



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 08 December 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, 08 December 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 - 17 NOVEMBER 2022	6
6. CORRESPONDENCE/PETITIONS	19
7. NOTICE OF MOTION/NOTICE OF RESCISSION	20
7.1. NOTICE OF MOTION: POWERLINES IN KOSCIUSZKO NATIONAL PARK	20
8. MAYORAL MINUTE	22
9. URGENT BUSINESS WITHOUT NOTICE	22
10. GOVERNANCE AND FINANCIAL REPORTS	23
10.1. AUDIT RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2021-2022	23
10.2. CODE OF CONDUCT COMPLAINT STATISTICS FOR THE REPORTING PERIOD 01 SEPTEMBER 2021 - 31 AUGUST 2022	25
10.3. 2023 MEETING CALENDAR	27
10.4. STATEMENT OF INVESTMENTS - NOVEMBER 2022	30
11. MANAGEMENT REPORTS	34
11.1. ROAD NAMING ADELONG - PROPOSED NAME OF LADY MARY LANE	34
11.2. TUMUT AERODROME - PROPOSED FIRE CONTROL CENTRE	37

12. MINUTES OF COMMITTEE MEETINGS.....	44
12.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 23 NOVEMBER 2022	44
12.2. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 27 OCTOBER 2022	46
12.3. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 16 NOVEMBER 2022	48
12.4. MINUTES - TOOMA RECREATION RESERVE - AGM 18 OCTOBER, 2022.....	51
13. CONFIDENTIAL.....	54
13.1. CONFIDENTIAL - RFT 2022/05 - MR677 ALPINE WAY SLOPE REMEDIATION	54
13.2. CONFIDENTIAL - REAPPOINTMENT - INDEPENDENT MEMBER - AUDIT RISK AND IMPROVEMENT COMMITTEE	54
14. MEETING CLOSURE.....	54

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

Steven Walker Chairperson of the Audit Risk & Improvement Committee will participate remotely to address Council on Report #10.1 Audit Risk and Improvement Committee Annual Report 2021-2022.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 17 NOVEMBER 2022

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 17 November 2022 be received and confirmed as an accurate record.

Attachment 1 - DRAFT Minutes - Council Ordinary Meeting 17 November 2022



ORDINARY MEETING

MINUTES

Thursday, 17 November 2022

THE MEETING WAS HELD FROM 2:02 PM
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT
AND VIA VIDEO LINK

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022 Page 1

Mayor

General Manager

PRESENT: Mayor, Cr Ian Chaffey (Chair); Cr Johanna (Hansie) Armour, Cr Julia Ham, Cr Sam Hughes, Cr James Hayes, Cr Mick Ivill, Cr Brent Livermore, Cr Trina Thomson.

IN ATTENDANCE: General Manager Ken Gouldthorp, Interim Chief Financial Officer Daryl Hagger, Acting Executive Director Infrastructure Brad Beed, Interim Executive Director Community & Corporate Julie Vaughan, Executive Assistant Jeannie Moran-Fahey and Crowe Horwath External Auditor, Dannielle MacKenzie.

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Nil.

4. PUBLIC FORUM

Nil.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 20 OCTOBER 2022

M312/22 RESOLVED:

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

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY

M313/22 RESOLVED that Cr James Hayes be included in the Transgrid Working Group as per his 20 October 2022 email request.

Cr Sam Hughes/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

6. CORRESPONDENCE/PETITIONS

Nil.

7. NOTICE OF MOTION/NOTICE OF RESCISSION

Nil.

8. MAYORAL MINUTE

Nil.

9. URGENT BUSINESS WITHOUT NOTICE

M314/22 RESOLVED to raise a matter of urgent business relating to the recent flooding event at Adelong.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

M315/22 RESOLVED:

THAT COUNCIL:

1. Write to the Government requesting funding to enable Council to conduct a review of the current flood study.

Cr James Hayes/Cr Sam Hughes

CARRIED UNANIMOUSLY

M316/22 RESOLVED to bring forward item # 10.6 'Presentation of the 2021/22 Annual Financial Statements'.

Cr James Hayes/Cr Trina Thomson

CARRIED UNANIMOUSLY

External Auditor, Dannielle MacKenzie, from Crowe Horwath participated remotely to address Council on Item # '10.6 Presentation of the 2021-2022 Annual Financial Statements'.

10.6. PRESENTATION OF THE 2021/22 ANNUAL FINANCIAL STATEMENTS

M317/22 RESOLVED:

THAT COUNCIL:

1. Note the report on the Presentation of the 2021/22 Annual Financial Statements; and

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 3
76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022

Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

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*.

Cr Julia Ham/Cr Brent Livernmore

CARRIED UNANIMOUSLY

M318/22 RESOLVED to move forward Item # '11.1 'DA2022/0099 - Lot 32, DP 1120073, Little River Road, Little River 2720'.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

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

M319/22 RESOLVED:

THAT COUNCIL defer Development Application 2022/0099 for proposed alterations and additions to an existing secondary dwelling located at Lot 32 in Deposited Plan 1120073 3/722 Little River Road, Little River pending:

1. Clarification on the number of dwellings (both existing and approved) on the prescribed allotment and whether the proposed development can be characterised as a 'secondary dwelling' in the case where three (3) dwellings are identified on the site plan prepared by Tumut Building Design 'Proposed Addition to Existing Cottage' dated 11 May 2022 'Ref SH02-02 issue 2.
2. Confirmation on whether approval has been granted for the 'existing cottage' located on the site plan prepared by Tumut Building Design 'Proposed Addition to Existing Cottage' dated 11 May 2022 'Ref SH02-02 issue 2, to enable Council to appropriately consider the likely cumulative impacts of the proposed development in accordance with the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979.
3. Confirmation on legal access arrangements to service the development as proposed - being the existing access road as outlined in the public submissions to the immediate south / south-east of the boundary of Lot 26 in Deposited Plan 1018407 including whether the road has been approved in accordance with the provisions of the 'Environmental Planning and Assessment Act 1979' and the 'Roads Act 1993' (where applicable).

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

M320/22 RESOLVED to move back to order of business, Item 10.1 '2021-2022 Annual Report'.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022

Page 4

Mayor_____
General Manager

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. 2021-2022 ANNUAL REPORT

M321/22 RESOLVED:

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;
2. Participate in the preparation of the annual report in future years, prior to presentation in the business paper.

Cr James Hayes/Cr Trina Thomson

CARRIED UNANIMOUSLY

10.2. CODE OF CONDUCT REVIEW

M322/22 RESOLVED:

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).

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

10.3. TRAINING OPPORTUNITY FOR COUNCILLORS - LGNSW PLANNING 101 COURSE

M323/22 RESOLVED:

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, noting that the overall budget balance amount including any travel expenses is \$4,000 per councillor.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

10.4. STATEMENT OF INVESTMENTS - OCTOBER 2022**M324/22 RESOLVED:**

THAT COUNCIL:

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

Cr Brent Livermore/Cr Sam Hughes

CARRIED UNANIMOUSLY**10.5. QUARTERLY BUDGET REVIEW - AS AT 30 SEPTEMBER 2022****MOTION:**

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.

Cr Trina Thomson/Cr James Hayes

M325/22 RESOLVED to move into Committee of the Whole.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**QUESTION TAKEN ON NOTICE** by Acting Executive Director Infrastructure regarding the location of the storm water collection tank for Snow View Estate.**M326/22 RESOLVED** to move out of Committee of the Whole.

Cr Trina Thomson /Cr Julia Ham

CARRIED UNANIMOUSLY**M327/22 RESOLVED:**

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.

Cr Trina Thomson/Cr James Hayes

CARRIED UNANIMOUSLY

Mayor

General Manager

10.7. REVIEW OF ARRANGEMENTS TO SETTLE ACCOUNT POLICY FOR PUBLIC EXHIBITION**M328/22 RESOLVED:**

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.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY**11. MANAGEMENT REPORTS****11.2. DRAFT SNOWY VALLEYS TRACKS AND TRAILS MASTERPLAN - FOR PUBLIC EXHIBITION****M329/22 RESOLVED:**

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 with update to wording 'Batlow to Wybalena' instead of 'Batlow to Tumut' as one of the preferred trails;
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.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY**11.3. APPLICATIONS FOR EVENT SPONSORSHIP****M330/22 RESOLVED:**

THAT COUNCIL:

1. Note the report on the Applications for Event Sponsorship.
2. Approve the Applications for Event Sponsorship as follows:

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

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
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

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022 Page 8

Mayor

General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

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

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**11.4. BALD HILL QUARRY LICENCE AGREEMENT****M331/22 RESOLVED:**

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;

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022 Page 9

Mayor_____
General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

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.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY**10.8 CONSIDERATION OF EXPRESSIONS OF INTEREST - DEMERGER BUSINESS CASE****MOTION:****THAT COUNCIL:**

1. Appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-merging;
2. The business case including an independent financial review be reported back to Council for consideration;
3. Note that the report prepared by Newcastle University will be independently peer-reviewed as part of the preparation process;
4. Allocate \$100,000 to the project noting that this will increase the forecast 2022/23 deficit by the same amount.

Cr James Hayes/Cr Julia Ham

M332/22 RESOLVED to move into Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY**M333/22 RESOLVED** to move out of Committee of the Whole

Cr Brent Livermore/Cr Trina Thomson

CARRIED UNANIMOUSLY**M334/22 RESOLVED:****THAT COUNCIL:**

1. Appoint Newcastle University to undertake a business case capable of being submitted to the Minister for Local Government for de-merging;
2. The business case including an independent financial review be reported back to Council for consideration;
3. Note that the report prepared by Newcastle University will be independently peer-reviewed as part of the preparation process;
4. Allocate \$100,000 to the project noting that this will increase the forecast 2022/23 deficit by the same amount.

Cr James Hayes/Cr Julia Ham

FOR: Cr Johanna (Hansie) Armour; Cr Ian Chaffey; Cr Julia Ham; Cr James Hayes; Cr Mick Ivill; Cr Brent Livermore; Cr Trina Thomson

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 10
76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022

Mayor_____
General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

AGAINST: Cr Sam Hughes**CARRIED**

12. MINUTES OF COMMITTEE MEETINGS

Nil.

13. CONFIDENTIAL

M335/22 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 - 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.

Cr Trina Thomson/Cr Julia Ham

CARRIED UNANIMOUSLY

At this stage, the time being 3.43pm Council went into confidential closed session.

13.1. CONFIDENTIAL - LAND CLEARING MOODY'S HILL MARAGLE - ADMINISTRATIVE CORRECTION REQUIRED

M336/22 RESOLVED:

THAT COUNCIL:

1. Formally write to the owner(s) of the property at Lot 9 DP 1107472 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 Lot 9 DP 1107472 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.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 11
76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022

Mayor_____
General Manager

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 November 2022

- (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 James Hayes/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

M337/22 RESOLVED to move out of Confidential.

Cr Mick Ivill/Cr Sam Hughes

CARRIED UNANIMOUSLY

At this stage, the time being 3.45pm Council returned to open session.

The General Manager read aloud the resolution of the confidential item.

14. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 3.48pm.

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 12
76 Capper Street Tumut and Via Video Link on Thursday, 17 November 2022

Mayor

General Manager

6. CORRESPONDENCE/PETITIONS

7. NOTICE OF MOTION/NOTICE OF RESCISSION

7.1. NOTICE OF MOTION: POWERLINES IN KOSCIUSZKO NATIONAL PARK

COUNCILLORS: Cr Julia Ham and Cr Brent Livermore

SUMMARY:

(Provided by the submitters):

On 1 September the NSW Government Minister for Environment, James Griffin, amended the Kosciuszko National Park Plan of Management Snowy 2.0 to allow powerlines to pass through the National Park. This is the first clearing for powerlines in the last 50 years.

The clearing is needed to allow the increased electricity supply from Snowy 2.0 pumped Hydro project to get to the substations to be used around the state.

At this stage the clearing will be approximately 8 kilometres long and the cleared easement 140 metres wide. Additional, within the Snowy Valleys Council area, land has been cleared for Lob's Hole and the Maragle Substation.

At this stage the powerlines will be above ground. The powerlines will be put in by TransGrid as part of the Humelink project. HumeLink is a new 500kV transmission line which will connect Wagga Wagga, Bannaby and Maragle in southern NSW. Discussions have been had about under grounding however at this stage Transgrid state it will make the project too expensive. Underground powerlines need an easement of 40 metres. More details can be found here: <https://www.transgrid.com.au/projects-innovation/humelink>

Kosciuszko National Park Amendment to the Plan of Management Snowy 2.0 ensures that Snowy 2.0 works enabled by the Snowy Hydro Corporatisation Act 1997, provided they are approved under the Environmental Planning and Assessment Act 1979 and authorised under the National Parks and Wildlife Act 1974, are in accordance with National Parks and Wildlife Act.

Therefore, pursuant to Notice, Councillor Julia Ham and Councillor Brent Livermore have submitted the following Motion:

NOTICE OF MOTION:

THAT COUNCIL:

1. Facilitate an in person or virtual community meeting as soon as possible regarding the Kosciuszko National Park Amendment to the Plan of Management Snowy 2.0;
2. Invite representation from National Parks, Snowy Hydro and State Parliament to explain the changes, the necessity for the changes, and the impact the changes will have in the Snowy Valleys Council area.

RESOURCING IMPLICATIONS:

Associated administration required in sourcing an appropriate venue; staffing for set up and other facilitation requirements on the day; coordination of correspondence to National Parks, Snowy Hydro and State Government; post meeting correspondence/follow up.

GENERAL MANAGER ADVICE:

ATTACHMENTS

1. Signed Notice of Motion - Powerlines in Kosciuszko National Park

Attachment 1 - 20221130 - Signed Notice of Motion - Powerlines in Kosciuszko National Park**NOTICE OF MOTION**

Under Clause 3.10 of Councils Code of Meeting Practice, I give notice that the following motion be placed on the Council Agenda for the Ordinary Meeting of Council, to be held on 8 December 2022.

SUBJECT: Powerlines in Kosciuszko

Motion

THAT COUNCIL:

1. Facilitate an in person or virtual community meeting as soon as possible regarding the Kosciuszko National Park Amendment to the Plan of Management Snowy 2.0;
2. Invite representation from National Parks, Snowy Hydro and State Parliament to explain the changes, the necessity for the changes, and the impact the changes will have in the Snowy Valleys Council area.

General Manager's Comment:

Councillor Julia Ham

Signature

Date: 29.11.2022

Councillor Brent Livermore

Signature

Date: 30.11.2022

8. MAYORAL MINUTE

9. URGENT BUSINESS WITHOUT NOTICE

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. AUDIT RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2021-2022

REPORT AUTHOR: COORDINATOR GOVERNANCE

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

To provide Council with the Audit Risk and Improvement Committee (ARIC) Annual Report 2021-22. The report covers the period from November 2021 to October 2022.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Audit Risk and Improvement Committee Annual Report for the period 2021-22.**

BACKGROUND:

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

REPORT:

In accordance with the Internal Audit Guidelines (September 2010) developed by the Office of Local Government and the ARIC Terms of Reference, the ARIC is required to report annually to Council. This report covers the reporting period November 2021 to October 2022. The committee is responsible for oversight and monitoring of the Council's audit, risk and governance activities, including reviewing the implementation of recommendations resulting from internal audit, compliance and other governance reviews.

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:

There is a budget for the ARIC and internal audit for the 2022/23 financial year of \$40,000. This budget provides for committee member remuneration and training, as well as the engagement of an internal audit provider to conduct two internal audits per year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Audit Risk and Improvement Committee Terms of Reference
Internal Audit Guidelines September 2010 – Office of Local Government
Local Government Act 1993

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The ARIC Annual Report was endorsed by ARIC at the 23 November 2022 ARIC meeting. A recommendation was made by the committee to present the report to Council at the December 2022 ordinary meeting.

ATTACHMENTS

1. Audit Risk and Improvement Committee Annual Report 2021-22 (Under separate cover)

10.2. CODE OF CONDUCT COMPLAINT STATISTICS FOR THE REPORTING PERIOD 01 SEPTEMBER 2021 - 31 AUGUST 2022

REPORT AUTHOR: COORDINATOR GOVERNANCE

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

Reporting Model Code of Conduct Complaint Statistics to Council and the Office of Local Government is required under Part 11 of the Procedures for the Administration of the Code of Conduct. For the reporting period of 2021-22 (1 September 2021– 31 August 2022), there were a total of two (2) complaints received. Only Code of Conduct complaints about Councillors and the General Manager are required to be reported under Part 11.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Model Code of Conduct Complaint Statistics for the reporting period 01 September 2021 - 31 August 2022.**

BACKGROUND:

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

REPORT:

A full copy of the complaints statistics for the reporting period 01 September 2021 – 31 August 2022 that were reported to Office of Local Government are attached to this report. The following statistics are a summary of the full report:

- Two (2) code of conduct complaints were made about Councillors and the General Manager under the code of conduct in the reporting period;
- One (1) code of conduct complaint was referred to a conduct reviewer;
- One (1) code of conduct complaint was finalised by a conduct reviewer at the preliminary assessment stage with the following outcomes:
Outcome: 6.13b) resolved the complaint by alternative and appropriate strategies being informal discussion.
- Zero (0) code of conduct complaints were investigated by a conduct reviewer;
- Outcomes of investigation not relevant as there were no complaints investigated by a conduct reviewer;
- Zero (0) matters were reviewed by the Office of Local Government and
- \$4700 was the total cost of dealing with code of conduct complaints made about Councillors and the General Manager in the year to September 2022, including staff costs.

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:

Each financial year a budget allocation is allowed for Code of Conduct matters. For the 2022-23 financial year, \$15,000 has been allocated.

The total cost to engage the conduct reviewer for the complaint was \$3,500 excluding GST. Internally, the complaints took staff approximately 12 hours to complete at \$100 per hour (which includes appropriate oncosts) with a total cost of \$4,700.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council's Code of Conduct

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

These statistics were reported to the Office of Local Government on 22 November 2022.

ATTACHMENTS

1. 20221122 - Report - Code of Conduct Complaint Statistics Snowy Valleys Council - Office of Local Government (Under separate cover)

10.3. 2023 MEETING CALENDAR

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The 2023 Meeting Calendar has been developed to provide an easy reference guide of the dates of Snowy Valleys Council hosted meetings. This will assist Councillors, committee members, staff and the community with planning and meeting attendance.

RECOMMENDATION:

THAT COUNCIL:

1. Receive and note the 2023 Meeting Calendar complete with Committee dates.

BACKGROUND:

Each year council considers and endorses a complete calendar of council hosted and organised meetings for the coming year. This includes;

- Ordinary Council meetings
- Advisory Committee meetings
- Major Events
- External meetings of significance

At the 15 September 2022 Council meeting, Council resolved the 2023 schedule of ordinary council meetings as being:

10.3. 2023 SCHEDULE OF ORDINARY COUNCIL MEETING DATES AND TIMES

M258/22 RESOLVED:

THAT COUNCIL:

1. Approve the following Ordinary Council meeting dates for 2023 commencing at 2.00pm to be held at an appropriate location in Snowy Valleys Council:
Thursday 16 February 2023
Thursday 16 March 2023
Thursday 20 April 2023
Thursday 18 May 2023
Thursday 15 June 2023
Thursday 20 July 2023
Thursday 17 August 2023
Thursday 21 September 2023
Thursday 19 October 2023
Thursday 16 November 2023
Thursday 14 December 2023; and
 2. The appropriate venue be announced at the previous monthly meeting and advertised.
 3. Approve the cancellation of the meeting in January 2023 unless there are extenuating circumstances and the Mayor deems it necessary to call a meeting.
- Cr Trina Thomson/Cr Brent Livermore

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

Consistent with previous years, there will be no scheduled Ordinary Council meeting for January 2023 due to reduced business over the holiday period and minimal staff and resources utilising the quieter period for leave.

REPORT:

Any changes to Ordinary Council meetings are to be resolved at a council meeting.

Changes to Advisory Committee meetings can be made through the relevant Committee's Terms of Reference or by the Chair of that Committee.

Councillors and Committee members will be notified in advance of any change to a meeting date.

The Youth Council Committee (Tumut and Tumbarumba) meeting dates have not been included.

Meeting dates vary to align with youth member requirements. Meeting dates will be updated on Council's website and communicated to members accordingly.

The following external meetings are included as they are relevant for Councillor's attention:

- Local Government NSW Annual Conference – 12-14 November 2023 - Rosehill Gardens Racecourse
- The National General Assembly - ALGA – 18-21 June 2023 – Canberra

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:

There are no additional financial or resourcing implications by endorsing the meeting calendar. The number of meetings is consistent with the previous year.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The meeting calendar ensures forward planning for Council business and decision making.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Endorsing a 2023 Meeting Calendar provides certainty to Councillors, Committee members, staff and the community as to when meetings will take place and enables greater participation and access.

ATTACHMENTS

1. 2023 Meeting Calendar (Under separate cover)

10.4. STATEMENT OF INVESTMENTS - NOVEMBER 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 30 November 2022.

RECOMMENDATION:**THAT COUNCIL:**

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

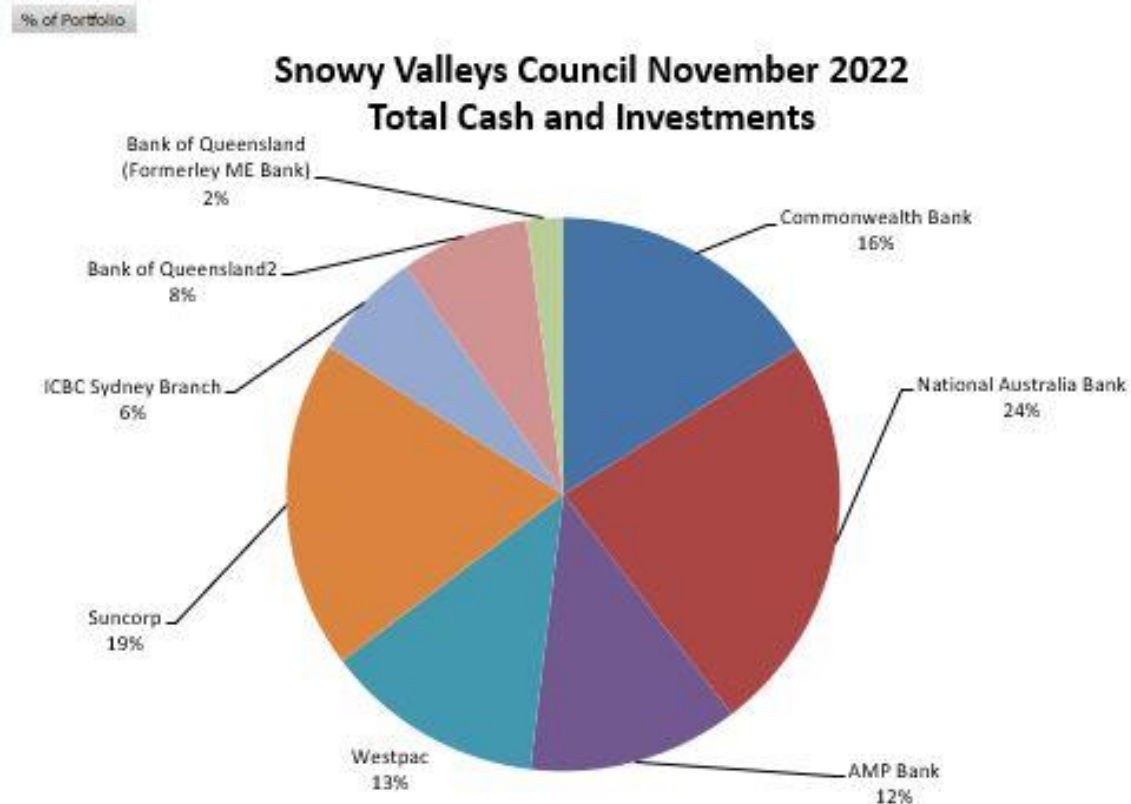
BACKGROUND:

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 30 November 2022.

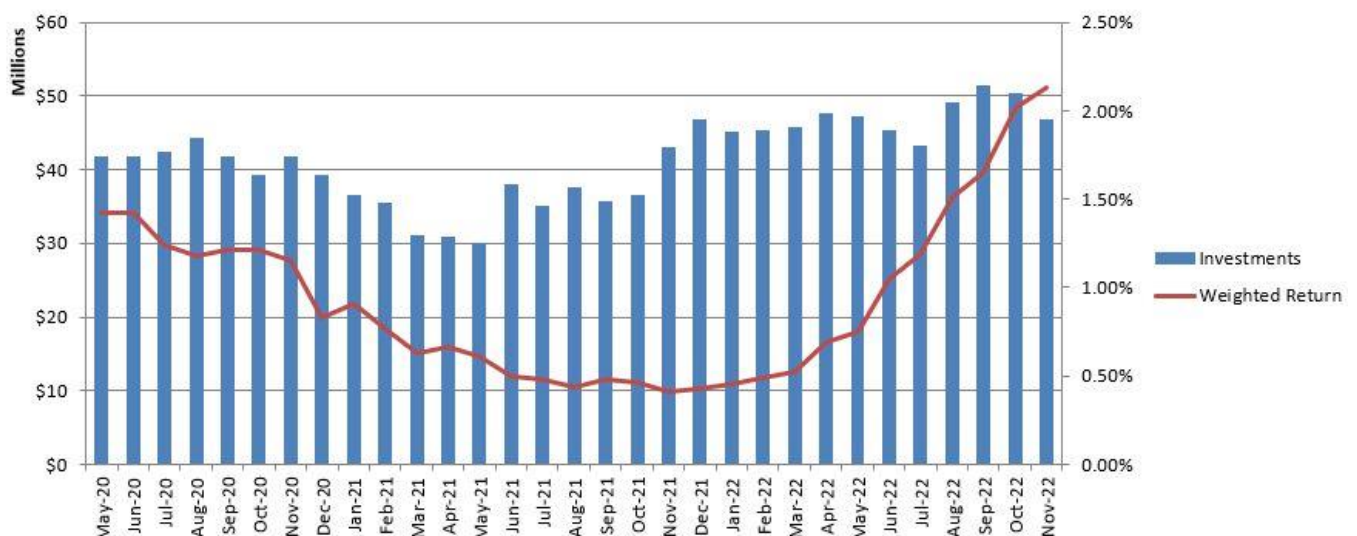
Combined Cash & Investments Table		30/11/2022								
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date	% of Total Portfolio	% of Category	Rating
Commonwealth Bank	Tumut	\$ 1,053,292	\$ 2,173,738	-\$ 1,120,446	W/Act	0.10%		2.3%	14.0%	AA-
Commonwealth Bank	Tumut	\$ 6,476,555	\$ 9,606,643	-\$ 3,130,088	At Call (BOS)	2.70%		13.8%	86.0%	AA-
Commonwealth Bank	Tumut	\$ 500	\$ 14,162	-\$ 13,662	Gen-Roth	0.10%		0.0%	0.0%	AA-
Sub Total Cash & 11 am at Call Accounts		\$ 7,530,347	\$ 11,794,543	-\$ 4,264,196		2.34%		16.1%	100.0%	
Total Cash & At Call Investments		\$ 7,530,347	\$ 11,794,543	-\$ 4,264,196		2.34%		16.1%	100.0%	
Term Deposits	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date	% of Portfolio	% of Category	Rating
Bendigo and Adelaide Bank Limited	310-A	\$ -	\$ 500,000	-\$ 500,000	25/11/2021	0.50%	25/11/2022	0.0%	0.0%	BBB+
Bendigo and Adelaide Bank Limited	329-T	\$ -	\$ 500,000	-\$ 500,000	25/11/2021	0.50%	25/11/2022	0.0%	0.0%	BBB+
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.52%	01/12/2022	3.2%	3.8%	A+
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	2.45%	01/12/2022	3.2%	3.8%	A+
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	16/12/2021	1.00%	07/12/2022	4.3%	5.1%	BBB
Suncorp	799	\$ 1,003,500	\$ 1,003,500	\$ -	23/09/2022	3.41%	23/12/2022	2.1%	2.6%	A+
AMP Bank	328	\$ 1,000,000	\$ 1,000,000	\$ -	17/01/2022	1.10%	17/01/2023	2.1%	2.5%	BBB
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	29/07/2022	3.25%	30/01/2023	3.2%	3.8%	AA-
National Australia Bank	375	\$ 1,500,000	\$ -	\$ 1,500,000	31/10/2022	3.60%	31/01/2023	3.2%	3.8%	AA-
AMP Bank	328	\$ 750,000	\$ -	\$ 750,000	02/11/2022	3.85%	31/01/2023	1.6%	1.9%	BBB
Bank of Queensland	335	\$ 2,000,000	\$ 2,000,000	\$ -	21/02/2022	0.90%	21/02/2023	4.3%	5.1%	BBB+
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	30/08/2022	3.49%	28/02/2023	2.1%	2.5%	AA-
Suncorp	484	\$ 1,000,000	\$ 1,000,000	\$ -	15/06/2022	3.53%	15/03/2023	2.1%	2.5%	A+
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	18/03/2022	1.00%	20/03/2023	4.3%	5.1%	BBB
ICBC Sydney Branch	336	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.65%	11/04/2023	3.2%	3.8%	A
Suncorp	484	\$ 1,500,000	\$ -	\$ 1,500,000	27/10/2022	4.20%	27/04/2023	3.2%	3.8%	A+
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	27/04/2022	2.27%	27/04/2023	4.3%	5.1%	AA-
Suncorp	484	\$ 1,500,000	\$ -	\$ 1,500,000	31/10/2022	4.26%	28/04/2023	3.2%	3.8%	AA-
Westpac	032	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.88%	01/06/2023	3.2%	3.8%	AA-
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	3.20%	01/06/2023	3.2%	3.8%	BBB+
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023	4.3%	5.1%	AA-
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023	2.1%	2.5%	AA-
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023	4.3%	5.1%	AA-
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2022	4.13%	07/09/2023	4.3%	5.1%	AA-
Bank of Queensland (Formerly ME Bank)	010	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023	2.1%	2.5%	BBB+
Suncorp	484	\$ 1,000,000	\$ -	\$ 1,000,000	28/11/2022	4.48%	28/11/2023	2.1%	2.5%	AA-
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024	2.1%	2.5%	AA-
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.85%	08/04/2024	3.2%	3.8%	A
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024	3.2%	3.8%	AA-
Total TD's		\$ 39,253,500	\$ 34,003,500	\$ 5,250,000		2.09%		83.90%	100.0%	
Total Cash & Investments		\$ 46,783,847	\$ 45,798,043	\$ 985,804		2.13%		100.0%		



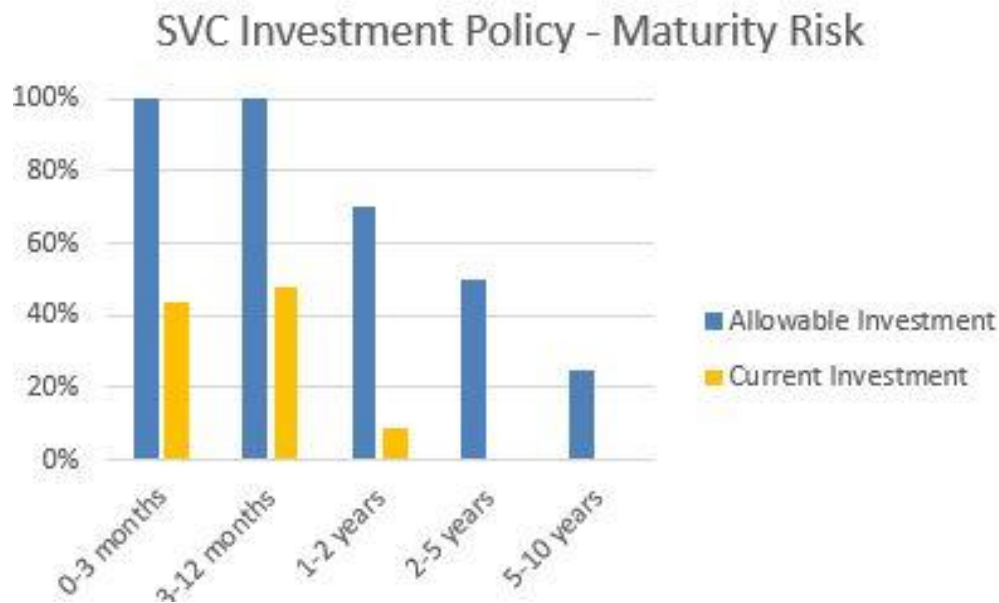
It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's Investment Policy. Cash and Investments Increased \$985K in November 2022.

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 maturity risk. Currently the portfolio remains highly liquid with 43% of investments maturing within 90 days and an additional 48% of investments maturing within 12 months.



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.

11. MANAGEMENT REPORTS

11.1. ROAD NAMING ADELONG - PROPOSED NAME OF LADY MARY LANE

REPORT AUTHOR: GIS TECHNICAL OFFICER

RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the endorsement of the Council for the naming of a currently unnamed crown road 1.8 km East of Herb Feint Bridge, Adelong. The road begins at the intersection of Snowy Mountains Highway and travels Southwest for approximately 500 meters (see attached map).

The proposed name Lady Mary Lane has been suggested by a resident of Adelong, and is not included in the list of pre-approved names that form part of the Council Road Naming Policy.

The name has been submitted by council staff to the NSW Geographic Names Board (GNB) and received approval. In line with Council's Road Naming Policy and the *Road Act 1993*, Council approval is required to name the road and have it gazetted.

This road provides access to residential property and the resident owner is aware of the proposal.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the road name of Lady Mary Lane in Adelong, pending a minimum 28 days of public exhibition including publishing the proposal in the local newspapers allowing for public comment; and**
- 2. Approve the proposal for the road name Lady Mary Lane if no public submissions are received and:**
 - serve notices of the road name proposal to Australia Post, Registrar General, Surveyor General**
 - formally have the name gazetted in the Government Gazette and place a notice in the local newspaper giving a description to the road and its location; and**
- 3. Receive a further report on the proposed road name of Lady Mary Lane if public submissions are received during the exhibition period.**

BACKGROUND:

Council staff received a request from a resident of Adelong in January 2022 to name the road that starts 1.8km East of Herb Feint Bridge in Adelong, at the intersection with Snowy Mountains Highway and travels in a Southwest direction for 500m.

Two names (Eucalypt Place and Magpie Lane) were selected from the list of names in the Council's Road Naming policy to be presented to the council at its Ordinary meeting in May.

Prior to the agenda being published feedback was received from a member of the Adelong community indicating a preference for a name that had a local connection. Lady Mary was submitted to GNB for eligibility checks as a proposed road name under the *Road Act 1993* and NSW Addressing policy.

A formal proposal including a statement from the nominating resident outlining the suitability of Lady Mary as a road name and its local connection was submitted to GNB and approval for the proposed name received.

REPORT:

Under the *Roads Act 1993* and associated regulation, Council is the naming authority for Public Roads within the LGA and must have a road naming policy and procedure.

Councils' policy lists those names which have received GNB pre-approval and Council endorsement.

GNB advises councils to use pre-approval for developments where they are unsure of the road layout and road type that will be used but want to secure the names. Council does not need to supply an extent, road type or plan when proposing a Pre-approval. Councils can use pre-approval to secure road names before submitting in a council report.

Councils policy allows for new road name proposals, that are not on the pre-approved list, to be brought forward and submitted for GNB approval, endorsed by Council, and then placed on public exhibition for a minimum of 28 days for public comment.

The proposal for Lady Mary Lane in Adelong has been submitted to GNB and received their approval. This report seeks the Council's endorsement of Lady Mary Lane as the name for the currently unnamed road to enable official gazettal.

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

Theme 1 - Our Infrastructure

Delivery Outcomes

1.3 Protect and preserve local history and heritage

FINANCIAL AND RESOURCES IMPLICATIONS:

NIL

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil business risk

OPTIONS:

Council may:

- Approve the recommendations
- Amend the recommendation and utilise a pre-approved name as per Councils Road Naming Policy.
- Defer the report and seek further information

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Extensive consultation was undertaken on road names as part of the process in developing Councils Road Naming Policy. Community input has been used to source the proposed name however it is possible some members of the community/public may not like the name.

Subject to the approval of Council, the proposal for the road name of Lady Mary Lane Adelong will be placed on public exhibition for a minimum of 28 days including publishing the proposal in the local newspapers for public comment.

ATTACHMENTS

1. Adelong_NewRoadName_Lady Mary Lane_Map (Under Separate Cover)
2. 20221007 - Road Naming Submission - Lady Mary Lane (Under Separate Cover)

11.2. TUMUT AERODROME - PROPOSED FIRE CONTROL CENTRE

REPORT AUTHOR: SURVEY & DESIGN ENGINEER

RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

The current draft preferred airport masterplan, still subject to stakeholder engagement and public consultation, facilitates potential provision of land to RFS. The purpose of this report is to determine principles on the terms on which the land may be made available to enable negotiation and clarification with RFS and Forestry. It is proposed to report back to council on the outcome of negotiations with the intent to bring the discussions with RFS to conclusion concurrently with finalising the masterplan.

RECOMMENDATION:

THAT COUNCIL:

- 1. Delegate to the General Manager to negotiate with the NSW Rural Fire Service (RFS) and Forestry Corporation of NSW (Forestry) the terms for provision of land at Tumut Aerodrome for the proposed Fire Control Centre (FCC), based on the below guiding principles:**
 - a. Clarity about accessibility of the FCC and that it can be accessed in all conditions.**
 - b. That RFS and Forestry bear the full cost of the development, including services, drainage, etc.**
 - c. It is preferred that all services for the facility are owned and maintained by RFS and Forestry.**
 - d. That Council be reimbursed for the income potential of the land and consideration be made for reimbursement for missed opportunities.**
 - e. Separation of dealings with RFS and Forestry, so that Forestry do not benefit from community funds which are made available under Council's statutory obligations to RFS.**
- 2. Receive a further report to be provided to Council on the outcome of negotiations.**

BACKGROUND:

On 21 July 2021, RFS provided high-level preliminary details of a proposed Fire Control Centre (FCC) for Tumut Aerodrome to Council. A report was prepared for Councillors, and on 19 August 2021, Council resolved the following:

13.1 TUMUT AERODROME - PROPOSED FIRE CONTROL CENTRE**M188/21 RESOLVED:
THAT COUNCIL:**

1. Receive this report on the proposal to locate a Rural Fire Service Fire Control Centre at the Tumut Aerodrome
2. Note the facility upgrade would entail an investment by the Rural Fire Service of approximately \$7 - 9 million and include:
 - a. District Office and Fire Control Centre,
 - b. Aviation Support Brigade facility
 - c. Retardant Base
 - d. Aviation Hangar facility suitable for the storage and maintenance of aviation assets particularly helicopter firefighting and support assets when operating in the area
3. Provide in principle support for making suitable land available at the Tumut Aerodrome to accommodate a RFS Fire Control Centre, noting the proposal raises several matters for Council. These include, but not limited to:
 - a. potential cost for Council and the community relating to the depreciation and ongoing maintenance and operation of the facility
 - b. loss of rental income related to the office space currently leased by RFS in the Riverina Highlands Building
 - c. loss of income that may be otherwise generated from the land made available to the RFS for the new facility
 - d. costs for the provision of services such as water, sewer and upgrades to the power and communications network that may be required to support the proposed fire control centre
 - e. availability of suitable land within the confines of the aerodrome site and potential impacts on current users and neighbours
 - f. impact on the current masterplan for the aerodrome and potential to expand the aerodrome to accommodate additional hangar space and an airpark
 - g. limitations around being able to utilise the site for other emergency services such as floods, requiring duplicate facilities
 - h. impact on the Tumut aerodrome improvement project
4. Note that the overall financial benefit from the new RFS facility in relation to improved fire preparedness and firefighting capacity along with protection of life, property and the environment is not known at this stage, but will likely exceed the cost liabilities
5. Receive a further report providing additional information on the proposed Fire Control Centre including, but not limited to the items raised in item 3(a to h) above

Cr Cate Cross/Cr Julia Ham

CARRIED UNANIMOUSLY

As a result of resolution M188/21, Council Officers have prepared this further report to provide additional information on the proposed Fire Control Centre (FCC) and to guide the process of providing suitable land for the proposed FCC.

REPORT:

Following the devastating bushfires of 2019/20, an independent enquiry made 76 recommendations, including increased water-bombing at night and employing more rapid aerial responses. In a government

media release dated 25 January 2022, Tumut Emergency Operations Centre and Fire Control Centre was identified for a priority upgrade, along with facilities at Moruya and Hawkesbury. Tumut Aerodrome is ideally placed to service rapid responses to the local community, and as such, this development is key to bolstering firefighting response for the local community. Tumut is one of a number of strategic locations chosen across New South Wales for upgraded facilities and strategic asset placement, so it also forms part of a larger overall strategy for fire protection across the state.

Additionally, the development of the Transgrid Humelink introduces further risk which requires mitigation. It is understood that funding has been contributed to bolster fire protection in this regard.

Noting the multiple issues raised in the last report on the FCC to Council in August 2021, it is proposed that the following principles be used to guide the process of granting land to RFS and Forestry for the proposed FCC:

a. Clarity about accessibility of the FCC and that it can be accessed in all conditions.

Current flood information suggests that Wee Jasper Road floods in a 1 in 20 or 5% Annual Exceedance Probability event, and could be flooded in smaller storm events. This means that each year, there is at least a 5% chance of the Wee Jasper Road flooding. This could restrict the use of the Emergency Operations Centre (EOC) which is proposed to be constructed in the FCC to replace the EOC currently in the Riverina Highlands Building (RHB) in Tumut.

RFS and Forestry must provide clarity around how the EOC will be accessed in all conditions to ensure appropriate management of emergencies within the Local Government Area (LGA). If the FCC is not accessible in all conditions, a methodology will need to be demonstrated to ensure appropriate management of emergencies. Duplication of EOCs increases capital and ongoing maintenance and depreciation costs and may also cause confusion in an emergency.

b. That RFS and Forestry will bear the full cost of the development, including; services, drainage, etc.

Any services for the FCC must be funded as part of the FCC development. Council will not fund water and sewer infrastructure construction to the facility. Any required drainage infrastructure construction or modification to facilitate the development of the FCC shall be funded by RFS and Forestry, not Council. While it is in the public interest that RFS have a reliable supply of raw water, it may not be in the public interest that Council fund a raw water supply system to benefit the offices of Forestry. For this reason, it is recommended that Council provide planning advice for the supply of raw water for the development, and where necessary, provide the appropriate support for the supply of raw water (such as facilitating water pipes to be laid in Council-managed road reserves). However, the construction of such services should not be funded by Council as it is not just to the benefit of RFS.

The costs for the provision of town water, raw water, and sewer services have been estimated in the confidential attachment to this report. These figures are considered to be confidential under the *Local Government Act 1993, Section 10A2(d)(i)*.

c. That all services for the facility are owned and maintained by RFS and Forestry.

Any services required for the FCC which will be handed over to Council's care and control will require developer contributions to be paid to Council as per Council's policies. This is consistent with any other development including Council's own infrastructure projects. Any services constructed for the FCC and handed over to Council's care and control will be subject to depreciation costs - increasing the financial burden on Council. It is preferred that all FCC associated services be owned, managed, and maintained by RFS and Forestry.

d. That Council be reimbursed for the income potential of the land and consideration be made for reimbursement for missed opportunities.

The original RFS submission to Council was for "20 000sq Metres or 2 Ha (approx.. 150 M X 150 M)" of land. Along with the proposal to co-locate Forestry in the facility, the request for land has increased to 3.5 Hectares of Council-owned land. This is an increase of over 55% in land requirement since the original proposal was given 'in principle support' from Council. In comparison, Harden FCC (which RFS had pointed to as an example) only covers approximately 1.6 Hectares, while the previously proposed

co-located plan for Forestry and RFS at Sydney Street encompassed an area of approximately 2.7 Hectares, but portions of that site were poorly utilised in the plans. Through the master-planning process, it is clear that RFS and Forestry prefer Option 2, which utilises land in the northern paddock. This land is approximately 13.9 Hectares, and had been intended for a residential airpark estate. The proposed 3.5 Hectare FCC would inhabit just over 25% of the land area and would significantly limit the potential for future aviation-related development. Based on Council's current 2022/23 fees and charges schedule, this land represents a significant potential income stream. It should also be noted that these fees are expected to steadily increase. The potential income figures from the land are considered to be confidential under the *Local Government Act 1993, Section 10A2(c)*. They are included in the confidential attachment to this report

The RFS currently leases office space from Council in the Riverina Highlands Building (RHB) in Tumut but intend to move to the FCC. Further to this, Forestry Corporation of NSW has committed to being co-located with RFS and also lease office space from Council in the RHB. This means that the SVC will result in a significant loss of rental income to Council from RFS and Forestry until such time as these spaces are leased by other entities. The risk depends on market demand, which is not within the scope of this report. Please note that rental income figures are considered to be confidential under the *Local Government Act 1993, Section 10A2(c) & (d)(i)(ii)*. They are included in the confidential attachment to this report.

While this income would go a long way in offsetting the maintenance deficit of the aerodrome budget, it must be noted that RFS are currently in breach of their licence deed having failed to pay hangar invoices from 2020/21, 2021/22, and 2022/23 Financial Years which is a breach of their licence deed. RFS wrote to Council on 17/06/2021 requesting a waiving of fees. Council resolved to donate to RFS a sum equivalent to the fees for the 2021/22 Financial Year and to consider further donations on future budget deliberations, however, Council did not grant the request to waive fees. This will need to be resolved prior to committing to provide Council-owned land at the Tumut Aerodrome.

e. Separation of dealings with RFS and Forestry, so that Forestry do not benefit from community funds which are made available under Council's statutory obligations to RFS.

Council must use rate-payer funds for the benefit of the community and must ensure these funds are used wisely. While Council has certain obligations to RFS under the *Rural Fires Act 1997* and our Service Level Agreement, these obligations do not extend to Forestry. Council should have separated dealings with RFS and Forestry, so that Forestry pays fair value for any goods and services rendered.

The last three financial years have demonstrated a change, with RFS resistant to paying for land at Tumut Aerodrome, despite the Licence Deed for occupation of site at the airport having been in place for many years. Council will need to take reasonable steps to ensure the income potential of land at Tumut Aerodrome is realised.

Other issues to be considered as a part of this decision include:

The 'Red Fleet' debate

In 2021, the NSW Audit Office advised that all NSW RFS assets located within the Local Government Area (LGA) are vested with Council. For the 2021/22 FY, Council's audit has been 'qualified' due to this issue.

At this point, Council does not recognise RFS assets as Council assets because it argues that;

- Council does not have control of the assets,
- Council may not benefit from the sale of the assets (*Rural Fires Act 1997, Div 7 119-(4)*)
- Council does not have to pay for the replacement of the assets (*Rural Fires Act 1997, Div 2 102*).

While this argument seems logical, it is possible that Council may still be forced to 'own' and therefore depreciate these assets. If this is the case, depreciation costs related to the FCC would be a significant annual budgetary burden on Council. The estimated costs are considered to be confidential under the *Local Government Act 1993, Section 10A2(d)(i)*. They are included in the confidential attachment to this report.

Noise impacts

The local community has expressed concern about the noise generated from the proposed helicopter facility. While it can be argued that the public should expect aircraft noise at an airport, it is also true that the area proposed to be utilised by the RFS was intended to be developed into a residential airpark. The area has been intended for that purpose since before May 2006 when applications for this purpose were submitted to Council by a private developer. When Council purchased the land in 2011 and completed the 2015 Tumut Aerodrome Masterplan, this intent remained largely unchanged. It could be argued that for the last 15 years, local residents invested in property around Tumut Aerodrome with an expectation that this airpark would come to fruition. The noise impacts of a Fire Control Centre with helicopter facilities would be quite different to those of a residential airpark estate, and this is a concern of local landowners. In considering airport planning consistency and sensitive noise receptors, land south of the existing hangar precinct is already burdened by helicopter operations and is further away from sensitive noise receptors. However, this land has not been considered as a viable location for the FCC because it is privately owned and would increase costs to acquire. In the current Master-planning process, effort has been made to reduce noise impacts as much as possible within the constraints. Increased traffic noise was also mentioned as a concern, particularly in the morning.

It should also be noted that the major noise impacts will be experienced during active emergencies. While local residents will experience an increase in noise, these activities will provide emergency services such as firefighting or search and rescue (SAR) to the broader community benefit.

Fire fighting impacts

The local community has expressed concern about a previously proposed fire ground within the FCC precinct. The fire ground has since been removed from the FCC plan, but even without a formal fire training ground these firefighting training activities could still be carried out at the new facility. The major concern expressed is the possibility of pollution and contamination occurring in downstream areas as firefighting chemicals, fire-starting petrochemicals, organics, and chemical/organic reaction by-products could be washed from the site by rainfall into neighbouring properties along natural drainage lines. The basis for this concern was referenced to be the historical use of PFAS firefighting foams in training at airports across Australia, which has resulted in significant land pollution, contamination of water sources and allegedly severe health effects. The use of PFAS has since been phased out.

A further concern is the production of smoke from a fire, which is a hazard to aircraft requiring immediate action by Council as the Aerodrome Operator. Each fire event would require sufficient coordination and timely communication with Council staff to enable a NOTAM (Notice to Airmen) to be issued to provide sufficient warning to aviators. Each fire event will impose an additional workload on Council staff long into the future. Smoke may also impact on local residences as well as aviators.

It is recommended that these issues be considered and addressed by the relevant approval processes or operational controls.

Aerodrome planning impacts

In its workshop on 10 November 2022, Council noted the impact of this development on the proposed airpark. If the new facility is located in the northern section of the aerodrome as proposed, this would result in the loss of more than seven (7) of the seventeen (17) proposed residential airpark estate lots and will likely impact on the value and desirability of the remaining lots due to potential noise and loss of visual amenity. For this reason, the location of the FCC in the northern area is fundamentally in opposition to the planned airpark development. Council should note the magnitude of this impact on the previous plan for an airpark estate, and should seek to clarify the planning for future growth of Tumut Aerodrome.

Additional costs associated with the FCC

There is a requirement for additional pavement to serve the FCC. RFS have previously stated that their funding for FCC's generally doesn't cover costs for hardstand areas. It must be noted that the additional paved areas may not be able to be funded under the Aerodrome Stage 2 project. In such circumstances, Principle B should come into effect where "RFS and Forestry will bear the full cost of the development".

Where it can be incorporated within the Aerodrome Stage 2 project, Council will endeavour to complete the pavement works to serve the FCC.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Financial impacts as detailed in the confidential attachment.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Changes to the existing Tumut Aerodrome Masterplan are required and progressing.

Council has certain obligations to RFS under the *Rural Fires Act 1997*.

The proposed fire ground implies a burden of action on Council in accordance with the *Part 139 Manual of Standards*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Use of Council land without a guiding legal agreement	Uncontrolled use of Council land and resulting liabilities on Council	None identified
Environmental & Public Health	Potential chemical release and pollution of the environment	Unquantifiable	Correct use of chemicals in firefighting resulting in greater safety from fire.
Financial	Loss of revenue and potential revenue	As detailed in the confidential attachment	Consolidated and improved RFS capacity
People	Greater protection of the population through increased RFS firefighting capacity	As detailed in the confidential attachment	Greater protection of the population through increased RFS firefighting capacity
Technology	None identified	None identified	None identified
Stakeholder	Changes to the Tumut Aerodrome Masterplan not pleasing to some stakeholders	Reputational	None identified
Service Delivery	None identified	None identified	None identified

OPTIONS:

- Endorse the recommendations
- Reject the recommendations
- Change the recommendations

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Under the Tumut Aerodrome Masterplan development, members of the local aviation community have been consulted on this proposal.

ATTACHMENTS

1. Confidential - Tumut Aerodrome - Proposed Fire Control Centre costings (Under separate cover)

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 23 NOVEMBER 2022

REPORT AUTHOR: COORDINATOR GOVERNANCE

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The Audit, Risk & Improvement Committee (ARIC) was established by Council in August 2016. ARIC is pursuant to section 428A of the *Local Government Act 1993*. The ARIC reports to Council after each meeting.

RECOMMENDATION:

THAT COUNCIL:

Receive the Minutes of the Audit Risk and Improvement Committee held on 23 November 2022.

BACKGROUND:

ARIC's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference. This advice aims to facilitate the decision making of Council in relation to the discharge of its responsibilities. In accordance with section 428A of the *Local Government Act 1993*

(1) A council must appoint an Audit, Risk and Improvement Committee.

(2) The Committee must keep under review the following aspects of the council's operations

- *compliance,*
- *risk management,*
- *fraud control,*
- *financial management,*
- *governance,*
- *implementation of the strategic plan, delivery program and strategies,*
- *service reviews,*
- *collection of performance measurement data by the council,*
- *any other matters prescribed by the regulations.*

(3) The committee is also to provide information to the council for the purpose of improving the Council's performance of its functions.

REPORT:

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

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

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The approved budget for the operation of ARIC for 2022/23 is \$40,000 and includes member remuneration, training and the engagement of the internal auditor.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council has established an ARIC which functions under the *Internal Audit Guidelines*, September 2010 issued under Section 23A the *Local Government Act, 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The Committee is charged with the responsibility of:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes - Audit Risk and Improvement Committee - 23 November 2022 (Under Separate Cover)

12.2. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 27 OCTOBER 2022

REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER

RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The Disability Inclusion Action Reference Group (DIARG) is an advisory committee and report to Council following each meeting.

This report seeks the adoption of the DIARG Minutes of 27 October 2022.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive and Note the Minutes of the Disability Inclusion Action Reference Group held on 27 October 2022.**
2. **Adopt the following recommendation/s from the minutes:**
 - 2a. **Accept Sonia Rattey (connectmecounselling), Fiona Scott (Valmar), Kerein Mullins (Intereach), Melissa Bradshaw (Snowy Valleys School), Christine Webb (Tumut Community Association), Martin Brown (Community member), Catherine Anderson (Kurrajong) as voting members for the Disability Inclusion Access Reference Group Advisory Committee and notify applicants of the outcome; and**
 - 2b. **Adopt the reviewed Disability Inclusion Access Reference Group Terms of Reference.**

BACKGROUND:

DIARG was formed through the Snowy Valleys Council Disability Inclusion Action Plan (DIAP). The DIAP is a legislated plan for Public Authorities under the *Disabilities Act 2014*. DIARG advise and support the achievement of the actions in the DIAP.

REPORT:

At the DIARG meeting held on the 27th of October 2022, key agenda items were discussed and details are included in the attached minutes. A summary of the agenda items and discussion points is as follows:

1. Committee members applications received, and a new committee recommended.
2. DIAP update
3. Disability Inclusion Access Reference Group Terms of Reference
4. Pedestrian crossing in Wynard Street concerning for people with disabilities.
5. Access to local swimming pools for disability service providers outside of busy peak times.
6. How to improve the accessibility to provide feedback to Council for people with disabilities in the community.
7. Meeting dates for 2023 reviewed.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 1 - Our Community

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

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

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

Delivery Program Principal Activities

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The financial and resources implications of DIARG Committee are intangible and contribute to enhancing the welfare and social inclusion of people with disability in the Snowy Valleys Council local government area.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

In accordance with the *Disability Inclusion Act 2014*, Division 3 Disability Inclusion Action Plans, 12 Requirement for Disability Inclusion Action Plans. Council, a public authority must have a plan that sets out specific measures to include people with a disability.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

1. Council receives the report and adopt the minutes of the DIARG Committee without change.
2. Council receives the report and does not adopt the minutes of the Disability Inclusion Access reference Group Committee and consults with the Disability Inclusion Access Reference Group Committee as to the reasons.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

1. REVIEW Disability Inclusion Access Reference Group Terms of Reference (Under separate cover)
2. Minutes - Disability Inclusion Access Reference Group - 27 October 2022 (Under separate cover)

12.3. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 16 NOVEMBER 2022**REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER****RESPONSIBLE DIRECTOR: INTERIM DIRECTOR COMMUNITY AND CORPORATE**

EXECUTIVE SUMMARY:

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

This report seeks the adoption of the First Nations Liaison Committee minutes from the 16 November 2022 Committee meeting.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive and Note the Minutes of the First National Liaison Committee held on 16 November 2022.**
- 2. Adopt the following recommendation/s from the minutes:**
 - 2a. Explore options to establish a volunteer team/program of Aboriginal people to help maintain the lawns and Cemetery in Brungle; and**
 - 2b. Appoint a Council Staff member to coordinate the work carried out by the volunteer team/program in Brungle.**

BACKGROUND:

The Aboriginal Liaison Committee and Council, through collaborative work in 2019, identified the need for a formal reconciliation journey. This led to the development of the Reflect Reconciliation Action Plan Council (RAP). During the RAP development, Council and the Aboriginal Liaison Committee in 2022 agreed that the existing Aboriginal Framework including the Memorandum of Understanding Between Aboriginal Community of Snowy Valleys and the Snowy Council (MoU), the Aboriginal Cultural Protocols and Practices Policy and the Aboriginal Liaison Committee Terms of Reference were not consistent and replicated each other. In 2022, Council adopted the RAP, First Nations Liaison Committee Terms of Reference and the First Nations Cultural Protocols.

REPORT:

At the First Nations Liaison Committee meeting held on the 16 November 2022, key agenda items were discussed and details are included in the attached minutes. A summary of the agenda items and discussion points is as follows:

1. Brungle Tumut Aboriginal Local Land Council is in the process of investigating the possibility of applying for the control of the road reserves in Brungle.
2. Purchase of two (2) new Aboriginal Flags.
3. Toomaroombah Kunama Namadgi Indigenous Corporation (TKNIC) and Brungle Tumut Local Aboriginal Land Council should be contacted initially to nominate an Elder to deliver 'Welcome to Country' at Council events.
4. Committee member resignation.
5. GIS mapping update.
6. Discussions about options to establish a volunteer team/program of Council to maintain the lawns and Cemetery in Brungle.

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

Theme 1 - Our Community

Theme 3 - Our Environment

Community Strategic Plan Objectives

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

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

Delivery Program Principal Activities

1.5 Value our heritage and promote civic pride

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

Councils will utilise the Cultural budget for its commitment to celebrate First Nations ceremonies and events, including NAIDOC Week, Reconciliation Week and events identified in the RAP and providing remuneration to Elders performing 'Welcome to Country' stated in the First Nations Cultural Protocols.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

1. DRAFT - Map - Regional Indigenous Lands - First Nations Liaison Committee (Under Separate cover)
2. Minutes - First Nations Liaison Committee - 16 November 2022 (Under separate cover)

12.4. MINUTES - TOOMA RECREATION RESERVE - AGM 18 OCTOBER, 2022**REPORT AUTHOR: MANAGER TECHNICAL SERVICES****RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE**

EXECUTIVE SUMMARY:

The Tooma Recreation Reserve Committee (the Committee) is a Section 355 Committee of Council which maintain and operate the Tooma Recreation Reserve on behalf of Council. The Committee held their Annual General Meeting on the 18th October 2022.

The Committee has requested approval for the opening of a separate, interest bearing account for the money received from the Bushfire Local Economic Recovery Fund.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Adopt the Minutes of the Tooma Recreation Reserve Committee Annual General Meeting held on 18th October, 2022 and they be received and noted;**
- 2. Adopt the Draft Terms of Reference for the Tooma Recreation Reserve Committee;**
- 3. Approve the Tooma Recreation Reserve Committee to open an interest-bearing account for the funding received under the Bushfire Local Economic Recovery Fund; and**
- 4. Approve the request for transfer of \$883.04 to the Tooma Recreation Reserve Committee account.**

BACKGROUND:

The Tooma Recreational Reserve Committee was established as a Section 355 Committee with the objective of providing management of the Tooma Recreation Reserve and to stimulate the ongoing social and cultural prosperity to the village of Tooma around this Reserve.

Previously, regarding the Bushfire Local Economic Recovery Fund (BLERF) Grant, Council in March 2022 has resolved:

M82/22 RESOLVED:**THAT COUNCIL:**

1. Receive the report on Tooma Hall Bushfire Local Economic Recovery Fund (BLERF) Grant - Updated Late Report.
2. Authorise the Chief Executive Officer to sign acceptance of the funding deed on behalf of Council's Tooma Recreation Reserve s355 Committee.
3. Authorise the Chief Executive Officer, upon receipt of the funding, to transfer the value received to the Tooma Recreation Reserve s355 Committee for the direct management of the project, subject to compliance with Council's policy and procedures and project management framework which includes regular project progress and financial reports
4. Authorise the Mayor and Chief Executive Officer to affix Council seal and execute any documents relevant to the project
5. Write to the Tooma Recreation Reserve Committee, indicating that Council accepts their proposal for project management by their subcommittee, and stipulate compliance with Council's project management framework.

Cr Julia Ham/Cr James Hayes

CARRIED UNANIMOUSLY

REPORT:

The Tooma Recreational Reserve Committee (the Committee) conducted their Annual General Meeting (AGM) on the 18th October 2022. The Office Bearers were elected to the committee as part of the AGM.

The Committee reviewed and adopted the Draft Terms of Reference provided by Council. On top of the Executive, the Committee nominated and accepted seven additional members for the Committee, excluding the Councillor representative.

The BLERF project was discussed and an update provided to attendees. The project progress is communicated monthly to Council through the provision via a report in line with the Project Management Framework (PMF). The Committee resolved at the meeting to open a specific bank term deposit interest bearing account for the received funds. This is to be in line with Council's Committees Operations Manual (page 18), through a recognised financial institution. The nomination of the Tumbarumba Bendigo Bank is in compliance with this requirement.

The Committee has also requested the reimbursement of the net claimable GST to a value of \$883.04 from Council in line with the Council Committees Operation Manual (the Manual) . The Manual states on page 18 "GST paid and collected is reported to Council's finance team on a quarterly basis. Where applicable Council will invoice the committee if GST collected exceeds GST paid or refund if vice versa". Under the operating manual Council also requires that "All income and expenditure is recorded electronically or manually and financial transactions and records have to be reconciled monthly and provided to Council quarterly." The reconciliation of income and expenditure and provision of information required have been provided for end of financial year 2021/22 financial year and the first quarter report for financial year 2022/23.

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

Theme 1 - Our Community

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

1.2 Provide and maintain community spaces that encourage activity and wellbeing

FINANCIAL AND RESOURCES IMPLICATIONS:

The Committee is managing the Bushfire Local Economic Recovery Fund project through a sub-committee which informs Council monthly of progress in line with the Project Management Framework and adopted resolutions of Council.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The Committee endorsed the Draft Terms of Reference provided by Council as the operation and functioning direction of the Committee.

The requests for fund transfer are in line with Council's Committees Operations Manual.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The PMF has been followed by the subcommittee with regular updates provided on the progress and engagement of contractors. This has been in line with Council's Policies and Procedures and the PMF includes risk identification and mitigation assessments.

OPTIONS:

Council can resolve to:

1. Accept the recommendations
2. Modify the recommendations
3. Reject the recommendations

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes of the Tooma Recreation Reserve 355 Committee Annual General Meeting (Under Separate Cover)
2. Letter of request from Tooma Recreation Reserve 355 Committee (Under Separate Cover)
3. October Tooma Bushfire Local Economic Recovery Fund Project Management Framework Report (Under Separate Cover)
4. Tooma Hall Summary Financial Year Treasurer's Report (Under Separate Cover)
5. Tooma Hall Detailed Financial Year Treasurer's Report (Under Separate Cover)
6. DRAFT Tooma Recreation Reserve Committee Terms of Reference (Under Separate Cover)

13. CONFIDENTIAL

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

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

RECOMMENDATION:

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

CONFIDENTIAL - RFT - 2022/05 - MR677 ALPINE WAY SLOPE REMEDIATION

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

CONFIDENTIAL - REAPPOINTMENT - INDEPENDENT MEMBER - AUDIT RISK AND IMPROVEMENT COMMITTEE

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

14. MEETING CLOSURE
