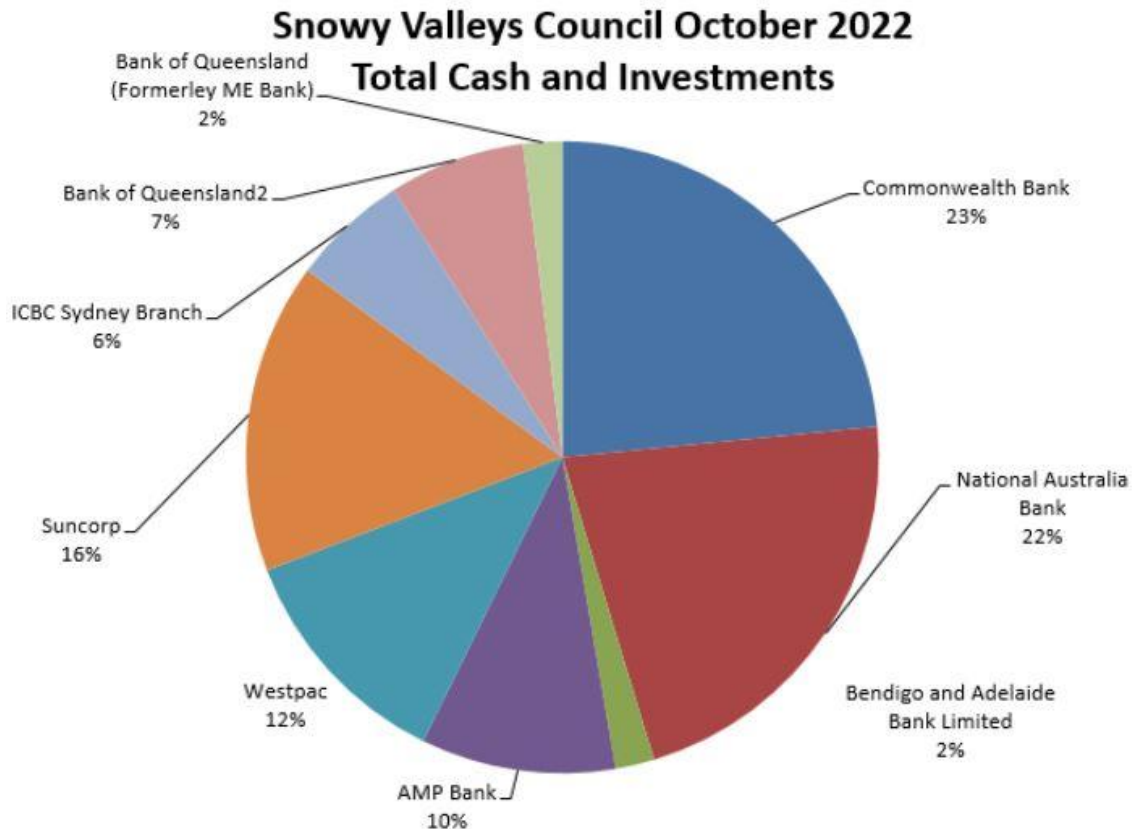
BACKGROUND:

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

REPORT:

The following table contains a list of cash, at call investments and term deposits held by Council as at 31 October 2022.

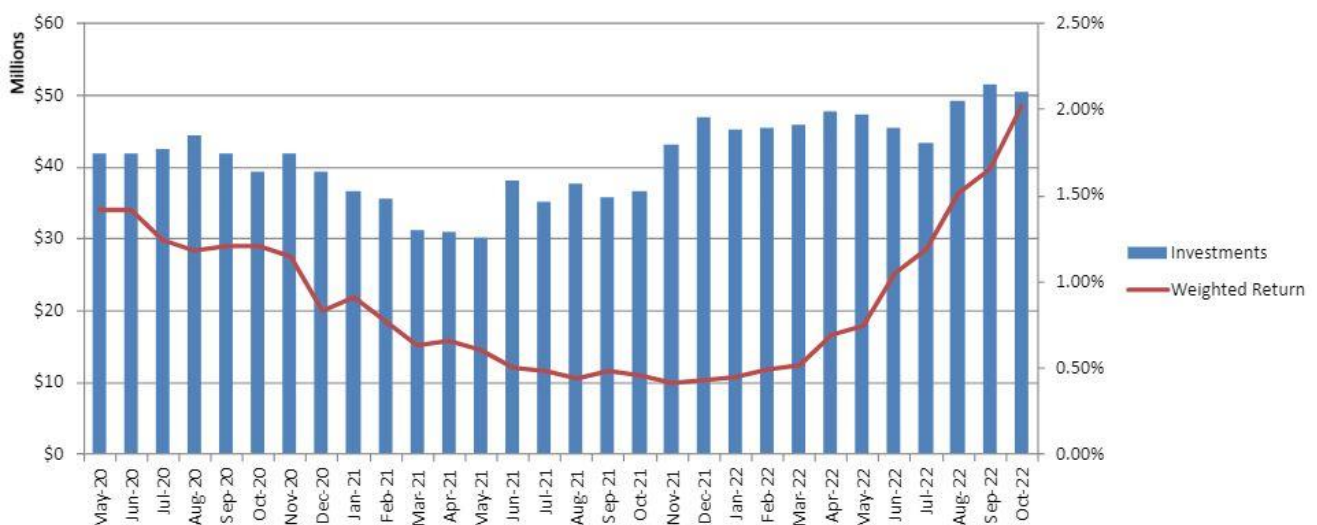
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8
Combined Cash & Investments Table		31/10/2022					
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	Tumut	\$ 2,173,738	\$ 5,376,895	-\$ 3,203,157	W/Acct	0.10%	
Commonwealth Bank	Tumut	\$ 9,606,643	\$ 7,091,366	\$ 2,515,277	At Call (BOS)	2.70%	
Commonwealth Bank	Tumut	\$ 14,162	\$ 12,158	\$ 2,005	Gen-Roth	0.10%	
Sub Total Cash & 11 am at Call Accounts		\$ 11,794,543	\$ 12,480,418	-\$ 685,875		2.22%	
Total Cash & At Call Investments		\$ 11,794,543	\$ 12,480,418	-\$ 685,875		2.22%	
Term Deposits	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
Suncorp	799	\$ -	\$ 2,000,000	-\$ 2,000,000	04/04/2022	1.15%	04/10/2022
National Australia Bank	375	\$ -	\$ 1,500,000	-\$ 1,500,000	29/07/2022	2.62%	31/10/2022
National Australia Bank	375	\$ -	\$ 1,500,000	-\$ 1,500,000	31/08/2022	2.45%	31/10/2022
Bendigo and Adelaide Bank Limited	310-A	\$ 500,000	\$ 500,000	\$ -	25/11/2021	0.50%	25/11/2022
Bendigo and Adelaide Bank Limited	329-T	\$ 500,000	\$ 500,000	\$ -	25/11/2021	0.50%	25/11/2022
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.52%	01/12/2022
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	2.45%	01/12/2022
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	16/12/2021	1.00%	07/12/2022
Suncorp	799	\$ 1,003,500	\$ 1,003,500	\$ -	23/09/2022	3.41%	23/12/2022
AMP Bank	328	\$ 1,000,000	\$ 1,000,000	\$ -	17/01/2022	1.10%	17/01/2023
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	29/07/2022	3.25%	30/01/2023
National Australia Bank	375	\$ 1,500,000	\$ -	\$ 1,500,000	31/10/2022	3.60%	31/01/2023
Bank of Queensland	335	\$ 2,000,000	\$ 2,000,000	\$ -	21/02/2022	0.90%	21/02/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	30/08/2022	3.49%	28/02/2023
Suncorp	484	\$ 1,000,000	\$ 1,000,000	\$ -	15/06/2022	3.53%	15/03/2023
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2022	1.00%	20/03/2023
ICBC Sydney Branch	336	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.65%	11/04/2023
Suncorp	484	\$ 1,500,000	\$ -	\$ 1,500,000	27/10/2022	4.20%	27/04/2023
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2022	2.27%	27/04/2023
Suncorp	484	\$ 1,500,000	\$ -	\$ 1,500,000	31/10/2022	4.26%	28/04/2023
Westpac	032	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.88%	01/06/2023
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	3.20%	01/06/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2022	4.13%	07/09/2023
Bank of Queensland (Formerly ME Bank)	010	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.85%	08/04/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024
Total TD's		\$ 38,503,500	\$ 39,003,500	-\$ 500,000		1.95%	
Total Cash & Investments		\$ 50,298,043	\$ 51,483,918	-\$ 1,185,875		2.02%	



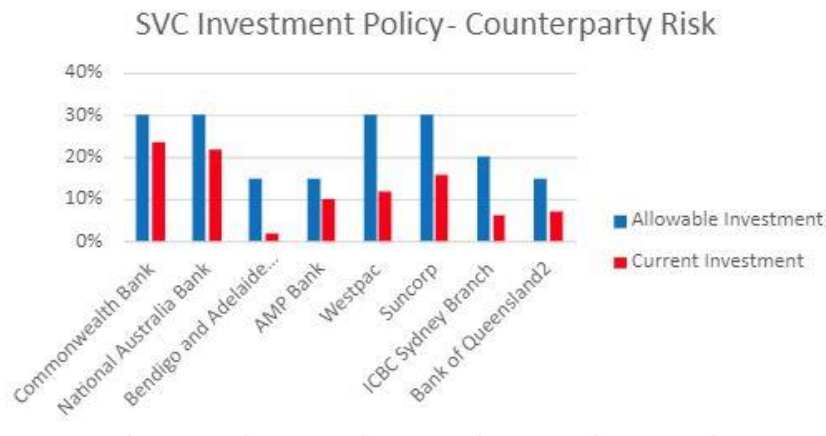
It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's Investment Policy. Cash and Investments decreased \$1.18m in October 2022.

Cash and Investment rates are levelling out with the market factoring in forward expectations of 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 received updates from Council's financial advisors.

SVC Cash Investments and Weighted Return



This month the report includes a focus on counterparty risk. As at the end of October, applying long-term ratings only, all individual banks were within the policy limits. Overall, the portfolio is lightly diversified across the investment grade credit spectrum, with no exposure to unrated institutions.



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 Council's 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 investments.

OPTIONS:

Nil.

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.

10.5. QUARTERLY BUDGET REVIEW - AS AT 30 SEPTEMBER 2022

REPORT AUTHOR: COORDINATOR MANAGEMENT ACCOUNTING

RESPONSIBLE DIRECTOR: INTERIM CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

This report provides a summary of Council's financial performance against budget as at 30 September 2022. Council's projected result shows increased income of \$5.66 million and increased expenditure of \$4.85 million compared to the original budget.

The original budget forecast a surplus of \$27.61 million including capital grants and contributions, and a deficit of \$1.20 million excluding capital grants and contributions. Capital grants and contributions consist of income received for the purpose of building new or replacement assets and the offsetting capital expenditure is not reported in the operating result. After the proposed adjustments in the attached quarterly report, the projected result is forecast to be an operating surplus of \$28.42 million and a deficit of \$1.17 million excluding capital grants and contributions. Unrestricted cash reserves are estimated to be satisfactory at year end.

RECOMMENDATION:

THAT COUNCIL:

- 1. Adopts the quarterly budget review as at 30 September 2022; and**
- 2. Adopts revenue, expenditure and capital budget adjustments as noted in the September 2022 quarterly budget review.**

BACKGROUND:

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

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

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

The 2022/23 annual budget was adopted on 16 June 2022.

REPORT:

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

The original 2022/23 budget forecast a surplus of \$27.61 million, including income received as grants for the purpose of building new or replacement assets. Funding received for capital items is reported in Council's overall operational result. When excluding funding received for capital grants, the original budget forecast a deficit of \$1.20 million.

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

- receiving grant funding
- recognising increased/decreased expenditure and income
- resolving to adjust income or expenditure

This report provides a summary of Council's financial performance against budget as at 30 September 2022. At the end of quarter one, the proposed adjustments (detailed in the attached quarterly report) are as follows:

- \$200,000 increase in interest income.
 - Interest rates received, in the first quarter, for short term deposits have increased from an average of 0.71% in April 2022 to 1.65% in September 2022. This adjustment reflects the anticipated additional income from increased interest.
- \$201,000 increase in other income.
 - Insurance claim receipts from Emulsion spill clean-up.
- \$4.73 million increase in operating grants and contributions.
 - \$4.00 million increase - grant funded projects (11 projects), where all or part of the funds were received in the prior year and are expected to be completed this financial year.
 - \$576,000 increase - adjustment to the federal assistance grant.
 - \$115,000 increase - floodplain management plan grant.
- \$787,000 increase in capital grants and contributions.
 - \$6.80 million increase - grant funded projects (15 projects), where all or part of the funds were received in the prior year and are expected to be completed this financial year
 - \$9.40 million reduction - budgeted income has been reduced for two projects that will not be completed in this financial year due to factors outside Council's control. Aerodrome upgrade, original budget of \$10.00 million down to \$1.85 million (\$8.15 million) and Brindabella Road, original budget \$2.77 million down to \$1.50 million (\$1.27 million).
 - \$3.3 million increase - five new capital grants received.
- \$541,000 increase in employee costs.
 - \$998,000 increase - removal of sustainability savings not realised.
 - \$166,000 increase - additional overtime required to cover above vacancies.
 - \$270,000 increase - additional private works overtime offset by reduction in material and services due to lack of accommodation near work site.
 - \$893,000 decrease - savings from more than usual vacant positions.
- \$460,000 increase in proceeds of sale of assets.
 - Sale of council land.
- \$6.01 million increase materials and services.
 - \$544,000 increase - contractor expense for acting Executives to cover recruitment process, offset by reduced wages above.
 - \$636,000 increase - removal of sustainability savings not realised.
 - \$4.00 million increase - grant funded projects (11 projects), where all or part of the funds were received in the prior year and works are expected to be completed this financial year
 - \$144,000 increase - floodplain management plan partly offset by grant income of \$115,000.
 - \$50,000 increase - additional legal fees for planning activities.
 - \$26,000 increase - landfill gap analysis.
 - \$156,000 decrease - savings from installation of LED streetlights not recognised in the budget.

- \$455,000 increase - managed service contract for information technology services.
- \$530,000 increase - additional cost to complete Snow View Estate.

As a result, the projected 2022/23 result is forecast to be an operating surplus of \$28.42 million and a loss of \$1.17 million excluding capital grants and contributions.

Unrestricted cash reserves are estimated to be \$2.00 million, which is within Council policy requirements.

Summary of Council's operating position at end of September 2022

Council's income at end of September 2022 was 10% above budget, while expenditure was 10% above budget. Both income and expenditure are above budget due to carryover grant projects.

A summarised financial report for Council is provided below for September 2022, comparing the operating year-to-date (YTD) actuals against the YTD budget. This report provides the interim results for the financial year and represents the appropriate adjustments at the time of the report, noting that more adjustments will be made. The purpose of this report is to provide an indication of Council's financial performance at a particular point in time.



Monthly Operating Result for September 2022

Overall Council Summary

Account Description	Actual YTD	Budget YTD	% Variance YTD	\$ Variance YTD	Original Budget 21PJBD
Income					
Rates, Levies & Annual Charges	20,180,110	20,403,345	-1.09%	(223,235)	20,768,000
User Charges & Fees	4,075,352	3,785,250	7.66%	290,102	15,141,000
Interest & Investment Revenue	173,040	82,500	109.75%	90,540	330,000
Other Income	567,420	363,500	56.10%	203,919	934,000
Operating Grants & Contributions	4,040,279	2,700,000	49.64%	1,340,279	10,800,000
Capital Grants & Contributions	5,911,933	5,002,250	18.19%	909,683	28,809,000
Income on Sale of Assets	519,472	0	no budget	519,472	0
Total Income	35,467,605	32,336,845	10%	3,130,760	76,782,000
Expenses					
Employee Costs	3,672,681	4,061,513	9.57%	388,831	17,244,000
Materials & Contracts	6,874,822	5,217,516	-31.76%	(1,657,305)	19,069,000
Depreciation & Impairment	2,750,000	2,745,999	-0.15%	(4,001)	10,984,000
Other Expenses	507,386	476,650	-6.45%	(30,736)	1,527,000
Interest & Investment Losses	108,717	106,017	-2.55%	(2,700)	344,000
Cost of Assets Sold/Disposed	0	0	no budget	0	0
Total Expenses	13,913,607	12,607,695	-10%	(\$1,305,912)	49,168,000
Operating Result	21,553,999	19,729,150	9%	1,824,849	27,614,000

Income

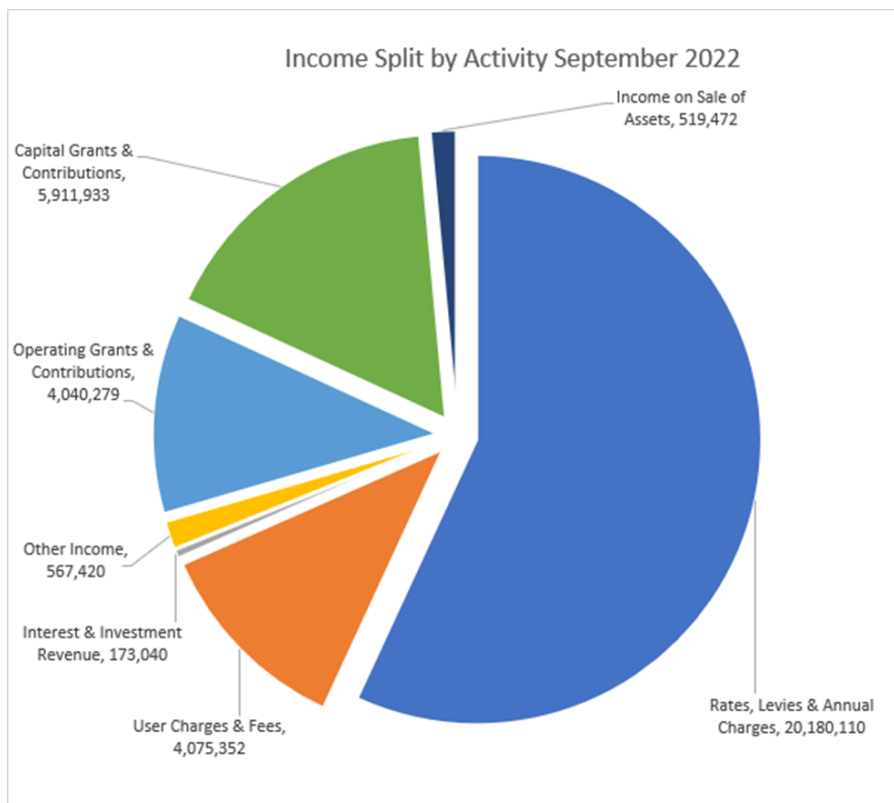
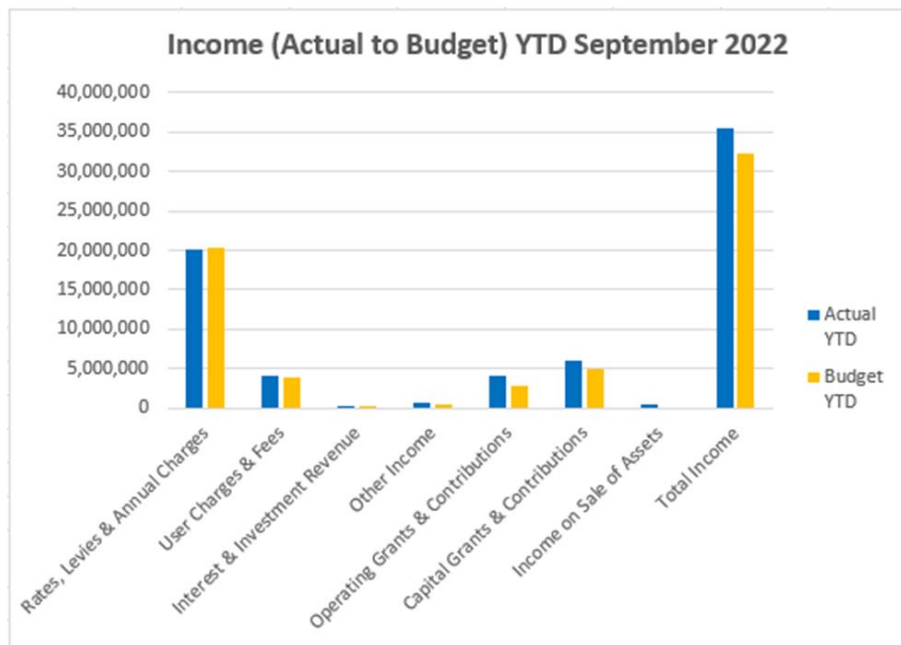
Investment Income above YTD budget \$91,000 (109.75%). The interest rate received on short term investments has increase from an average of 0.71% in April 2022 to an average of 1.62% in September 2022.

Other income above YTD budget \$204,000 (56.10%). Proceeds from Insurance claim from prior years expenditure, \$200,000.

Operational grants and contributions above budget \$1.34 million (49.64%). Recognising prior years' grants received not spent, offset by increase in operational expenditure.

Capital grants and contributions above budget \$910,000 (18.19%). Recognising prior year's grants received not spent, offset by increase in capital expenditure.

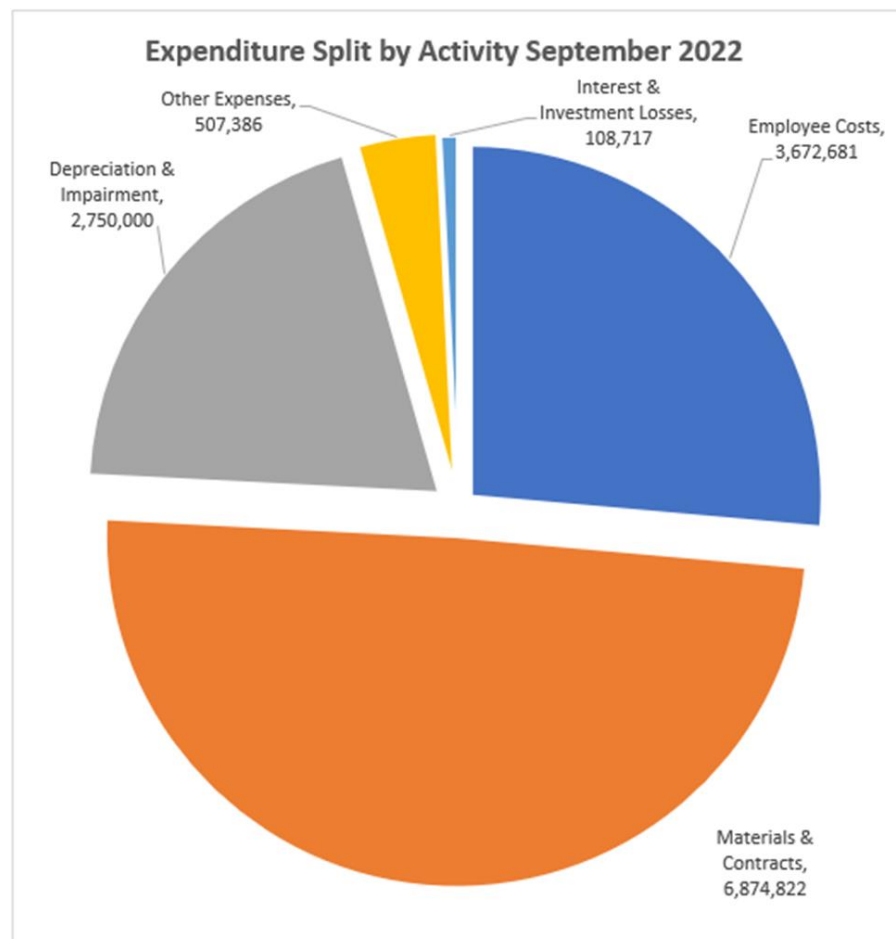
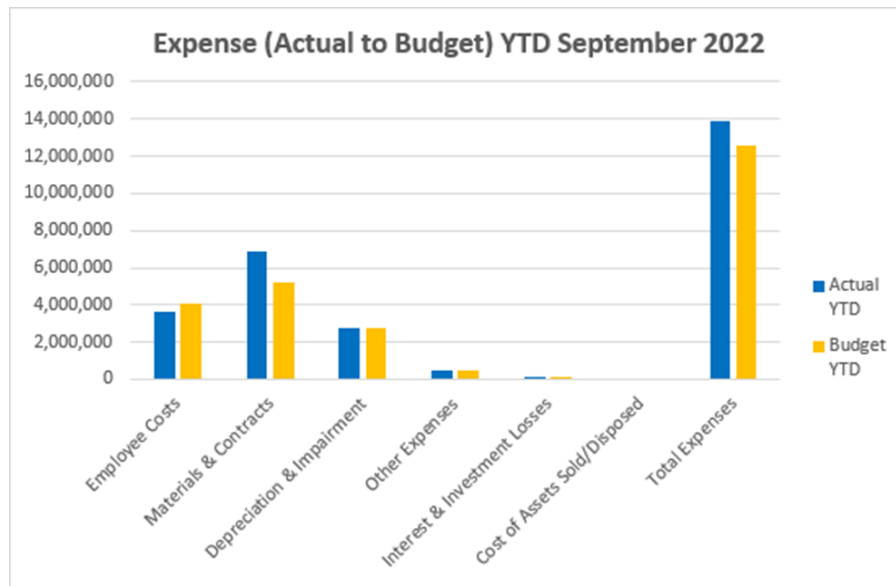
Sale of Assets above budget \$519,000. Sale of Land \$400,000 and profit on plant replacement program \$119,000.



Expenditure

Employee Cost below budget \$388,000 (9.57%). Due to the tight employment market, Council has a larger than normal number of staff vacancies. Wages are down \$893,000. Overtime is up \$248,000. Additional expense has been incurred in the Materials and Services for contracted staff to back fill a small number of positions.

Materials and Contracts above budget \$1.66 million (31.76%). Cost incurred in completing prior years grants, and additional contractor cost to back fill some vacant positions.



Capital

7.30% of the projected capital budget has been expensed at the end of September 2022. This is to be expected as the conditions over winter are not favourable for construction works and construction staff take winter leave during this period.

Water Fund

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

Sewer Fund

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

Unrestricted Cash

The unrestricted cash position at 30 September 2022 and projected at financial year-end is satisfactory. Unrestricted cash is to be available to cover unexpected and emergency expenses that are not provided for in the annual budget or an available reserve. The level of unrestricted cash fluctuates during the year depending on cash receipts and cash payments, adherence to capital budget plans and Council decisions where reserve funding is allocated.

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:

Monitoring of the Quarterly Budget Review enables timely financial management.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Quarterly reporting allows Council to stay informed of the progress of the budget to actual income and expenditure.

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

1. Quarterly Budget Review September 2022 (under separate cover)

10.6. PRESENTATION OF THE 2021/22 ANNUAL FINANCIAL STATEMENTS

REPORT AUTHOR: INTERIM CHIEF FINANCIAL OFFICER

RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

THAT COUNCIL:

1. Note the report on the Presentation of the 2021/22 Annual Financial Statements; and
2. Formally present the 2021/22 Audited Financial Statements and Audit Reports to the public in accordance with Sections 418 and 419 of the *Local Government Act 1993*.

BACKGROUND:

Snowy Valleys Council's audited 2021/22 Annual Financial Statements have been finalised. The NSW Audit Office have provided their audit reports and the Audited Financial Statements were submitted to the Office of Local Government prior to the deadline of 31 October 2022.

REPORT:

Council has provided public notice that the Financial Statements and Auditor's reports will be presented at this meeting which is in accordance with Section 418 of the *Local Government Act 1993* and has invited public submissions. Public submissions will remain open until 24 November 2022.

A summary of the Financial Statements is provided below.

	2022 \$ '000	2021 \$ '000
Income Statement		
Total income from continuing operations	73,553	76,699
Total expenses from continuing operations	79,520	69,939
Operating result from continuing operations	(5,967)	6,760
Net operating result for the year	(5,967)	6,760
Net operating result before grants and contributions provided for capital purposes	(19,716)	(4,980)
Statement of Financial Position		
Total current assets	48,496	45,582
Total current liabilities	(26,861)	(18,921)
Total non-current assets	719,805	663,648
Total non-current liabilities	(6,196)	(8,442)
Total equity	735,244	681,867
Other financial information		
Unrestricted current ratio (times)	1.79	2.81
Operating performance ratio (%)	(3.88)%	(4.12)%
Debt service cover ratio (times)	5.71	4.73
Rates and annual charges outstanding ratio (%)	3.95%	5.56%
Infrastructure renewals ratio (%)	231.72%	198.02%
Own source operating revenue ratio (%)	60.80%	51.64%
Cash expense cover ratio (months)	10.46	7.46

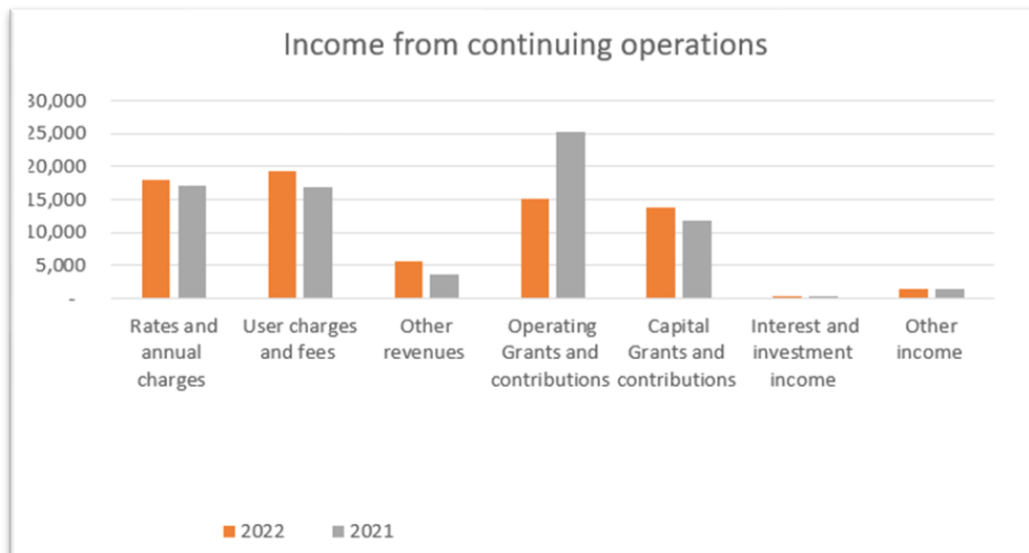
Overview of 2021/22 Financial Statements

Council's financial statements provide great insight into Council's business and financial wellbeing. The overall operating result from continuing operations for 2021/22 is a deficit of \$5.97 million, while the net operating result when excluding capital grants and contributions is a deficit of \$19.72 million. Council's revenue decreased by \$3.15 million and operating expenses increased by \$9.58 million.

The revaluation decrement has reduced from the amount reported in the draft 2021/22 Financial Statements by the amount of \$1.01 million following a review of the asset revaluation reserves available for each class of asset owned by Council. This resulted in the net operating result from continuing operations improving to a deficit of \$5.97 million, from the previously reported draft deficit of \$6.98 million and the net operating result when excluding grants and contributions provided for capital purposes results improving to a deficit of \$19.72 million, from the previously reported deficit of \$20.73 million.

As expected, Council's 2021/22 Financial Statements were Qualified by the Auditor-General of New South Wales due to the non-recognition of rural fire-fighting assets in whose opinion are assets controlled by Council and should be recognised as assets in accordance with AASB116 'Property, Plant and Equipment'. Council, as documented, is of a differing opinion and does not believe they have the ability to allow or prevent other entities from directing the use of and/or obtaining benefits from these assets therefore there is not a requirement to recognise these assets in their financial records.

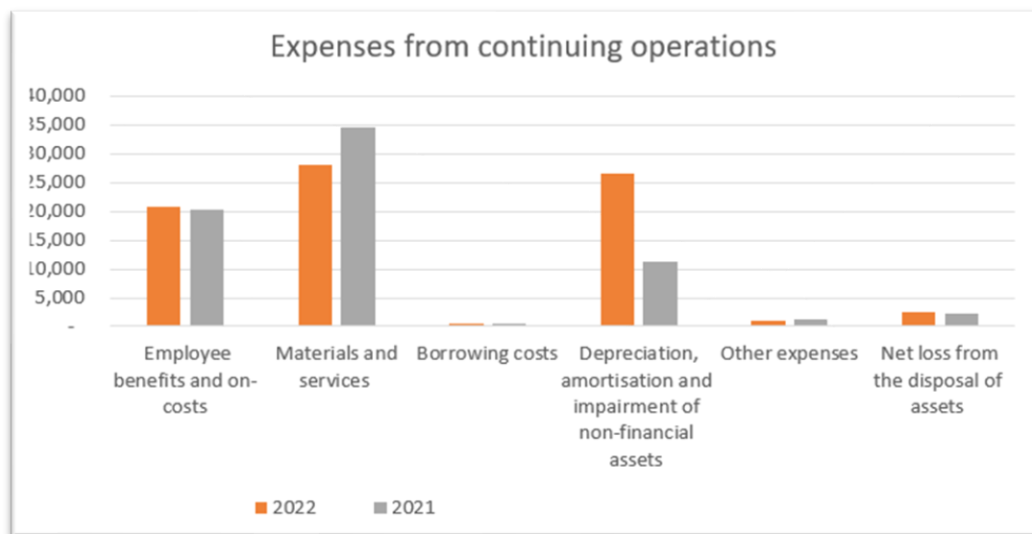
Profit and Loss



Council's revenue decreased by \$3.15 million compared to last year, mainly due to:

- a net reduction in grant income of \$8.26 million due to:
 - decreased grants for bushfire and emergency services of \$6.76 million
 - decreased grants for stronger communities and implementation funding of \$7.40 million
 - increased grants to fund road and bridge repairs of \$5.76 million
- a net increase in user charges and fees of \$2.40 million due to:
 - increased private works income of \$2.12 million
 - increased water usage charges of \$287,000
 - increased Transport for NSW works of \$240,000
 - decreased medical service fees of \$323,000
- increased rates and annual charges of \$0.95 million

- increased other revenues of \$1.99 million primarily related to disaster management reimbursements.

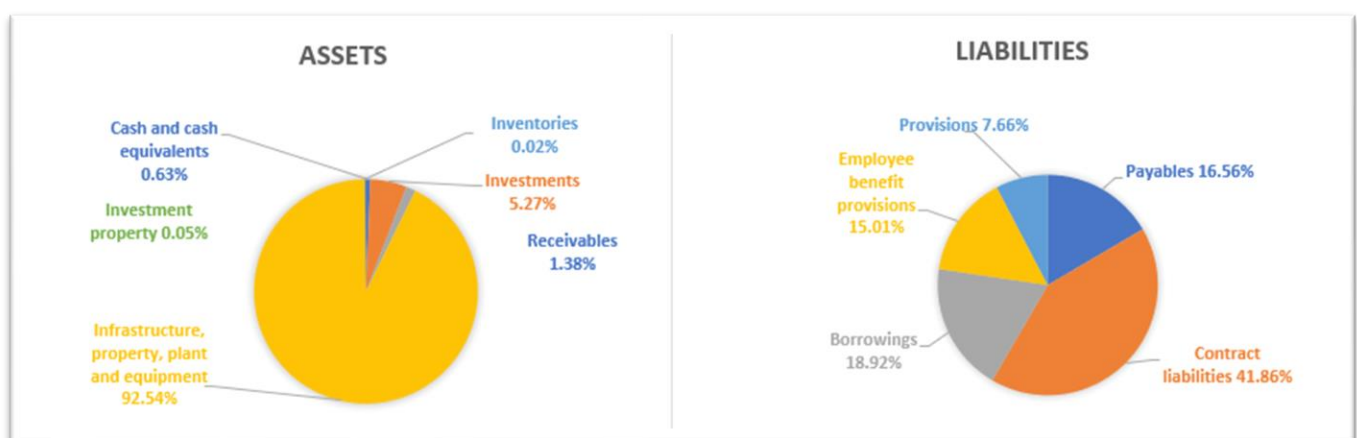


Council's overall operating expenditure increased by \$9.58 million compared to last year, mainly due to increased depreciation, amortisation and impairment of \$16.36 million, offset by a decrease in operating expenditure against materials and services of \$6.36 million. The increase in depreciation is due to the revaluation of water and sewer assets which resulted in a revaluation decrement of \$14.81 million.

Following a review of asset revaluation reserves it was found that since amalgamation, revaluation increments for water and sewer assets were allocated to other asset classes. A further reconciliation of asset revaluation reserves will be undertaken throughout this financial year to ensure their accuracy.

Employee costs of \$20.82 million were marginally higher than the previous year (2020/21 - \$20.25 million) primarily related to salary and wages increase of \$553,000, employee leave entitlements increase of \$555,000 which was offset by a capitalised wage increase of \$444,000. The decreased expenditure related to materials and contracts of \$6.36 million are primarily attributed to reduced expenditure for raw material and consumables (\$1.32 million), contractor costs (\$3.76 million) and consultancy costs (\$1.01 million).

Financial Position



At year end, Council held \$768.30 million in assets, of which \$710.97 million were in the form of infrastructure, property, plant and equipment. Council's equity consists of a revaluation reserve, which was \$141.13 million and accumulated surplus from current and previous years of \$594.12 million (total equity \$735.24 million). The difference between total assets and total equity is made up of liabilities of \$33.06 million.

A complete revaluation of Council's water and sewer asset classes was undertaken during the year which resulted in a decrease in the value of water assets by \$15.82 million and sewer assets by \$3.60 million. In addition, indexation was applied to infrastructure and property asset classes which resulted in a \$63.95 million increase in value of these assets.

Council held \$45.33 million in cash or cash equivalents, consisting of \$37.66 million held for externally restricted purposes and \$7.67 million for internally and unrestricted purposes. Council had \$6.25 million external borrowings which reflects a low and very manageable debt level.

Final Management Letter

Council's Auditor has provided a summary of two (2) new points and six (6) repeat points to be contained in the final Management Letter with five (5) points closed out, as follows:

New points:

- Fair value and impairment assessment – infrastructure, property, plant and equipment
- Committees established by Council (sector related point)

Open prior period points:

- Rural fire-fighting assets not recognised in the financial statements
- Cyber security
- Review of debtor masterfile changes
- IT – User access
- IT – Business continuity and disaster recovery
- IT – Change management

Closed points:

- Cash (Treasury) – Use of restricted funds
- Review of related party policy
- Asset remediation provision position paper
- Audit, Risk and Improvement Committee review
- Sundry debtors review.

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:

Nil.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Section 418 and 419 of the *Local Government Act 1993*. Council is required to advertise a summary of the financial result for the year and formally present the Annual Financial Statements to the public.

Any person may make a written submission with respect to the financial reports, within seven (7) days of the reports being presented to the public.

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:Internal Communication

- Mayor, Deputy Mayor and Councillors
- Audit, Risk and Improvement Committee

External Communication

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

ATTACHMENTS

1. 2021/22 Annual Financial Statements (under separate cover)

10.7. REVIEW OF ARRANGEMENTS TO SETTLE ACCOUNT POLICY FOR PUBLIC EXHIBITION

REPORT AUTHOR: INTERIM CHIEF FINANCIAL OFFICER

RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

A review of Council's Arrangement to Settle Accounts Policy has been conducted to ensure continued appropriate practices are in place to maintain cashflow and minimise outstanding debtors in a timely manner.

RECOMMENDATION:

THAT COUNCIL:

- 1. Approve the updated Arrangements to Settle Account Policy SVC-Fin-PO-084-02 for public exhibition for a period of no less than 28 days;**
- 2. Note if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Arrangements to Settle Account Policy; and**
- 3. Adopt the Arrangements to Settle Accounts Policy if no submissions are received on the day after the completion of the public exhibition period.**

BACKGROUND:

Council policies explain the way we work and make decisions. Our policies are regularly updated to make sure they are current and relevant and generally the community are invited to comment on new, or changes to existing policies, before they are adopted and implemented.

REPORT:

Council's Arrangements to Settle Account Policy was established in November 2019. This policy has been reviewed internally with minor changes being made as follows:

- Part 3 Definitions - has been expanded for greater clarity.
- Part 4 Content - rewording of sentence for greater clarity and position title change.

The draft Arrangements to Settle Account Policy, with track changes, is contained in Attachment 1.

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:

Sound processes around debt collection will allow interest returns to be maximised taking into account cash flow requirements.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal consultation was undertaken in October 2022.

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

Any relevant and applicable feedback will be collated by Council officers and returned to Council.

ATTACHMENTS

1. Draft Arrangements to Settle Account Policy (under separate cover)

11. MANAGEMENT REPORTS

11.1. DA2022/0099 - LOT 32, DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720

REPORT AUTHOR: COORDINATOR GROWTH & DEVELOPMENT

RESPONSIBLE OFFICER: GENERAL MANAGER

EXECUTIVE SUMMARY:

Development application DA2022/0099 was lodged with Council on 21 June 2022 seeking development consent for the purposes of proposed alteration and additions to an existing secondary dwelling under section 4.7 of Snowy Valley's Development Control Plan - Dwelling House in Large Lot Residential, Rural and Environmental Management Zones and 8.3 Goobarragandra Valley at Lot 32, DP 1120073, known as 3/722 Little River Road, Little River NSW 2720. The merits of the proposal consist of alteration and additions to an existing secondary dwelling consisting of open plan living area, kitchen, dining, deck and minor demolition of a timber pergola and paving area. The application was notified under Council's adopted Community Participation Plan for the period 27 July 2022 to 10 August 2022.

The proposal has been reported to full Council on the basis that it is a public interest matter given the number of submissions that have been received during the notification period. 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 approved subject to conditions.

Applicant	Mel Tsarevich
Land owner	David Sheldon, Deborah Sheldon
Zoning Context	RU1- Primary Production
Capital Investment Vale (\$)	\$98,000
Notification Period	Community Participation Plan – 14 days
Number of submissions	Five (5)
Political Donations declaration	Nil
Reasons for referral to Council	Public interest matter

RECOMMENDATION:

THAT COUNCIL:

1. **Approve Development Application 2022/0099 for proposed residential alterations and additions to an existing secondary dwelling at Lot 32, DP1120073 known as Little River Road, Little River subject to conditions of consent as outlined in Attachment 3.**

BACKGROUND:

On 21 June 2022 Council received a development application for the proposed alteration and additions to an existing secondary dwelling under DA2022/0099. The merits of the proposal consist of alteration and additions to an existing secondary dwelling consisting of an open plan living area, kitchen, dining, deck and minor demolition of a timber pergola and paving area.

Previous approved developments / activities

Council records indicate that a number of previous approvals have been issued on the subject site which includes:

- DA2002/03-261 DA Only erection 2 Holiday Cabins
- CC2003/04-073 CC Only (DA2002/03-261) Erection 2 Holiday Cabins
- CDC03/04-135 Additions of Verandahs to the 2 Cabins
- DA & CC Holiday Cabin & Sec 68 LG Aerated Septic Tank 2004/05-360
- DA Only Temporary Land Use – Event “Excite” DA14-15-017
- DA Only - Excite Elm Cottage Extreme Cooking & Indigenous Tourism Event DA2015/0044
- DA2016/0025 CC2016/0022 Ancillary Development 2 Bed Holiday Cabin – Tourist Accommodation
- Construction Certificate CC2016/0022 Ancillary Development – 2 Bed Holiday Cabin – Tourist Accommodation Determination
- DA2018/0059 CC2018/0050 Alterations/Additions – Carers Accommodation to Disabled Cottage
- Development Consent DA2018/0059 Alterations/Additions – Carers Accommodation to Disabled Cottage Determination/Operative
- Construction Certificate CC2018/0050 Alterations/Additions – Carers Accommodation to Disabled Cottage Determination/Operative
- DA Only 07/08-292 Dual Occupancy & LG Section 68 Septic Tank
- Notice of Determination Development Consent DA 07/08-292 Dual Occupancy
- Notice of Determination Aerated Wastewater Treatment System DA07/08-293
- Modification of DA08/09-168 (original DA 07/08-292) Section 4.55(1)(a) Minor Amendment – alteration to floor structure
- Modification of Development Consent DA08/09-168 Section 4.55(1)(a) minor amendment – alteration to floor structure

The approvals relate to a number of uses including tourist and visitor accommodation, residential dwellings and dual occupancies and activity type uses.

Subject site and locality

The development site is known as 3/722 Little River Road, Little River NSW 2720 and is legally described as Lot 32, DP 1120073. The land is 3.9 hectares in area and forms an irregular rectangle in shape. The northern boundary has direct frontage to the Goobarragandra River and the land falls towards the river in a north-westerly direction and the proposed development is approximately 36.5 metres from the Goobarragandra River foreshore. 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 Little River area and is zoned RU1 Primary Production under the *Tumut Local Environmental Plan 2012* (LEP), with the surrounding land currently being utilised for residential and primary production land uses. It is considered that the proposal is generally consistent with the surrounding existing land uses with the site currently utilised for residential and tourism accommodation purposes.



Figure 1: Aerial of Subject Site (Lot 32, DP 1120073, known as 3/722 Little River Road, Little River NSW 2720) Source: SVC IntraMaps



Figure 2: Cadastral map of subject site and surrounding properties. Source: SVC IntraMaps

Proposed Development

The development application seeks the alteration and additions to an existing secondary dwelling consisting of open plan living area, kitchen, dining, deck and minor demolition of a timber pergola and paving area.

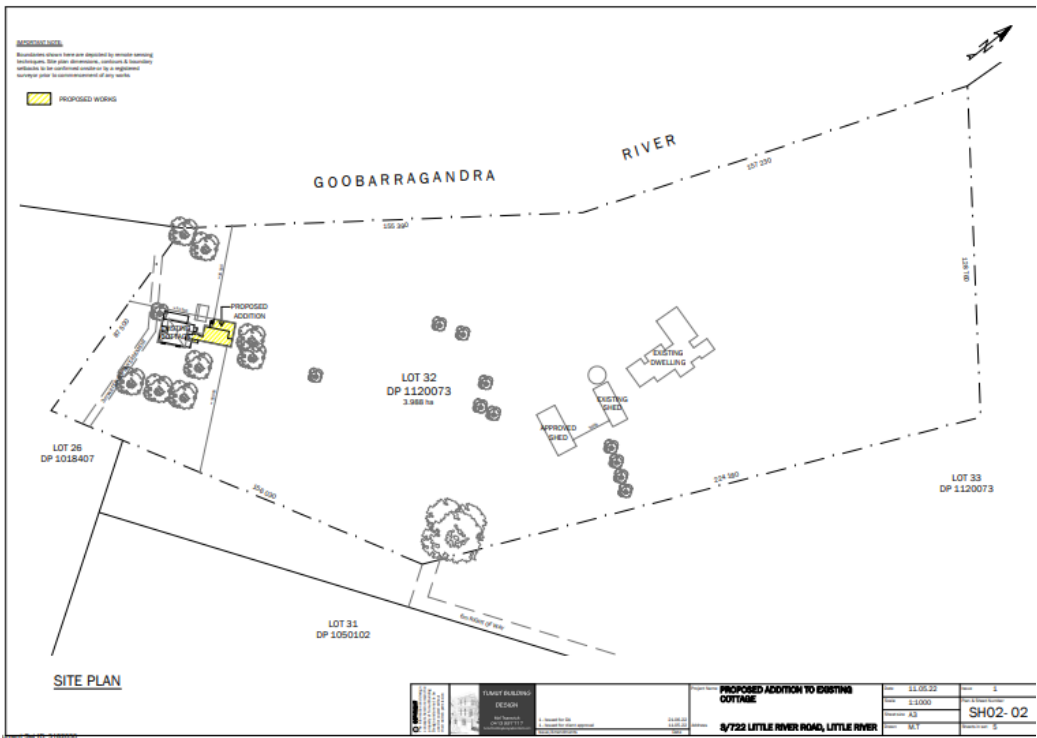


Figure 3: Site plan. Source from plans

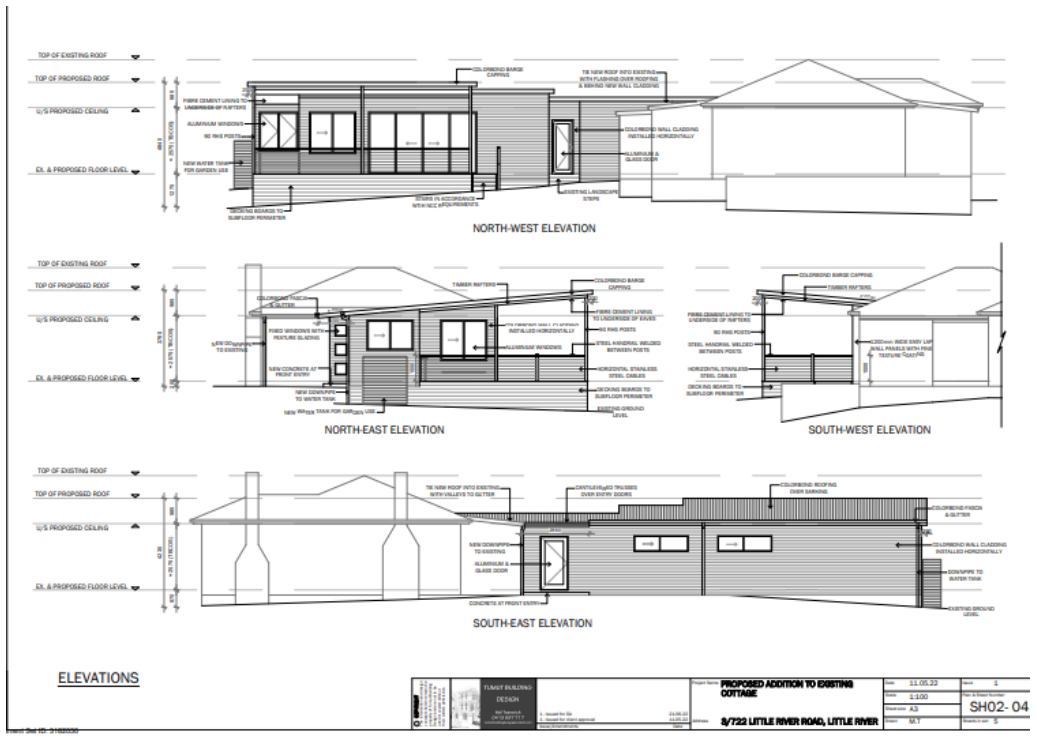


Figure 4: Elevations. Source from plans

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 requires a BASIX certificate to accompany with development application. The proposed development satisfies the objectives of policy by the submission of BASIX certification (No: A457315) in which the building is subject to conditions to be fulfilled at the completion.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

• Clause 3.6 – Is the land potential koala habitat?

Given the vegetation types observed on the land and also the location of any vegetation, the land is not considered to be potential Koala Habitat as defined within the SEPP. No vegetation is proposed to be removed as part of this application.

Local Environmental Plans

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

• Clause 1.2 Aims of the Plan

The aims of the Tumut Local Environment Plan 2012 are:

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

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

• Clause 2.3 - Zone objectives and Land Use Table

The subject site is zoned RU1 Primary Production under the provisions of the Tumut LEP 2012 (LEP) (see Fig. 11 below).

Objectives of zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.*
- *To ensure development prevents or mitigates land degradation.*

The proposal is generally consistent with the overall objectives of the zone.



Figure 5: Zoning Map of Subject Site and Locality. Source: SVC IntraMaps

• Clause 6.4 - Groundwater Vulnerability and Wastewater

(2) This clause applies to land identified as “Groundwater Vulnerability” on the LEP Groundwater Vulnerability Map (refer Figure 12 below). Part of the land adjoining the river is mapped for groundwater vulnerability. This has implications for the treatment of wastewater on site from the development. Clause 6.4 applies to land identified as “Groundwater Vulnerability” on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Waste Water is proposed to be disposed of via the existing system and it is not anticipated that there will be any additional load on the system as a result of this development as there are no additional bedrooms proposed. Storm water on the site is to be connected to existing rainwater tanks and will be reused as potable domestic supply onsite.

Development consent may be considered to development on land to which this clause applies because the consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact.



Figure 6: Groundwater vulnerability mapping. Source: SVC IntraMaps

• **Clause 6.5** - Riparian lands and watercourses

This clause applies to all of the following—

- (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map (refer Figure 7 below),
- (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

The proposed development site is within 40 metres from the watercourse on land identified as “Watercourse” on that map. Therefore, the application was referred to the NSW Department of Planning and Environment and the government agency has provided an exemption under the *Water Management Act*, General Regulation; Schedule 4.29- Activities with respect to dwellings. A condition of development consent shall be applied that restricts the dwelling to residential purposes and not use the building for the purposes of tourist and visitor accommodation.



Figure 7: Riparian lands and watercourses mapping. Source: SVC IntraMaps

• Clause 6.8 - Landslide Risk Land and Earthworks

This clause applies to land identified as “Landslide risk land” on the Landslide Risk Map (refer Figure 8 below).

The land is shown upon the landslide risk land layer; however, this is a landscape wide indicator and the slope of the subject land is not excessive but there is a gradual fall to the northwest. Clause 6.8 of the LEP has certain provisions relating to landslide risk.

This application is accompanied by geotechnical information which establishes that the site is classified P: - Abnormal Site by reference to AS2870:2011 due to abnormal moisture conditions. The development proposal requires earthworks to establish the piers for the proposed building. The earthworks are very minor and not excessive and the existing gradient of the building location is not steep. It is not proposed that there will be any cut and fill proposed on the land. The geotechnical analysis has not identified any issues with the proposed siting of the additions and alterations or that it is likely to cause any issues relating to landslip.

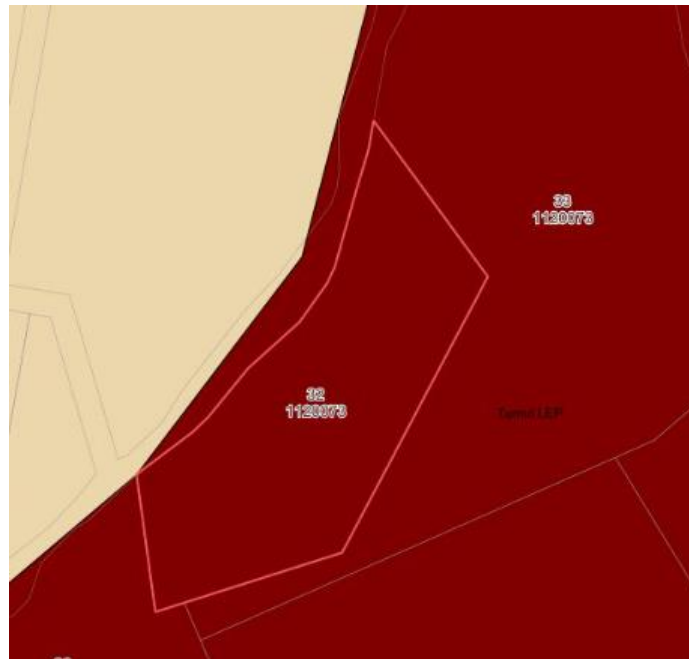


Figure 8: Landslide risk land mapping. Source: SVC IntraMaps

Development Control Plans

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

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 (SVC DCP 2019) that applies to the land.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.1 Vehicle access standards	Vehicle access to all development is to be designed to be safe.	Existing access arrangements are to be retained via an existing 6 metre wide easement. Note: A secondary access to the site from the easement is being investigated by Council as the road was constructed in the	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
		absence of development consent. The access is not expected to affect practical access to the proposed development.	
3.2.2 Bushfire	On land that is mapped as bush fire prone land a development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines.	The proposal has been assessed under the grassland deeming provisions, as an APZ 20-49m can be provided. The development will comply grassland deeming provisions, BAL 12.5. Accordingly the development complies with the Planning for Bushfire Protection Guidelines.	Yes
3.2.3 Carparking	Sufficient on-site car parking is to be provided for all development proposals.	The site occupies an area to enable sufficient on-site car parking for any occupants of the residence.	Yes
3.2.4 Construction over Council land and services	n/a	No construction over Council land or services are proposed.	n/a
3.2.5 Contaminated land	n/a	The site is considered to be suitable in its current state for the proposed development. A desktop survey and site inspection has not revealed any previous uses that would constitute the site being contaminated.	Yes
3.2.6 Cut and fill	For any development the maximum level of cut must not exceed 1.0 metre below the ground level (existing) and the maximum level of fill must not exceed 1.0 metre above ground level (existing).	No cut and fill is proposed as the additions are proposed to be on piers.	Yes
3.2.7 Demolition	All demolition work is required to comply with AS2601-2001 - The Demolition of Structures	All demolition work is required to comply with AS2601-2001, A condition of	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	(as amended) in accordance with a detailed work plan prepared by a suitably qualified person.	development consent will be applied to ensure all demolition works comply with the Australian standard.	
3.2.8 Development near electrical easements	All proposed activities within and immediately adjacent to electricity easements and infrastructure require approval from the relevant utility providers.	Any proposed works will be clear of any easements and associated utility infrastructure.	Yes
3.2.9 Erosion & sediment control	Runoff is to be managed to prevent any land degradation including offsite sedimentation. Arrangements are to be implemented to instigate revegetation of earthworks to minimise erosion. Site activities must be planned and managed to minimise soil disturbance.	Conditions of consent will be applied to ensure that the development complies with sediment and erosion control measures.	Yes
3.2.10 Flooding	n/a	The development is outside of the flood planning area and the AHD level is above the known historical flood levels for the proposed development.	n/a
3.2.11 Heritage	n/a	There are no known heritage items on or near the site. Historically the site is highly disturbed, with the likelihood of artefacts being located on the site being low.	n/a
3.2.12 Landscaping	Landscape design is to enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	There is existing landscaping on the site. A condition will be applied to any consent requiring the additional planting of indigenous species.	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.13 On-site Wastewater Management (OSSM)	Where a site is not serviced by a reticulated sewerage system an approved wastewater management system is to be installed.	The proposed development will not increase any load on existing septic systems and therefore no upgrade to the system is required.	Yes
3.2.14 Provision of services	<p>Where access to reticulated sewer is not available, arrangements must meet Council requirements in relation to OSSM.</p> <p>Where connection to the reticulated water supply system is not available, new development is to be provided with sufficient water storage.</p> <p>Development must be provided with an adequate connection to grid supplied electricity services or its equivalent.</p>	<p>There is no reticulated gas, water or sewer in this location. The development provides for onsite sewer management on the land from the existing system.</p> <p>Collected rainwater is proposed to be utilised for the provision of water to the site.</p>	Yes
3.2.15 Retaining walls	<p>Any retaining wall that is not complying or exempt development, and is higher than 800mm must be designed by a structural engineer and made from appropriate material.</p> <p>Any retaining wall must not adversely alter surface flows to adjoining private land</p>	No significant retaining walls are proposed as part of this development.	Yes
3.2.16 Safer by design	Crime Prevention Legislative Guidelines requires that Council ensure developments provide safety and security to users and the community	The proposed development generally is in accordance with Crime Prevention Through Environmental Design (CPTED) principles.	Yes
3.2.17 Stormwater / roof water Management	Stormwater, roof water and rainwater tank overflow must be collected and disposed of (under gravity) or, in	The development proposes the capture of rainwater for reuse.	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	rural areas, managed and retained within the site.		
8.3 Locality Based Controls - Goobarragandra Valley	<p>Future development in the valley must be sensitive to this fragile environment.</p> <p>This is to be achieved by off-setting the unavoidable adverse impact by adding creating environmental improvements, including as applicable to the development site:</p> <ul style="list-style-type: none"> • creation of riparian zones along the banks of waterways • planting of indigenous trees • erosion control works • fencing off remaining trees from stock, including remnant native vegetation. 	<p>The proposed development is generally in accordance with the controls with no adverse impacts envisaged as the development will be designed, sited and managed to avoid any significant adverse impact on the location and the land surrounding the development.</p> <p>Conditions of development consent will be applied requiring the planting of indigenous species on the site.</p>	Yes
4.7.1 Access	Internal access roads are to be graded and gravelled to a standard where wet weather does not impede access by two wheel drive vehicles.	The internal access roads are to a two wheel drive gravel standard.	Yes
4.7.2 Building Siting, Height and Scale	The height of all buildings, including dwelling houses and ancillary buildings, is not to exceed 8.5m from natural ground level.	The overall building design is consistent with the requirements of the DCP. The building does not exceed 8.5 metres.	Yes
4.7.3 Building Setbacks	<p>The setback of all buildings including the dwelling house and ancillary buildings from the primary street frontage is to be a minimum of 10 metres.</p> <p>The building lines of side and rear boundary is to be a minimum of 6 metres. This should be</p>	The overall setbacks are consistent with the requirements of the DCP.	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	increased wherever possible to avoid land use conflicts. Greater setbacks are encouraged to avoid impacts from roads, access ways and agriculture.		
4.7.4 Impacts of Agriculture	The operation of the horticultural industry within the Council area can have adverse amenity impacts on rural residential land owners.	The proposed development generally is in accordance with the controls with no adverse impacts envisaged as the development will be designed, sited and managed to avoid any significant adverse impact on the land surrounding the development.	
4.7.5 Farm Sheds and Outbuildings	n/a	No farm sheds and outbuildings proposed.	n/a
4.7.6 Fencing	n/a	No fencing proposed.	n/a
4.7.7 Number of Buildings	n/a	Not proposed	n/a
4.7.10 Temporary accommodation	n/a	Not proposed	n/a
4.7.12 Waste Management	No on-site domestic solid waste disposal is permitted. Domestic solid waste must be, either collected by a waste collection transportation disposal service or is disposed of to a Council waste or resource management facility.	Condition of consent in regards to waste collection will be applied to ensure that waste is disposed of to a lawfully approved and licenced waste management facility.	Yes

It is considered that the proposal is consistent with all relevant controls of the Snowy Valleys Council DCP 2019. 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)(iii)(a) - 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.

The proposed development generally complies with the requirements of the *Environmental Planning and Assessment Regulation 2021*.

Coastal Management Plans

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

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

Impacts of the Development

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

Context and Setting

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

Site Design and Internal Design

The overall site design and layout is considered to be adequate, responding to the challenges of the site including the topography. The proposed alterations and additions are located to the South of the existing dwelling and the Goobarragandra River is to the north.

Heritage

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

Flooding

The land is adjacent to the Goobarragandra River and accordingly is susceptible to flooding impacts. It is noted that the area nominated for the purposes alterations and additions is outside of the flood planning area on the subject land and is located above the Australian Height Datum (AHD) of known historical flood heights in the area. No additional controls are required in terms of flood planning for behaviour or storage on the land.

Suitability of the Site for the Development

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

Council's statutory controls permit alterations and additions to a residential dwelling in the RU1 zone. Whilst there are constraints associated with the site including geotechnical constraints and also environmental sensitivities, these constraints can be overcome through effective building placement and through conditions of development consent.

Submissions made in accordance with the Act or Regulations

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

Discussion surrounding any submissions made is outlined in the Community Participation Plan / Notification section of this report.

Public Interest

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

The provision of the alterations and additions within the rural setting with appropriate controls to manage any associated impacts of the development is considered to be in the public interest. Environmental

sensitivities of the area can be appropriately managed through appropriate site design and conditions of development consent.

CONSULTATION

Pre-lodgement Meetings

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

Internal Referrals	Advice / Response / Conditions
Development Engineer	No comments in relation to the subject application.
External Referrals	
Department of Planning and Environment -water	Exemption under the Water Management (General) Regulation Schedule 4.29- Activities with respect to dwellings.

Community Participation Plan – Notification

The application was notified in accordance with the Council's Community Participation Plan between 27 July and 10 August 2022. Council received a total of five (5) submissions in relation to the proposal.

Summary of submissions	Councils Response
The development is not an extension to a secondary dwelling is an expansion of a rental property/ tourism accommodation.	Council can only assess the application that has been submitted which does not make provision for any tourism accommodation - as alterations and additions to a secondary dwelling. If approved, any future development beyond any approval will require development consent of Council under a separate application. A condition shall be applied restricting the use of the building for tourist and visitor accommodation.
Concerns in relation to unauthorised works on the property.	Any unauthorised works do not form part of the considerations under section 4.15 of the Environmental Planning and Assessment Act 1979 and will be investigated under a separate process.
Concerns long term residence haven't been notified of other development.	The current development application has been considered in accordance with the provisions Council's adopted Community Participation Plan and has been notified in accordance with that plan. Any previous developments would have been considered in accordance with previous policies and plans of the Council.
Concerns about the adverse impacts on the environment if the development proceeds, ie; chemical, waste and grey water waste and odours and noise pollution.	A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.
Concerns of septic system	This is an existing system that is not required to be upgraded due to no additional load being placed on the system. Council will continue to

Summary of submissions	Councils Response
	monitor the system in accordance with the requirements of its On Site Sewer Management System programmed inspection regime.
This development is within 18 metres of the high bank of a main watercourse that flows directly into the river and therefore comes under the title of a 'controlled activity area' with the 'Natural Resources Access Regulator' and as such would require them to be involved in any proposed development plan.	A referral was sent to the Department of Planning and Environment -Water and an exemption under the Water Management (General) Regulation Schedule 4,29- Activities with respect to dwellings was provided.
Concerns unauthorised wedding/ events are held at the property.	Council can only assess the application that has been submitted which does not make provision for any proposed functions. If approved, any future development beyond any approval will require development consent of Council under a separate application. Any current non-compliances will be investigated under a separate process.
Concerns the property is in a 100 year flood zone.	The land is adjacent to the Goobarragandra River and accordingly is susceptible to flooding impacts. It is noted that the area nominated for the purposes alterations and additions is outside of the flood planning area on the subject land and is located above the Australian Height Datum (AHD) of known historical flood heights in the area. No additional controls are required in terms of flood planning for behaviour or storage on the land.
Dogs are a huge problem on the property causing noise.	This is not a consideration under section 4.15 of the Environmental Planning and Assessment Act 1979. Any potential noise issue relating to companion animals will be investigated via a separate process.
Concerns of Privacy/ Interference .	A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the privacy. Council will impose conditions of development consent requiring additional plantings on the site to maintain privacy with surrounding properties.

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

Theme 1: Towns and Villages

Delivery Outcomes

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

Operational Actions

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

SUSTAINABILITY ASSESSMENT:

N/A

FINANCIAL AND RESOURCES IMPLICATIONS:**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 2021. The assessment of the proposal has also been undertaken in accordance with Council's adopted Development Control Plan and also the Community Participation Plan.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

Council has the following options available with respect to determination of the application:

Option 1: Approve Development Application 2022/0099 for proposed residential alterations and additions to an existing secondary dwelling at Lot 32, DP1120073 known as Little River Road, Little River subject to conditions of consent as outlined in Attachment 3.

Option 2: Refuse determine application DA2022/0099 for the proposed alteration and additions to an existing secondary dwelling at Lot 32, DP 1120073 and Council provide reasons for refusal.

Option 3: Defer any decision relating to DA2022/0099 pending additional information.

Option 1 is recommended.

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. Attachment 1 - Plans – 3-722 Little River Road, Little River (under separate cover)
2. Confidential - Attachment 2 – Floor Plan – 3-722 Little River Road, Little River (under separate cover)
3. Attachment 3 - Draft Conditions of Development Consent (under separate cover)

11.2. DRAFT SNOWY VALLEYS TRACKS AND TRAILS MASTERPLAN - FOR PUBLIC EXHIBITION

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council the Draft Snowy Valleys Tracks and Trails Masterplan including a Business Case, a priority list of projects and high-level cost estimates and draft design/concepts.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on the Draft Snowy Valleys Tracks and Trails Masterplan;**
- 2. Approve the placing of the Draft Snowy Valleys Tracks and Trails Masterplan 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 Draft Snowy Valleys Tracks and Trails Masterplan; and**
- 4. Adopt the Draft Snowy Valleys Tracks and Trails Masterplan if no submissions are received on the day after the completion of the public exhibition period.**

BACKGROUND:

In 2021, Snowy Valleys Council (SVC) was awarded \$270,000 for the development of a Tracks and Trails Masterplan through Stream 2 of Resilience NSW's Bushfire Community Recovery and Resilience Fund. The funding program targeted Local Government Areas (LGAs) that were disaster declared during the 2019-20 bushfires and provided funding for medium and long-term projects that support community recovery and help build resilience and hope for the future.

The Snowy Valleys Tracks and Trails Masterplan is the development of a comprehensive post-bushfire masterplan to link towns and villages across the LGA to create a cohesive approach to harnessing opportunities including outdoor recreation, culture and heritage.

The Snowy Valleys region covers a large geographic area consisting of towns and villages. These locations have distinct attributes that contribute to their uniqueness and the community's sense of place and belonging. Despite this large area, there are several prominent linkages between people and places. This project aims to identify all of these linkages and create a masterplan that will provide a central planning reference for shaping the scope of connectivity of existing and proposed trails across the region.

Post-bushfire, through extensive community consultation and interaction with individuals, groups and industry, several opportunities were identified that could create the basis for long term growth, including road cycling, rail trails, mountain biking and art, culture and heritage trails. The masterplan process has allowed for community input into trail prioritisation and the ability for project scoping and feasibility reviews of existing and future trails to be undertaken and form an extensive knowledge base for a variety of trails.

Post-bushfire, there is a need to re-examine how we plan for the futureproofing of our towns and villages and not view them in isolation. We need to assess how we can use existing and potential trails to link them and create community benefits and economic stimulus as well as an element of ownership of the consultation and decision-making processes. This project is the culmination of an extensive review of bushfire information, stakeholder consultation with land managers and consultation with community groups and industry bodies.

REPORT:

The Draft Snowy Valleys Tracks and Trails Masterplan has been developed by Tredwell Management Services - a consultancy firm specialising in sport, recreation, open space and trail planning.

The project methodology included six stages beginning with market research and a background review. This began with a Project Commencement Meeting between Tredwell and the SVC Project Team before Tredwell worked alongside SVC to develop a communication and consultation strategy. This process identified key stakeholders, analysed their level of input and guided the consultation process to ensure effective and timely communication between Tredwell, the Project Manager, stakeholders and the community throughout the project.

Tredwell conducted a background review, a demographic analysis and analysed the benefits of trails and recreational trends in the Snowy Valleys.

The community and stakeholder engagement component of the project began with the development and distribution of an information flyer in April 2022. An online community survey was open through April and May and attracted 107 respondents.

Two virtual workshops were held on 9th and 10th May 2022 before community workshops were held in Tumut and Tumbarumba on 17th and 18th May 2022 respectively. A councillor workshop was held on 23rd June 2022. The project also had a page on the *YourVoice* component of SVC's website which acted as a hub for community engagement.

Whilst in region, Tredwell carried out a physical geography review. This involved reviews of geography and topography, land ownership and planning and environmental approvals. A high-level site appraisal of potential trail locations was undertaken, along with mapping and spatial analysis.

The information gathered was used to inform the development of the Draft Snowy Valleys Tracks and Trails Masterplan, which was finalised in September 2022. The Draft Masterplan includes:

- A Business Case that assesses the opportunity and viability of developing different tracks and trails across the region;
- A prioritised list of projects including high level costings; and
- Draft design/concepts that identify key trails and linkages and includes guidelines for planning and construction.

The five priority trail projects identified in the Draft Masterplan are:

- Gudja Gudja Mura Trail;
- Tumbarumba to Hume and Hovell Track;
- Tumut River Walk;
- Batlow to Tumut Rail Trail (stage 1 - Batlow to Wybalena Railway Station); and
- Waterfall Drive Trail

For the four priority trails where construction is required (Gudja Gudja Mura Trail, Tumbarumba to Hume and Hovell Track, Tumut River Walk and Batlow to Tumut Rail Trail), a Review of Environmental Factors has been completed in line with the Guidelines for preparing a Review of Environmental Factors, Office of Environment and Heritage, 2016. Tredwell also developed a Summary Report covering the project findings.

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 Economy

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

2.1 Support the development of diverse local tourism offering and emerging markets

FINANCIAL AND RESOURCES IMPLICATIONS:

Snowy Valleys Council was awarded \$270,000 for the development of a Tracks and Trails Masterplan through Stream 2 of Resilience NSW's Bushfire Community Recovery and Resilience Fund.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/REWARD
Legal	Additional risk controls would be required to meet Council's legal obligations including signage and ensuring tracks and trails meet design and construction standards. A risk management plan will need to be undertaken to address these risks. Contractual arrangements with stakeholders will need to be managed.	High risk High risk	
Environmental & Public Health	Increasing outdoor recreational activity is a driver of public health benefits. Additional recreational options may also lead to a reduction in petty crime as it offers a diversion activity for youth.		Medium benefit High benefit
Financial	Ongoing costs of asset management; increased insurance premiums; depreciation.	Medium risk	
People	Tracks and trails are becoming a specialised field for design and construction - Council would rely on external contractors to deliver this work.	Medium risk	
Stakeholder	Multiple stakeholders including local communities and First Nations Peoples have been engaged and consulted and will continue to be engaged following the adoption of the Masterplan.	High risk	

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/REWARD
Service Delivery	Ongoing costs of maintaining assets within standards. Includes monitoring, maintenance and repair of assets. Requires resources that would otherwise be available for other Council operations. Appropriate management plans would need to be developed for any assets that are developed.	High risk	

OPTIONS:

1. That Council:

- (i) Note the report on the Draft Snowy Valleys Tracks and Trails Masterplan.
- (ii) Approve the placing of the Draft Snowy Valleys Tracks and Trails Masterplan for public exhibition for a minimum of 28 days
- (iii) Adopt the Draft Snowy Valleys Tracks and Trails Masterplan if no submissions are received on the day after the completion of the public exhibition period.

This is the recommended option.

2. That Council not approve placing the Draft Snowy Valleys Tracks and Trails Masterplan on public exhibition and seek further information/amendments to the plan prior to approval for public exhibition.

This is not the recommended option.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The development of the Draft Snowy Valleys Tracks and Trails Masterplan involve extensive community engagement and consultation. Tredwell worked alongside SVC to develop a communication and consultation strategy, identifying key stakeholders. The community and stakeholder engagement component of the project began with the development and distribution of an information flyer in April 2022. An online community survey was open through April and May and attracted 107 respondents.

Two virtual workshops were held on 9th and 10th May 2022 before community workshops were held in Tumut and Tumbarumba on 17th and 18th May 2022 respectively. A councillor workshop was held on 23rd June 2022. The project also had a page on the *YourVoice* component of SVC's website which acted as a hub for community engagement.

ATTACHMENTS

- 1. 20221104 - DRAFT - Regional Tracks & Trails MP - Snowy Valleys Council 220916 reduced (Under separate cover)
- 2. 20221104 - DRAFT - Regional Tracks and Trails Draft MP 221103 Summary Report reduced - Snowy Valleys Council (Under separate cover)
- 3. 20221104 - Economic Assessment Draft Report - Snowy Valleys Trails (Under separate cover)
- 4. 20221104 - Costings - Tracks and Trails Masterplan - Snowy Valleys Council RLB (Under separate cover)

11.3. APPLICATIONS FOR EVENT SPONSORSHIP

REPORT AUTHOR: COORDINATOR PLACE ACTIVATION

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council the applications for event sponsorship.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on the Applications for Event Sponsorship; and**
- 2. Approve the Applications for Event Sponsorship.**

BACKGROUND:

Snowy Valleys Council has an Event Sponsorship Program to create opportunities for the establishment of new events and the growth of existing events within the Snowy Valleys Council community.

Festivals and events are valuable community building activities that provide an opportunity for the community to come together and celebrate life, spend time with friends and family and to build social cohesion through attendance, organising and volunteering. Events play an important role in attracting people to the Snowy Valleys region, supporting local businesses, employment and tourism more broadly.

Council provides in-kind and monetary support to many events each year. It is the role of Council to consider which organisations are eligible for event sponsorship. Council has set \$80,000 in its budget for the provision of event sponsorship.

To be eligible for funding, an organisation must:

- Be not-for-profit;
- Be an incorporated body or be auspiced (sponsored) by an incorporated body;
- Offer an event in the Snowy Valleys LGA;
- Be for the benefit of Snowy Valleys community;
- Have no outstanding debts to Council; and
- Demonstrate the ability to manage and deliver events that do not become solely dependent on ongoing sponsorship from Council.

REPORT:

Snowy Valleys Council currently has ten (10) Applications for Event Sponsorship awaiting an outcome. An initial assessment from Council's Place Activation Team is that these applications are eligible for sponsorship and it is recommended that the applications be approved by Council. Below is a table outlining the Applications for Event Sponsorship.

Event name	Event Date	Sponsorship Request	Sponsorship Request Total \$ Amount
Tumut Rotary Community Christmas Carols	Sun 11th Dec 2022	<ul style="list-style-type: none"> Ground hire fees of Richmond Park Provision and collection of garbage bins Street Banner Cost 	\$566.00
Tumbarumba Rotary Christmas Carnival	Fri 16th Dec 2022	<ul style="list-style-type: none"> Ground hire fees – Sportsground including use of flood lights and amenities Provision and collection of Garbage bins Hiring of SVC PA System 	\$865.00
Tumbarumba Rodeo	Set up arena 10th & 11th Dec 2022 Rodeo Clinic 17th & 18th Dec 2022 Rodeo 1st Jan 2023 Rodeo pack down/clean 2nd Jan 2023	<ul style="list-style-type: none"> Provision and collection of garbage bins Ground hire fees of Tumbarumba Showground for Rodeo Clinic Ground hire fees of Tumbarumba Showground for the Rodeo event and associated events \$5000 monetary 	\$9,178.00
Tumut Cycle Classic - AusRelief	Sun 8th Jan 2023	<ul style="list-style-type: none"> Provision and collection of garbage bins Traffic management plan implementation (<i>approx. cost based off 2022 event</i>) 	\$5,998.98
SummerDAZE - Khancoban Events	Sun 22nd Jan 2023	<ul style="list-style-type: none"> Provision and collection of garbage bins Ground hire fees of Khancoban Hall (subject to facility upgrade being complete) 	\$940.00

Event name	Event Date	Sponsorship Request	Sponsorship Request Total \$ Amount
Off Grid Throwdown - Luke McMahon (endurance/fitness challenge)	Sat 28th & Sun 29th Jan 2023	<ul style="list-style-type: none"> Provision and collection of garbage bins \$5000 monetary 	\$5,595.00
Adelong Show	Sat 11th & Sun 12th Mar 2023	<ul style="list-style-type: none"> Ground hire fees of Adelong Showground (<i>not listed as an 'Not for Profit', additional costs apply</i>) Provision and collection of garbage bins 	\$3,571.00
Tumbarumba Show	Sat 18th & Sun 19th Mar 2023	<ul style="list-style-type: none"> Ground hire fees of Tumbarumba Showground (<i>not listed as an 'Not for Profit', additional costs apply</i>) Provision and collection of garbage bins 	\$4,340.00
Snowy Valleys Cycle Challenge – Rotary Club of Tumut	Sun 19th Mar 2023	<ul style="list-style-type: none"> Provision and collection of garbage bins Ground hire fees of Tumbarumba Showground and Adelong Showground Traffic Management Plan implementation (<i>approx. cost based off 2022 event</i>) 	\$5,510.00 (approx.)
Batlow Show	Sat 25th & Sun 26th Mar 2023	<ul style="list-style-type: none"> Ground Hire fees for Batlow Showground (listed as a community group – reduced costs applied) 	\$408.00
			Total amount requested: \$30,973

If these Applications for Event Sponsorship are approved, there will be \$49,027 left in the sponsorship budget and the next report will be put to Council in early 2023.

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 Economy

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Council has \$80,000 allocated in its budget for event sponsorship.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Sponsorship to support community groups to deliver new and existing events to help the community come together and build social cohesion. The events may not be able to be delivered without sponsorship from Council.

OPTIONS:

1. That Council:

- (i) Note the report on the Applications for Event Sponsorship
- (ii) Approve the Applications for Event Sponsorship

This is the recommended option.

2. That Council not approve the Applications for Event Sponsorship

This is not the recommended option.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

11.4. BALD HILL QUARRY LICENCE AGREEMENT

REPORT AUTHOR: PROPERTY AND ROADS PARTNER

RESPONSIBLE DIRECTOR: ACTING EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Snowy Valleys Council (SVC) as the licensor is the Crown Land Manager is responsible for the care, control and management of the Crown Land under the *Crown Land Management Act 2016*. Bald Hill Quarry has been in operation at Tumbarumba since 2002 with a continuation of the lease issued in 2009 for a period of 20 years. Bald Hill Quarry Pty Ltd failed to renew the licenses as provided by clause 8.10 Conditions of Renewal, in 2019, however as per clause 6 of the licence, the term has reverted to monthly as Council has not issued Bald Hill Quarry a termination notice.

RECOMMENDATION:

THAT COUNCIL:

- 1. Agrees to enter into a long-term lease agreement over the quarry and carriageway with Bald Hill Quarry Pty Ltd for the purpose of conducting quarry operations on and over the Crown Land;**
- 2. Agrees to the continuing use of Bald Hill Quarry Pty Ltd as a quarry and renew the licence deed as Trustee for a period of 20 years;**
- 3. Parties to meet own legal costs associated with the lease agreement;**
- 4. Authorises the General Manager and Mayor to execute a lease agreement with Bald Hill Quarry Pty Ltd; and**
- 5. Authorises the application of the Council Seal on the Licence Agreement.**

BACKGROUND:

Snowy Valleys Council as the licensor is the Crown Land Manager responsible for the care, control and management of the Crown Land under the Act. Bald Hill Quarry has been in operation at Tumbarumba since 2002 with a continuation of the lease issued in 2009 for a period of 20 years. As per clause 6 of the licence agreements dated 2002 and 2009 respectively, the licence term has reverted to a monthly licence as Council has not issued Bald Hill Quarry with a termination notice.

REPORT:

Council has the ability to grant the Licence without Minister's consent (prior to adopting the Plan of Management), as clause 70(c) of the Crown Land Management Regulation 2018 is satisfied. Therefore, Council can enter into the Licence Agreement (prior to adopting the Plan of Management) because it is the granting of a new licence over the land for a term not exceeding the maximum term (21 years) where:

- i. there was a licence in force over the land immediately before 1 July 2018 (under a holding over); and
- ii. there are no additional permitted used of the land.

Council acknowledges that the royalties payable apply only to any materials extracted from adjoining Land and carried over the land (pursuant to the Carriageway Licence); and do not apply to the materials extracted from the land (as those royalties are payable pursuant to clause 5 and item 6). Council currently nets an income from the royalties of Bald Hill Quarry operations to the value of \$33,425 per quarter at a rate of \$1.4360 per tonne. An additional royalty is payable from the Carriageway Licence of \$0.65 per tonne of material passing over the land however, it has not yet been used during operations.

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 Economy

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

2.4 Attract and support local business and industry

FINANCIAL AND RESOURCES IMPLICATIONS:

Council currently nets an income from the royalties of Bald Hill Quarry operations to the value of \$33,425 per quarter at a rate of \$1.4630 per tonne. An additional royalty is payable from the Carriageway Licence of \$0.65 per tonne of material passing over the land however, it has not yet been used during operations.

Royalties are calculated as per the current Consumer Price Index (CPI) Royalties (R) x CPI * Last published CCPI which is increased annually.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Crown Land Management Regulation 2018 is satisfied.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil Identified

OPTIONS:

- 1) Council may not renew the lease resulting in royalties income being lost
- 2) Council may renew the licence agreement and net a quarterly income as per the royalties

COUNCIL SEAL REQUIRED:

Yes

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Not required.

ATTACHMENTS

Nil.

12. MINUTES OF COMMITTEE MEETINGS

Nil.

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 - LAND CLEARING MOODY'S HILL MARAGLE - ADMINISTRATIVE CORRECTION REQUIRED

Item 13.1 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.

14. MEETING CLOSURE
