



# **SNOWY VALLEYS COUNCIL ORDINARY MEETING**

## **AGENDA**

**Thursday, 18 May 2023**

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](http://www.planning.nsw.gov.au/donations)

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

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

- 15.21** Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22** A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23** Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24** If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

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

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

**Photography**

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the General Manager.

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

- 4.1** The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.
- 4.2** Public forums are to be chaired by the mayor or their nominee.

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

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



**Thursday, 18 May 2023**

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

**2:00 PM**

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## 1. ACKNOWLEDGEMENT OF COUNTRY

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

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## 2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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## 3. DECLARATIONS OF PECUNIARY INTEREST

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*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.*

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## 4. CONFIRMATION OF MINUTES

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### 4.1. MINUTES - ORDINARY COUNCIL - 20 APRIL 2023

#### RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 20 April 2023 be received and confirmed as an accurate record.

**Attachment 1 - 20230420 - DRAFT Minutes - Ordinary Council**



**ORDINARY MEETING**

**MINUTES**

**Thursday, 20 April 2023**

THE MEETING WAS HELD AT 2:00 PM  
COUNCIL CHAMBERS BRIDGE STREET TUMBARUMBA  
& VIA VIDEO LINK

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Mayor

\_\_\_\_\_  
General Manager

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Mayor

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General Manager



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held in Council Chambers Bridge Street Tumbarumba & Via Video Link on Thursday, 20 April 2023

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Mayor\_\_\_\_\_  
General Manager

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

**IN ATTENDANCE:** General Manager Ken Gouldthorp; Acting Director Infrastructure & Works Glen McGrath, Director Community & Corporate Jessica Quilty; Manager Finance Parthiv Parekh; Manager Growth & Activation Nick Wilton

## 1. ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by Cr Julia Ham.

## 2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

A Leave of Absence from Cr Mick Ivill for today's meeting was previously granted on 16 February 2023.

A request for remote attendance to today's meeting has been received from Cr James Hayes.

**M45/23 RESOLVED** that the request from Cr James Hayes for remote attendance to today's meeting be received and granted.

Cr John Larter/Cr Julia Ham

**CARRIED UNANIMOUSLY**

## 3. DECLARATIONS OF PECUNIARY INTEREST

Cr John Larter declared a pecuniary interest in relation to report 10.7 Development Application 2023-0008 - Proposed Food and Drink Premises (Lot B DP 157032) 71 Fitzroy Street Tumut due to being Director Shelge Pty Ltd and will leave the room during discussion.

## 4. CONFIRMATION OF MINUTES

### 4.1. MINUTES - ORDINARY COUNCIL - 16 MARCH 2023

**M46/23 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 16 March 2023 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

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**5. CORRESPONDENCE/PETITIONS**

Nil.

**6. NOTICE OF MOTION/NOTICE OF RESCISSION**

Nil.

**7. MAYORAL MINUTE**

Nil.

**8. URGENT BUSINESS WITHOUT NOTICE**

Nil.

**9. GOVERNANCE AND FINANCIAL REPORTS****9.1. PUBLIC SWIMMING POOLS ENTRY FEES****MOTION:****THAT COUNCIL:**

1. Support the inclusion of the following public swimming pool entry fees as part Council's 2023/24 Fees and Charges schedule:

## Fee Description

	Proposed Fee (Inc GST)
<u>Single Entry</u>	
Adult	\$ 5.00
Children	\$ 2.50
Concession	\$ 2.50
Non Swimming Spectator	\$ 1.00
Family	\$ 10.00
<u>Season Passes</u>	
Adult	\$ 120.00
Children	\$ 100.00
Concession	\$ 100.00
Family	\$ 200.00

2. Be provided with a further report on the potential for a concessional family pass;
3. Be provided with a report analysing attendance and revenues at the end of the next swimming season.

Cr Trina Thomson/Cr Julia Ham

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General Manager

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**M47/23 RESOLVED** to move into Committee of the Whole.

Cr Trina Thomson/Cr Sam Hughes

**CARRIED UNANIMOUSLY****M48/23 RESOLVED** to move out of Committee of the Whole.

Cr Trina Thomson/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY****M49/23 RESOLVED:**

THAT COUNCIL:

1. Support the inclusion of the following public swimming pool entry fees as part Council's 2023/24 Fees and Charges schedule:

Fee Description

	Proposed Fee (Inc GST)
<u>Single Entry</u>	
Adult	\$ 5.00
Children	\$ 2.50
Concession	\$ 2.50
Non Swimming Spectator	\$ 1.00
Family	\$ 10.00
<u>Season Passes</u>	
Adult	\$ 120.00
Children	\$ 100.00
Concession	\$ 100.00
Family	\$ 200.00

2. Be provided with a further report on the potential for a concessional family pass;
3. Be provided with a report analysing attendance and revenues at the end of the next swimming season.

Cr Trina Thomson/Cr Julia Ham

**For:** Cr Armour, Cr Chaffey, Cr Ham, Cr Hughes, Cr Livermore, Cr Thomson**Against:** Cr Larter, Cr Hayes**6 / 2****CARRIED****9.2. STATEMENT OF INVESTMENTS - MARCH 2023****M50/23 RESOLVED:**

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Mayor\_\_\_\_\_  
General Manager

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THAT COUNCIL:

1. Note the report on Statement of Investments - March 2023

Cr Brent Livermore/Cr Trina Thomson

**CARRIED UNANIMOUSLY**

## 10. MANAGEMENT REPORTS

### 10.1. SOUTHERN REGIONAL PLANNING PANEL MEMBERSHIP

**M51/23 RESOLVED:**

THAT COUNCIL:

1. Amend the current membership of the Southern Region Planning Panel (SRPP) by removing the appointment of the 'Interim General Manager';
2. Formally advise the New South Wales Department of Planning and Environment of the amendment effective immediately;
3. Appoint Cr Johanna (Hansie) Armour and Cr Sam Hughes in addition to Councillor Brent Livermore (current member of the SRPP), effective immediately, until the end of the current term of Council or not more than a period of three (3) years from the date of the resolution;
4. Advertise for an expression of interest from interested members of the community with appropriate qualifications and experience, to be appointed as Council appointed representatives to the Southern Regional Planning Panel. Any appointment of up to three (3) Council appointed members through the EOI process will be via a future report to Council and will be for the current term of Council or not more than a period of three (3) years from the date of appointment; and
5. Confirms that the rate of remuneration for any Council appointed representative on the Southern Regional Planning Panel in accordance with the Department's guidelines be \$600 per meeting inclusive of GST (includes preparation, pre-meeting site inspections, determination meetings and post meeting administrative matters).

Cr Trina Thomson/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

### 10.2. SERVICE NSW FOR BUSINESS

**M52/23 RESOLVED:**

THAT COUNCIL:

1. Receive the Report on the Service NSW for Business Partnership Agreement;
2. Delegate authority to the General Manager to enter into a partnership agreement with Service NSW for Business Program; and
3. Authorise the use of the Common Seal of Council to execute any necessary documents required to enact the agreement with Service NSW.

Cr John Larter/Cr Brent Livermore

**CARRIED UNANIMOUSLY**

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Mayor\_\_\_\_\_  
General Manager

**10.3. TUMUT AERODROME DRAFT MASTER PLAN - COMMUNITY FEEDBACK****M53/23 RESOLVED:****THAT COUNCIL:**

1. Adopt the amended Tumut Aerodrome Master Plan noting the following changes:
  - a) Modify section 9 (p24) of the Master Plan to move the runway extension from 'Ultimate Development Stage' (5-20 years) to 'Initial Development Stage' (1-5 years) and add weather station to 'Initial Development Stage'.
  - b) Modify section 9.1 (p25) to include the runway extension 300m to the north & weather station location (if installed) under 'Initial Development Stage'.
  - c) Modify section 9.4 (p28) to remove the runway extension from the 'Ultimate Development Stage'.
  - d) Inclusion of possible location for a weather station if installed (shown on page 25).
2. Write to all respondents thanking them for their submission and advising them of Council's decision.

Cr Julia Ham/Cr John Larter

**CARRIED UNANIMOUSLY**

**10.4. TERMS OF REFERENCE - FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE-TUMUT AND TUMBARUMBA****M54/23 RESOLVED:****THAT COUNCIL:**

1. Endorse the amendment of the Terms of Reference (SVC-ToFR-037-02) to amend the Title of the Committee to 'Tumut Floodplain Risk Management Committee';
2. Endorse the amendment of the Terms of Reference (SVC-ToFR-040-01) to amend the Title of the Committee to 'Tumbarumba Floodplain Risk Management Committee'; and
3. Endorse the amendment of both Terms of References to identify that voting rights should only be for Councillors and local community representatives on the Committee'.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

**10.5. DRAFT COMPANION AND NON COMPANION ANIMALS POLICY - FOR PUBLIC EXHIBITION****M55/23 RESOLVED:****THAT COUNCIL:**

1. Endorse the Draft Companion and Non-Companion Animals Policy for public exhibition for a period of not less than 28 days;
2. Note that if submissions are received during the exhibition period, a further report will be provided to Council; and

\_\_\_\_\_  
Mayor

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General Manager

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3. Adopt the Draft Companion and Non-Companion Animals Policy if no submissions are received on the day after the completion of the public exhibition period.
4. Repeal the Companion Animal Management Policy should the Draft Companion and Non-Companion Animals Policy be adopted.

Cr Julia Ham/Cr John Larter

**CARRIED UNANIMOUSLY****10.6. PP2022-1938 AMENDMENT TO ZONING AND MINIMUM LOT SIZE - 67-99 ADELONG ROAD, TUMUT - POST EXHIBITION****M56/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the Planning Proposal PP2022-1938 submitted under planning proposal LEP2022/01 prepared to amend the Tumut Local Environment Plan (LEP) 2012 Land Zoning Map from SP2 Infrastructure to IN1 General Industry of a part section of Adelong Road, Tumut, and that the LEP 2012 Lot Size Map also be amended from "Not Applicable" to 750m2.
2. Forward the planning proposal to the Department of Planning and Environment for finalisation in accordance with s.3.36 of the *Environmental Planning & Assessment Act 1979*.

Cr Julia Ham/Cr Brent Livermore

**For:** Cr Armour, Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Larter, Cr Livermore, Cr Thomson**Against:** Nil**8/0****CARRIED UNANIMOUSLY****10.7. DEVELOPMENT APPLICATION 2023-0008 - PROPOSED FOOD AND DRINK PREMISES (LOT B DP 157032) 71 FITZROY STREET TUMUT**

Cr John Larter left the room at 2.48pm.

MOTION:

THAT COUNCIL:

1. Determine the Development Application DA2023/0008 for a 'food and drink premises' at Lot B DP 157032 by way of approval and Council apply the conditions of development consent to the approval with the following amendments:
  - a) The words 'or similar' be removed from condition number six (6)
  - b) Operating hours in Clause 9 be amended to 6.00am to 9.00pm.

Cr Brent Livermore/Cr Sam Hughes

**M57/23 RESOLVED** to move into Committee of the Whole

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

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**M58/23 RESOLVED** to move out of Committee of the Whole

Cr Julia Ham/Cr Sam Hughes

**CARRIED UNANIMOUSLY****M59/23 RESOLVED:**

THAT COUNCIL:

1. Determine the Development Application DA2023/0008 for a 'food and drink premises' at Lot B DP 157032 by way of approval and Council apply the conditions of development consent to the approval with the following amendments:
  - a) The words 'or similar' be removed from condition number six (6)
  - b) Operating hours in Clause 9 be amended to 6.00am to 9.00pm.

Cr Brent Livermore/Cr Sam Hughes

**For:** Cr Armour, Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Livermore, Cr Thomson**Against:** Nil**7/0****CARRIED UNANIMOUSLY**

Cr John Larter returned to the meeting at 3.01pm.

**10.8. DEVELOPMENT APPLICATION 2022-0099 - RESIDENTIAL ALTERATIONS AND ADDITIONS LOT 32 DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720****M60/23 RESOLVED:** The item was withdrawn at the request of the General Manager and with the permission of Council.

Cr Johanna (Hansie) Armour/Cr Trina Thomson

**CARRIED UNANIMOUSLY****10.9. DRAFT TUMUT TOWN CENTRE TRAFFIC AND PARKING STUDY 2023 - PUBLIC EXHIBITION****M61/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the Draft Tumut Town Centre Traffic and Parking Study 2023 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 to council; and
3. Adopt the Draft Tumut Town Centre Traffic and Parking Study 2023 if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr John Larter

**CARRIED UNANIMOUSLY**

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Mayor\_\_\_\_\_  
General Manager



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## 11. MINUTES OF COMMITTEE MEETINGS

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### 11.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 08 MARCH 2023

#### M62/23 RESOLVED:

##### THAT COUNCIL:

1. Receive and note the Minutes of the Audit Risk and Improvement Committee held on 08 March 2023; and
2. Allocate a budget of \$47,000 for the operation of the Audit Risk and Improvement Committee for 2023/24 inclusive of member remuneration, training, the engagement of the internal audit provider and two (2) internal audits to be undertaken.

Cr Brent Livermore/Cr John Larter

**CARRIED UNANIMOUSLY**

### 11.2. MINUTES - TUMUT AERODROME COMMITTEE - 14 MARCH 2023

#### M63/23 RESOLVED:

##### THAT COUNCIL:

1. Receive and note the Minutes of the Tumut Aerodrome Committee held on 14 March 2023; and
2. Note the stated position of the Committee on the proposed infrastructure upgrades at the aerodrome, specifically; "The Aerodrome Committee acknowledges that the current airport facilities are satisfactory for recreational use but supports the upgrade for emergency services and commercial operations".

Cr John Larter/Cr Julia Ham

**CARRIED UNANIMOUSLY**

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## 12. CONFIDENTIAL

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Nil.

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## 13. MEETING CLOSURE

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There being no further business to discuss, the meeting closed at 3.08pm.

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Mayor

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General Manager

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## **5. CORRESPONDENCE/PETITIONS**

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## **6. NOTICE OF MOTION/NOTICE OF RESCISSION**

### **6.1. NOTICE OF MOTION - RECORDING / MINUTING WORKSHOPS**

**Councillor Johanna (Hansie) Armour**

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#### **SUMMARY:**

Pursuant to Notice, Councillor Johanna (Hansie) Armour has submitted the following Motion:

#### **NOTICE OF MOTION:**

**That all Councillor Workshops are recorded/minuted and kept as a record on file for future reference.**

#### **RESOURCING IMPLICATIONS:**

#### **GENERAL MANAGER ADVICE:**

The various forms of meeting formats are addressed on page 49 of the Councillor Handbook issued by the Office of Local Government.

Workshops are not considered to be formal meetings. Decisions are not made at the workshop, rather the sessions provide time to explore more important or complex issues in detail with open in-depth discussions. The councillor handbook advises that: 'workshops should not be used for detailed or advanced discussions where agreement is reached and/or a defacto decision is made'.

In effect workshops assist to inform councillors and facilitate engagement on policy matters prior to reports being presented at formal Council meetings for decision at which time the proceedings are recorded and decisions minuted.

The proposal to record and minute workshops is effective transitioning workshops to formal Council meetings to which the *Local Government Act 1993* and Code of Meeting Practice must be applied.

Council has the discretion to determine not to have workshops and conduct all business in formal meetings, however this is not recommended as it would limit the mechanisms available to councillors to be fully informed and engage in discussion on possible future policy with senior staff.

#### **ATTACHMENTS**

Nil.

## **6.2. NOTICE OF MOTION - HUMELINK PRESENTATION TO COUNCIL AND COMMUNITY**

**Councillor Julia Ham**

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### **SUMMARY:**

Pursuant to Notice, Cr Julia Ham has submitted the following Motion:

### **NOTICE OF MOTION:**

#### **THAT COUNCIL:**

- 1. Invite Penny Sharpe, Minister for Climate Change, Energy Environment and Minister for Heritage and Brett Redman, CEO of Transgrid to address the Council and the community about the Humelink project;**
- 2. Request a review of the Humelink project in view of the delays being experienced by Snowy 2.0.**

### **RESOURCING IMPLICATIONS:**

### **ATTACHMENTS**

Nil.

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## **7. MAYORAL MINUTE**

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## **8. URGENT BUSINESS WITHOUT NOTICE**

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## 9. GOVERNANCE AND FINANCIAL REPORTS

### 9.1. LOCAL GOVERNMENT NSW - DESTINATION AND VISITOR ECONOMY CONFERENCE 2023 - 29-31 MAY

**REPORT AUTHOR: EXECUTIVE SUPPORT OFFICER**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

#### EXECUTIVE SUMMARY:

Cr Ham and Cr Hayes have both notified the Mayor of the 2023 LGNSW Destination and Visitor Economy Conference they wish to attend. The conference is being held from Monday 29th to Wednesday 31st May 2023 at Manly, Sydney.

The purpose of this report is to review and endorse the approval granted by the Mayor for the attendance of Cr Ham and Cr Hayes at the conference and to delegate a substitute attendee or attendees if required.

#### RECOMMENDATION:

##### THAT COUNCIL:

1. **Note the report on Local Government NSW - Destination and Visitor Economy Conference 2023 - 29-31 May;**
2. **Endorse the approval granted by the Mayor for Cr Ham's attendance at the Destination and Visitor Economy Conference 2023;**
3. **Endorse the approval granted by the Mayor for Cr Hayes attendance at the Destination and Visitor Economy Conference 2023.**

#### BACKGROUND:

The 2023 LGNSW Destination and Visitor Economy Conference will be held from 29th to 31st May, at Manly, Sydney with the support of Northern Beaches Council. The event held over three days will bring together local government staff and Councillors, key industry stakeholders and local operators to discuss insights and the ever-changing world facing future visitors.

#### REPORT:

The 2023 LGNSW Destination and Visitor Economy Conference hosted by the Northern Beaches Council at the Manly Pacific Hotel, consists of workshops, five site visits and an exhibition. The Welcome Reception will be held at The 'Castle Campus' Manly on the Monday afternoon.

The full program can be found on the Local Government NSW website under Events and Learning or by using the following link [Event Details - Program | DVE Conference \(lgnsw.org.au\)](https://www.lgnsw.org.au/Events-and-Learning/Event-Details-Program-DVE-Conference).

Cr Ham and Cr Hayes have already registered to gain the early bird registration fee listed below.

Registration Details (Members)	Cost (incl. GST)
Early Bird Registration ( <b>CLOSED</b> 6 April 2023)	\$1,050
Standard Registration	\$1,250
Additional guest Welcome reception	\$110
Additional guest Conference dinner	\$188

Cr Ham has booked her own flights and accommodation which she has claimed using the *Councillors Expenses Claim Form*. Cr Hayes flights and accommodation have been booked through Councillor support.

Amendments to bookings can be made by email only until Wednesday 10 May 2023. Any subsequent changes must be advised to the registration desk at the conference and will be accommodated if possible. All cancellations must be advised in writing to LGNSW. Cancellations dated on or before COB Wednesday 10 May 2023 will incur a cancellation fee of \$220. No refunds will be made for cancellations advised after this date.

If Cr Ham and/or Cr Hayes are unable to attend, a delegated substitute or substitutes are welcome at no additional charge.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 2 - Our Economy

#### **Community Strategic Plan Strategic Objectives**

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

#### **Delivery Program Principal Activities**

2.2 Promote our towns, villages and region

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Provision within Council's 2022/23 Operational Budget have been made for the attendance at conferences and training courses by Councillors.

At the commencement of this term, a pro-rata amount of \$39,500 was allocated for training and conference attendance by the Mayor and Councillors as per below:

Mayor \$6,500

Deputy Mayor \$5,000

Councillors \$4,000 each

The current balance for Cr Ham and Cr Hayes and the costs incurred through attaining the early bird conference registration rate are detailed below.

<b>Councillor</b>	<b>Opening Balance</b>	<b>Registration Cost (Early Bird)</b>	<b>Closing Balance</b>
Cr Ham	\$1,954	\$1,050	\$904
Cr Hayes	\$2,847	\$1,050	\$1,797

Councils' approval for delegated substitute conference attendees is conditional on adequate funds being available.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

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

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Councillors need to consider financial costs to attend, cancellation fees, and the remaining Councillor funds available to ensure Council stays within budget.

**OPTIONS:**

1. Council can choose to endorse the approval granted by the Mayor for both Cr Ham and Cr Hayes to attend the conference. (Preferred option).
2. Council can choose to nominate a substitute Councillor or Councillor's to attend the conference if either Cr Ham and/or Cr Hayes are unable to attend.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Councillor's attendance at the conference requires a further report to Council which will document the learnings from the attendance in accordance with the *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy*.

**ATTACHMENTS**

Nil.



## 9.2. FEES FOR COUNCILLORS AND MAYOR 2023/24 FINANCIAL YEAR

**REPORT AUTHOR: GOVERNANCE OFFICER**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### EXECUTIVE SUMMARY:

This report outlines the determination made by the Local Government Remuneration Tribunal (the Tribunal) relating to the fees payable to Mayors and Councillors from 1 July 2023 that was Gazetted on the 5 May 2023.

The report also makes recommendations in relation to annual remuneration for Snowy Valleys Council elected officials for 2023/24 financial year.

### RECOMMENDATION:

#### THAT COUNCIL:

1. **Determine the annual Councillor and Mayoral fee for 2023/24 financial year in accordance with sections 248 and 249 respectively of the *Local Government Act 1993*.**

### BACKGROUND:

The 2023 Determination of the Tribunal has been released, setting the scale for fees payable to elected representatives for all Councils in NSW under sections 239 and 241 of the *Local Government Act 1993* (the LG Act). Snowy Valleys Council's category has been increased from 'Rural' to 'Rural Large' in the 2023 determination.

### REPORT:

Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and allocates each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

Section 241 of the LG Act provides for the Tribunal to determine, not later than 1st May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils.

The Tribunal has determined that there will be a 3% increase in Mayoral or Councillor Fees for the 2023/24 financial year.

On the 27 April 2023, the Tribunal made a revision to the categorisations and changed the classification of Snowy Valleys Council from 'Rural' Council to a new category of 'Rural Large' Council.

The Report states; Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1,200. Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre.
- a limited range of services, facilities and employment opportunities compared to Regional Rural Councils.
- local economies based on agricultural/resource industries.

Pursuant to section 241 of the *Local Government Act 1993*, the Tribunal's 2023 annual determination has set the annual fees to be paid in each of the categories to Mayors and Councillors effective from 1 July 2023.

The LG Act states that if Council does not fix the fees for the Mayor and Councillors by resolution, the minimum rate is automatically applied.

Currently, the Councillor fees are paid at the maximum rate against the current 2022/23 determination \$12,650 (Resolution M142/22 - 19 May 2022) for the 'Rural' category. The additional Mayoral fee was not increased for the 2022/23 financial year and is currently \$27,060 per annum.

The Tribunal has determined that the range of annual fees payable to Councillors and Mayors in the 'Rural Large' category for the 2023/24 financial year is as follows:

#### Rural Large

Councillor Annual Fee		Mayor Additional Fee*	
Minimum	Maximum	Minimum	Maximum
\$9,850	\$17,680	\$15,735	\$37,925

For comparison purposes the range of fees applicable to the 'Rural' category is outlined below:

#### Rural

Councillor Annual Fee		Mayor Additional Fee*	
Minimum	Maximum	Minimum	Maximum
\$9,850	\$13,030	\$10,490	\$28,430

\*The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor in accordance with section 249(2) of the *Local Government Act 1993*.

Council is expected to consider the De-amalgamation Business Case Review being undertaken by Professor Joseph Drew at its June meeting. In the event that Snowy Valleys Council is de-amalgamated, the former local government areas of Tumbarumba and Tumut are likely to revert to their 'Rural' categorisation.

The fee range for 'Rural Large' and 'Rural' categories overlap with the maximum fee of the 'Rural' range being close to the midpoint of the range for a 'Rural Large' Council. Option 2 (below) proposed that the fee be restrained to the maximum of the smaller Rural categorisation pending Councillor de-amalgamation considerations.

Setting aside de-amalgamation considerations:

- The substantial geographic size of the Local Government Area
- The responsibilities associated with the Delivery Plan, the Long Term Financial Plan, annual Operational Plan and Budget.
- The large variety and level of services delivered by Council.
- The increased commitment of time required for the Mayor and Councillors to fulfil their civic duties effectively.

All the above suggest that the Councillors and Mayoral fees should be set at the maximum level for the 'Rural Large' category. This would establish the Councillors and Mayor annual fees commensurate with the current size and complexity of Snowy Valleys Council.

Additionally, Section 249(5) of the Act states that:

*(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

This report recommends that council approves payment from the mayoral annual fee for any time that the deputy mayor acts in the office of the mayor.

**LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:****Integrated Planning and Reporting Framework:****Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

**Community Strategic Plan Strategic 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 23/24 budget provided for an amount of \$140,000 for councillor fees based on the current 'rural' categorization and historic payments. The re-categorisation for 'rural large' was not anticipated.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Section 248 of the *Local Government Act 1993* require councils to fix and pay an annual fee based on the Tribunal's determination for a 3% increase for the 2023/24 financial year to councillors:

**248 Fixing and payment of annual fees for councillors**

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Section 249 of the *Local Government Act 1993* require councils to fix and pay an annual fee based on the Tribunal's determination for a 3% increase for the 2023/24 financial year to mayors and section 249(5) provides for payment to the deputy mayor from the mayoral annual fee for such time spent acting in the office of the mayor.

**Fixing and payment of annual fees for the mayor****249 Fixing and payment of annual fees for the mayor**

- (1) A council must pay the mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

The costs associated with the payments to Councillors and the Mayor are included in the annual budget of council.

In the event that the deputy mayor acts in the office of the mayor, a pro-rata amount of the mayoral fee will be paid from the mayor's annual fee allocation in the annual budget.

**OPTIONS:**Option 1:

## THAT COUNCIL:

1. Note the Local Government Remuneration Tribunal's determination for a 3% increase in mayoral and councillor fees for the 2023/24 financial year.
2. Note the Tribunal's determination to change Council's Category as per section 239 of the *Local Government Act 1993* from 'Rural' to 'Rural Large' effective 1 July 2023.
3. Set the annual Councillor Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$17,680 under the 'Rural Large' Category rate in accordance with the provisions of section 248 of the *Local Government Act 1993*.
4. Set the annual additional Mayoral Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$37,925 under the 'Rural Large' Category rate in accordance with the provisions of section 249 of the *Local Government Act 1993*.
5. Approve to pay the deputy mayor the proportion of the additional mayoral fee for such time as the deputy mayor acts in the office of the mayor, which is to be deducted from the mayor's annual fee.

This option proposes that the Councillors and mayors fees be set at the maximum level for 'Rural Large' categorised Councils. This reflects Snowy Valleys Council's current categorisation and the scale and complexity of present organisational responsibilities.

Option 2:

## THAT COUNCIL:

1. Note the Local Government Remuneration Tribunal's determination for a 3% increase in mayoral and councillor fees for the 2023/24 financial year.
2. Note the Tribunal's determination to change Council's Category as per section 239 of the *Local Government Act 1993* from 'Rural' to 'Rural Large' effective 1 July 2023.
3. Set the annual Councillor Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$13,030 under the 'Rural' Category rate in accordance with the provisions of section 248 of the *Local Government Act 1993*.
4. Set the annual additional Mayoral Fee for the period 1 July 2023 to 30 June 2024 at the maximum amount of \$28,430 under the 'Rural' Category rate in accordance with the provisions of section 249 of the *Local Government Act 1993*.
5. Approve to pay the deputy mayor the proportion of the additional mayoral fee for such time as the deputy mayor acts in the office of the mayor, which is to be deducted from the mayor's annual fee.

This option proposes that the Councillors and mayors fees for 2023/24 be restrained to the top of the 'Rural' Council fee range or approximately the midpoint of the range for 'Rural Large' Councils. This would ensure that Councillor and Mayors fees remain at a comparative level to the previous two (2) smaller organisations.

Option 3:

## THAT COUNCIL:

1. Establish an alternate Councillor and additional Mayoral per annum fee within the range determined by the Local Government Remuneration Tribunal for Rural Large Councils.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

**ATTACHMENTS**

1. 2023 Annual Determination - Councillor Fees - LG Remuneration Tribunal (under separate cover)
2. Circular 23-03 2023/24 Determination of the LG Remuneration Tribunal (under separate cover)

### **9.3. DRAFT 2023-24 COMBINED DELIVERY PROGRAM & OPERATIONAL PLAN, BUDGET and FEES & CHARGES - FOR PUBLIC EXHIBITION**

**REPORT AUTHOR: FINANCE MANAGER AND COMMUNICATION & ENGAGEMENT OFFICER**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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#### **EXECUTIVE SUMMARY:**

The *Local Government Act 1993* requires Council to adopt its annual Operational Plan and Budget by 30 June, outlining the activities to be undertaken in the next financial year (i.e. from 1 July), as part of a Delivery Program. The Local Government Regulation 2021 requires that the Operational Plan and Budget include an annual Revenue Policy.

This report presents a draft of the Delivery Program and the Operational Plan 2023-24 including the Draft 2023-24 Budget together with the Draft 2023-24 Schedule of Fees and Charges, 2023-24 Revenue Policy and Long Term Financial Plan. The budget establishes the anticipated operating result for 2023-24 and provides information on key income and expenditure.

This report recommends that the Draft Budget 2023-24, Delivery Program and Operational Plan 2022-23, Fees and Charges 2023-24, Revenue Policy 2023-24 and Long -Term Financial Plan be endorsed for public exhibition purposes.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Receive the report on Draft 2023-24 Combined Delivery Program / Operational Plan, Budget, Fees & Charges, Revenue Policy and Long Term Financial Plan for Public Exhibition**
- 2. Endorse the following draft Integrated Planning & Reporting documents to be placed on public exhibition for a minimum period of 28 days commencing 19 May 2023:**
  - a. Draft Combined Delivery Program and 2023-24 Operational Plan including:**
    - i. Draft 2023-24 Operational Budget**
    - ii. Draft 2023-24 Capital Budget**
  - b. Draft 2023-24 Fees and Charges**
  - c. Draft 2023-24 Revenue Policy**
  - d. Draft Long Term Financial Plan including scenarios 2 and 3 that show future potential special rate variations**
- 3. Hold an Extraordinary Meeting on Thursday 29 June 2023 to consider submissions and adoption of the documents following public exhibition.**

#### **BACKGROUND:**

The purpose of this report is to place the draft combined Delivery Program and Operational Plan 2023-24, 2023-24 Budget, Fees & Charges, Revenue Policy and Long Term Financial Plan on public exhibition to allow for community comments and submission.

Sections 402 - 406 of the *Local Government Act 1993* Act requires Council to undertake a comprehensive review of its Delivery Program, Operational Plan, Revenue Policy and Fees and Charges by 30 June each year. The plan must be exhibited for public comment and submissions for a minimum of 28 days.

It is recommended that Council approve the draft documents to go on public exhibition for 28 days and that an Extraordinary meeting is held on 29 June for the purpose of considering submissions and adoption of the final Integrated Planning and Reporting (IP&R) documents.

**REPORT:**

The Integrated Planning and Reporting Framework requires a number of strategic planning and resourcing documents, with alignment to the term of the elected council. The requirement includes a Community Strategic Plan, Long Term Financial Plan, a Delivery Program for the term of the Council and an Operational Plan that sets out Council's projects and activities for the coming 12 months.

**Draft Combined Delivery Program and 2023-24 Operational Plan**

The Draft combined Delivery Program and 2023-24 Operational Plan is Council's response to the aspirations contained in the Community Strategic Plan, *Toward 2042*. The Delivery Program and Operational Plan describes Council's commitment to the community during its term of office, and is set out by Council's service areas to enable a better understanding of the costs of Council's service and how well Council delivers projects and services it is responsible for.

Services, projects and programs from each service area all directly align to objectives from the Delivery Program. Each service area has identified key outputs for the year, as well as the level of service to be delivered within allocated budget.

Major project expenditure items contained in the Draft combined Delivery Program and 2023-24 Operational Plan include:

**Brindabella Road Upgrade**

Council is progressing with review of the design and delivery of the project funded through the Federal Government. This will provide delivery of the improvements to the 10.6km section of road from the Goodradigbee Bridge to the ACT Border.

**Tumut Multi-Purpose Centre**

Construction of a new multi-purpose centre, located at Lockridge Park, Tumut. The total value of this project is estimated at \$10M

**Tumut Aerodrome**

Construction of the extension of the Tumut Aerodrome and associated facilities in line with the grant received following the Black Summer bushfires. The total value of this project is estimated at \$12M

**Yaven Creek Road, Via Adelong**

\$2.95M for the reconstruction and alignment improvements of 6kms of Yaven Creek Road.

**Tooma Road, intermittent between Tumbarumba and Khancoban**

Following the wet experience in 2021 and 2022, \$1.2M has been allocated for over 5kms of pavement on the Tooma Road to return the road level of service to the established levels.

**Alpine Way, Khancoban**

Reconstruction of 600 meters of road leading into Khancoban to improve the town entry and usability of the area. (The total of this project is estimated at \$420K).

**Water Treatment Plant Upgrades**

\$3.75M has been allocated for the upgrade of Brungle, Tumut, Batlow and Khancoban Water Treatment Plants.

**Draft Budget for 2023-24**

The draft budget has been prepared in accordance with Section 405 of the Local Government Act 1993 and the Essential Elements outlined in the NSW Office of Local Government's Integrated Planning and Reporting (IP&R) Guidelines and Handbook (2021).

The 2023-24 draft budget outlines Council's committed expenditure for the forthcoming financial year. The draft budget has been framed around maintaining existing services, maintaining existing infrastructure and implementing the Capital Works program inclusive of externally funded projects.

The latter has been significantly inflated over the past four years in responding to, and recovering from, natural disasters; including the 2019-20 bushfires and multiple flood events.

Council maintains three independent funds – a General fund (inclusive of waste services), a sewer fund and a water fund. Any surplus in the Water or Sewerage funds after meeting the respective cost of those services, must be retained in constrained reserves for the respective funds. That is, Council cannot use surpluses from its Water or Sewerage revenues to fund other activities. Council must report on the fund types separately and the use of constrained reserves for the water or sewer service must be used on the water and sewer services respectively, unless otherwise approved by the Minister.

The budget forecast for the 2023-24 financial year shows the following results:

	<b>Surplus/(Deficit) \$'000s Including Capital grants and Cont.</b>	<b>Surplus/(Deficit) \$'000's excluding Capital grants and Cont.</b>
General	31,331	(4,175)
Water	2,615	1,431
Sewerage	1,607	1,607
<b>CONSOLIDATED</b>	<b>35,553</b>	<b>(1,137)</b>

While the forecast net operating result attributable to Council inclusive of capital grants and contributions is strong, there is a net consolidated loss when capital revenues are excluded.

The operating budget indicates that Snowy Valleys Council will have a consolidated (all three funds together) operating deficit before capital grants and contributions of \$1.137M driven by a loss of \$4.175M in the General fund.

Salary and Wages related expenditure totals \$20.24M, which includes an estimated Local Government (State) Award increase of 5.0% plus 0.5% increases in compulsory superannuation. The high inflation environment is impacting material and contract costs. \$47M has been allocated to fund capital projects and infrastructure renewal programs included in the 2023-24 Capital Works Program.

The 2023-24 Operational Plan incorporates a direct reference to the Snowy Valleys Council 2023-24 Operational Budget. This feature enables the reader to identify how projects and individual services are funded.

### **Draft 2023-24 Fees & Charges**

The Fees and Charges 2023-24 Schedule sets out the fees that Council will charge for services and programs. The draft Fees and Charges 2023-24 Schedule has been prepared by assessing each fee for cost recovery and, where applicable, the fees have been increased accordingly. Miscellaneous fees and charges not subject to individual detailed review have been increased by the inflation rate of 7.3%.

Swimming pool attendance fees have been reintroduced in accordance with the Council resolution from the April 2023 meeting. The resolved fee structure aimed to encourage family attendance and acquisition of season passes.

The fees and charges are made up of fees provided under relevant legislation, fees determined by Council and recommendations from the Local Government Association of NSW.

### **Special Rates Variation (SRV)**

Snowy Valleys Council applied to IPART to increase its general income through a special variation of 35.95% (inclusive of the rate peg) over 2022-23 to 2023-24.

Under the approved special variation, SVC increased its income from rates by 15.7% in 2022-23 and will increase the rates income by 17.5% in 2023-24. The approved special variation is permanent, which



means the council can retain the increase in its rating base after the 2-year period and applied across all rating categories.

The aim of the special variation was to increase the long-term financial sustainability of Council and address ongoing deficits in the General fund before Capital grants and contributions. However, the findings of Professor Joseph Drew in the detailed financial analysis undertaken as part of his de-amalgamation business case review identified the serious underlying financial challenges faced by Snowy Valleys Council. This has been exacerbated by the unexpected high inflationary environment and tight employment market that has evolved post COVID-19.

Modelling and assumptions conducted through the 2023-2033 Long-Term Financial Plan indicate that the special rate variation of 35.95% has not been sufficient to address the ongoing deficit trend in the General fund between recurrent revenues and expense.

### **Draft 2023-33 Long Term Financial Plan**

The draft Long Term Financial Plan (LTFP) is an important part of Council's strategic planning process. The LTFP is where Council projects the financial realities of its ability to contribute to the community's vision for the future. It outlines the pressures and economic drivers behind Council's expected long-term future. Expected growth rates are aligned with community expectations of service delivery and community projects and the social outcomes outlined in the Community Strategic Plan. The LTFP must be for a minimum of 10 years and is updated annually in line with Council strategies. It extends on the operational budget contained within the operational plan for 2023-24.

The LTFP includes 3 scenarios all based on existing levels of service delivery and maintaining the growing Capital base. Scenario 1 (base case) shows Council's expected financial position with reliance on the rate cap estimated at 3.5% for 2024-25 and 2025-26, reducing to 3% on 2026-27 and thereafter 2.5%. Under Scenario 1, Council would continue to incur deficits before Capital grants and contribution of in excess of \$3.5 million in each year of the LTFP. This is not sustainable.

Scenario 2 and 3 introduce a further Special Rate Variations that aim to enable Council to maintain current service levels, adequately fund ongoing asset maintenance, reduce Council's reliance on external grant funding for asset renewals and ensure Council's financial sustainability.

The modelling illustrates that a further rate increase of 36% is required to address the deficit in the General fund. Scenario 1 addresses this by introducing 18% increases in each of two consecutive years while Scenario 3 spreads the increases over three years at 12.5% each year.

The LTFP scenarios do not include addressing the General fund deficit through service cuts. Over the past five years Council's asset base has increased with investment in community infrastructure largely funded by external grants. This is accompanied by upward pressure on maintenance and servicing costs and reducing service levels would be counter-productive to the investments in this infrastructure. Furthermore, attempts to identify cost saving alternatives prior to implementation of the current SRV were not successful or palatable.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

#### **Community Strategic Plan Strategic 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

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

**FINANCIAL AND RESOURCES IMPLICATIONS:**

Council's financial position is discussed through the body of the report.

The cost of delivering on these draft plans is outlined in the draft 2023-24 budget.

These plans continue to deliver on Council's IP&R obligations and attempt to fulfil the aspirations of the Community Strategic Plan and Delivery Strategy on those areas within Council's span of control and influence.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Under the *Local Government Act 1993*, Council is required to develop and publicly exhibit documents in the Integrated and Reporting (IP&R) Framework for a minimum of 28 days and consider submissions made.

All councils in NSW use the IP&R framework to guide their planning and reporting activities. The requirements for IP&R are set out in the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation). The guidelines are issued under sections 402-406 of the Act and the Regulation.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

There is a risk that the draft plans provided with this report are not understood well by the community and therefore, a detailed communications and engagement approach will be applied as outlined below.

There is also risk of unanticipated financial shocks. In the midst of preparation of the 2023-24 budget Council became aware of the possibility that the State Government would discontinue its offset subsidy to the significant increase in the Emergency Services Levy, this is being contended by LGNSW and is not included in the budget.

Forward estimates in the LTFP particularly exposed to the changing economic conditions over the extended life of the Plan. Cash flow estimates are subject to timing of payments and receipts.

**OPTIONS:**

1. Council endorses the plans as presented and places them on public exhibition.
2. Council may opt to amend the plans and place them on public exhibition.
3. Council may opt not to endorse any of the plans presented at this time, being aware that Councils are mandated to have the plans adopted by 30 June 2023.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:****Community Consultation**

It is a statutory requirement that the Draft Budget 2023-24, combined Delivery Program and the 2023-24 Operational Plan, Fees and Charges 2023-24, Revenue Policy 2023-24 and Long Term Financial Plan following Council's initial consideration, be placed on public exhibition for a period of not less than twenty-eight (28) days. Following this, Council must consider any public comments submitted before the Plans can be adopted.

It is proposed to exhibit these documents from 19 May 2023 to 16 June 2023. A report will be prepared for Council's consideration at the June Council Meeting advising of the results of the community consultation and recommending final adoption. Until the Delivery Program and Operational Plan

(including Budget) is adopted, Council is unable to levy rates and charges for the financial year for which the plan is prepared.

Consultation is designed to provide the community with the opportunity to comment on the proposed initiatives and actions over the next year. Council will consider feedback in determining to adopt the final plans and budget.

As part of the exhibition period, a variety of communication methods will be used, to not only promote the public exhibition period but also promote the purpose of the documents.

SOURCE	Media				Community Engagement	Digital		
	SVC Community News	Media Releases	Print advertising	Radio	Your Say Website	Social Media	Email Newsletters	Website
CONSULT	✓	✓	✓	✓	✓	✓	✓	✓

## ATTACHMENTS

1. Draft 2023-24 Delivery Program and Operational Plan including Operational & Capital Budget (Under separate cover)
2. Draft 2023-24 Fees and Charges (Under separate cover)
3. Draft 2023-24 Revenue Policy (Under separate cover)
4. Draft 2023-24 Long-Term Financial Plan (Under separate cover)

## **9.4. MAJOR PROJECTS OVERSIGHT COMMITTEE - TERMS OF REFERENCE - FOR ENDORSEMENT**

**REPORT AUTHOR: COORDINATOR GOVERNANCE**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

The purpose of this report is for the Council to endorse the Major Projects Oversight Committee (Committee) Terms of Reference SVC-TofR-041-01. The Committee will consist of three (3) Councillors, the General Manager and the Director Infrastructure. The Committee is estimated to cost \$65,000 in 2023/24 to implement and administer and approximately \$55,000 per year thereafter. These amounts have not been included in the Integrated Planning and Reporting documents being presented at the May 2023 meeting.

It is essential that any new governance structure be integrated within the Project Management Framework (PMF). The PMF has numerous governance structures including an Executive Leadership Team PMF Governance Committee. Rather than adding another level into the PMF governance structure, it is proposed this committee will replace the function of the Executive Leadership Team (ELT) within the PMF.

During the development of the Terms of Reference, both the concerns of Councillors and the concerns of key staff have been addressed. The Committees responsibilities will include:

- Approval of Stage Gate 1 and 4 for 'complex' projects
- Approval of Stage Gate 1 for 'medium' projects
- Oversight of projects with an 'amber' or 'red' status
- Oversight of 'selected' projects that do not fit the above categories but have been resolved by Council or escalated by the Executive Leadership Team to fall within the scope of the Committee

Project management inclusive of contract management and grant management will be subject to an internal audit in the 2023/24 period. Council undertakes two audits per financial year and project management is scheduled to be the first audit conducted.

If the Council endorses the formation of the Major Projects Oversight Committee, an implementation plan must be developed to ensure successful change management within the existing project governance structure, updated project management framework documentation as well as the associated communication and training.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

1. **Receive the report Major Projects Oversight Committee Terms of Reference for Endorsement;**
2. **Endorse the Major Projects Oversight Committee Terms of Reference SVC-TofR-041-01;**
3. **Supersede the Executive Leadership Team Project Management Framework Governance Committee Charter;**
4. **Appoint the Mayor, the Deputy Mayor and one additional Councillor as voting members to the Major Project Oversight Committee;**
5. **Set the first Major Projects Oversight Committee Meeting to be held Thursday 24 August 2023 at 2pm and in the interim training be provided for all members on the Project Management Framework.**

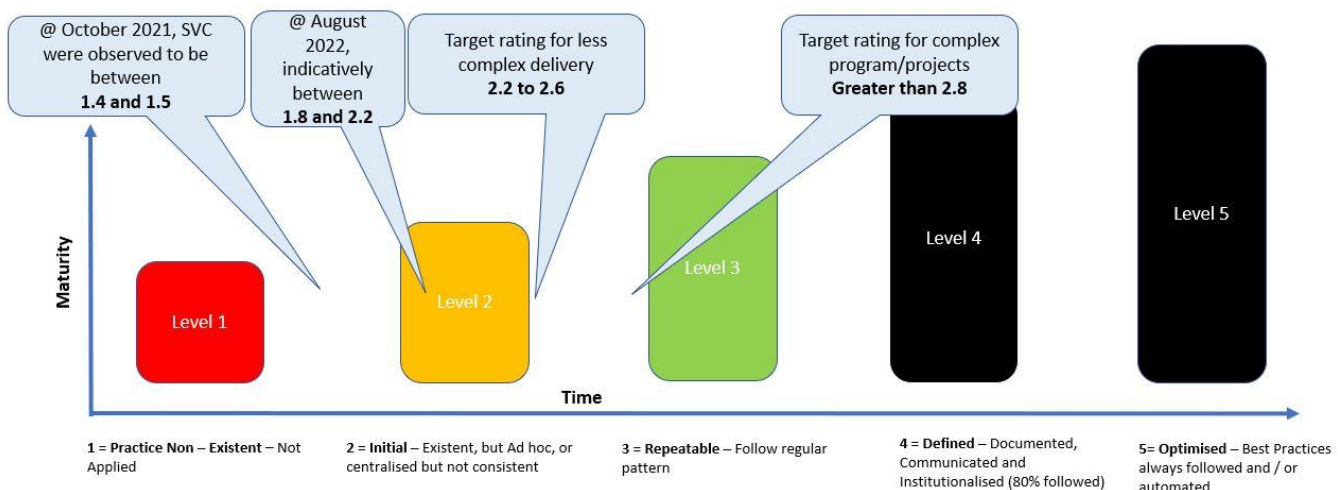
## BACKGROUND:

Over the past 24 months, Snowy Valleys Council have been on a journey of maturity regarding project management. In 2021/22, project management was reviewed, and project management specialists were engaged to develop the current Project Management Framework (as per attachment). These specialists were engaged to implement the framework and deliver training to stakeholders including Councillors, key staff and other project management personnel.

The approved framework was then built into Council's integrated software solution TechnologyOne, which was piloted by staff between August 2022 and November 2022 on a select number of projects. All council asset related projects that are managed under the PMF are now enabled for use in the Project Lifecycle Management tool. Feedback from staff is positive: the process works well; reporting function is effective; ameliorated project communication; and improved project objectives being delivered.

A maturity assessment was completed in August 2022 by the project management specialists with the following outcome:

*While this engagement did not complete a formal maturity assessment, our team did analyse more than enough detail to be confident of our maturity rating range below. To move from one level to the next is typically accepted to take 12 to 18 months to achieve. This point has been recognised in our recommendations regarding the implementation of our recommendations. With continued focus, we expect the project office to continue to mature; we also note, however, that there is a risk that maturity may regress without continued resourcing and executive support.*



**Note** – For the majority of organisations the need to achieve anything higher than level 3 to 3.5 is not required, nor recommended.

**Figure 1 - Maturity Assessment completed August 2022**

Overtime and with support of the Councillors and the Executive Leadership Team, the governance surrounding project management will strengthen and the positive outcomes from the project management framework will be delivered. The PMF has a governance structure that ensures accountability and is made up of the following:

- Project Management Framework (schematic document highlighting Stage Gate for Project Pathways) (as per attachment)
- Executive Leadership Team Project Management Framework Governance Committee
- Project Steering Committees (13 at present)
- Project Sponsors
- Project Managers
- Project Owners
- Project Control Groups - Established by funding bodies not Council (four at present)

**Internal Audit**

Following the 08 March 2023 Audit Risk and Improvement Committee (ARIC) meeting, a workshop was conducted by the National Audits Group to review Council's internal audit universe and develop the internal audit plan 2023-2024. The voting ARIC members as well as the National Audits Group and relevant staff discussed the audit universe and management responses. It was endorsed by ARIC on 10 May 2023 that the first internal audit for 2023/24 be Project Management inclusive of Contract Management and Grants Management. The objectives and scope of the audit are yet to be finalised.

**Benefits of the Project Management Framework**

The PMF provides:

- A single framework within which to track and execute all Council projects;
- Varying pathways through the Framework, applied via the assessment process to address key differences in project types, and to ensure 'fit for purpose' in recognition of industry best practice;
- Materials and documentation (including completion guidelines) to assist across the project life cycle; and
- Support in applying these processes.

The PMF ensures:

- Council has full visibility of current and pipeline projects;
- Projects are governed in a standard / consistent manner;
- Project are managed in a standard / consistent manner;
- Projects are executed in a standard / consistent manner; and
- All project tracking and reporting is conducted in a consistent manner, using standard metrics.

The PMF enables:

- Full visibility by Council of all current and pipeline projects;
- Optimal levels of project governance as projects are delivered in a standard / consistent manner;
- Reliable and accurate project reporting through consistent tracking methods, using standard metrics.

**Responsibilities**

Responsibility of Executive Leadership Team:

- Review the overall health of the portfolio of projects across the Enterprise/Directorate ensuring strategic alignment
- Review and take appropriate management action on projects that have an overall health assessment of 'amber' or 'red' status
- Review and take appropriate management action on significant enterprise-level risks and issues, as reported
- Ensure projects governed at each level are aligned with the Council's strategic objectives
- Resolve issues and challenges escalated by the project Sponsor
- Ensure projects receive full executive level support and promote awareness of the project within the organisation
- Ensure projects adhere to the Snowy Valleys Council standards (i.e. compliance with the PMF)

Responsibility of Project Steering Committees:

- Ensuring that the project is aligned with the SVC strategic objectives

- Monitoring and controlling the scope, direction and delivery of the project to ensure the project achieves the intended project outcomes and benefits as agreed
- Providing guidance to the project manager
- Resolving issues escalated by the project manager and assist in removing any impediments to the successful deployment of the project
- Providing support for the project and promoting awareness of the project within the impacted business units
- Ensuring the project adheres to Council Standards (i.e. Complies to the PMF)
- Escalating any major issues and challenges to higher levels of governance where required.

Responsibility of Project Sponsor:

- Represents the investment decision-makers
- Ensures that the basis of the project is consistent with business requirements/scope
- Ensures the project has commitment from the Steering Committee to provide resources
- Single-point accountability for the project and therefore ultimately makes decisions
- Is responsible for the selection and assignment of appropriate Steering Committee members
- Chairs the Steering Committee meeting and is ultimately accountable for the end-to-end delivery of the project and its intended outcomes
- Makes all project decisions with input/advice from the members of the Steering Committee in specific areas of business/expertise

Responsibility of Project Manager:

- Ensuring that the project is completed on time, within budget and within agreed quality standards
- Directing the project's resources
- Developing the Project Management Plan
- Ensures that scope variations are managed according to the established variation control processes
- In coordination with the Project Owner plays a primary role by interfacing with, and coordinating all project stakeholders
- Implementing and monitoring policies, procedures, processes and structures required for the successful implementation of the project. These including scope, implementation, integration, schedule, cost, resources, risk, communication, quality and procurement
- Facilitating activities and communication, gathering requirements both within the project team and with internal/external clients
- In coordination with the Project Owner providing regular and accurate reporting for project status as agreed
- In coordination with the Project Owner managing change, issues and risks
- In coordination with the Project Owner overseeing complete and effective handover requirements to the customer / service / support / operations
- Enacting formal closure of project financials upon completion of project outcomes

Responsibility of the Project Owner:

- Ensuring the overall success of the project, and enabling stated benefits

- Maintaining focus on strategic vision by matching project outcomes to the agreed project objectives
- Provides information, as requested by the Project Manager, regarding the scope of the project. This may be done via workshops, interviews, meetings and conversations (may be internal or external to Council)
- Acts in the position of 'recipient' or 'beneficiary' of the product or service being delivered as an output/outcome of the project
- May become the Project Sponsor
- In coordination with the Project Manager plays a primary role by interfacing with, and coordinating all project stakeholders
- In coordination with the Project Manager providing regular and accurate reporting for project status as agreed
- In coordination with the Project Manager managing change, issues and risks
- In coordination with the Project Manager overseeing complete and effective handover requirements to the Customer / Service / Support / Operations
- Reviewing the formal closure of project financials upon completion of project outcomes

## REPORT:

### Concerns

The Councillors have requested, through the Mayor, that a Major Projects Oversight Committee be established. The current volume of projects, the Long Term Financial Plan, the demerge business case report/presentation and project related concerns noted by the Audit Risk and Improvement Committee have been the catalyst for the Councillors to request the additional oversight within Council's PMF. These concerns have been mirrored by members of the Executive Leadership Team.

Following initial consultation with key staff involved with project management the following concerns were raised regarding the establishment of a Major Projects Oversight Committee:

1. Additional governance layer in addition to the already adopted project management framework
2. Joint councillor/senior staff committee may blur the segregation of roles between councillors and staff as outlined within the Local Government Act 1993
3. Not all Councillors being equally informed
4. Not all Directors present at meeting and therefore a lack of project knowledge regarding Community and Corporate directorate
5. Committee members may not be subject matter experts and may lack the skills required for engineering/construction etc.
6. Councillors having majority vote on the Committee and then having second vote at Council Ordinary Meeting
7. Need to manage conflicts of interests
8. Need for training to ensure adherence to the PMF and Procurement Policies
9. Increased workload on staff developing additional reports and business papers
10. Additional cost associated with contracted project managers preparing reports/presenting to the committee
11. Additional cost to the organisation of the administration of the committee as well as implementation of decisions.



**Solution**

It is essential that any new governance structure be integrated within the current PMF. The PMF has a number of levels within the governance structure including an Executive Leadership Team PMF Governance Committee. Rather than adding another level into the PMF governance structure, it is proposed this committee will replace the function of the Executive Leadership Team within the PMF.

The current objectives and responsibilities of the Executive Leadership Team regarding project management will be transferred to the Major Projects Oversight Committee. The Terms of Reference address the purpose, objectives, responsibilities and membership of the new committee.

**Project Management Framework - Governance Overview**

When a project is in the Idea/Pre-Project Scoping section of the project pathway, an assessment is carried out that examines the parameters of the project including budget, time delivery, complexity, etc. These details are entered into an electronic matrix which determines the pathway that will be followed – 'complex', 'medium' or 'simple'.

There are currently 53 active projects in the portfolio. Four (4) projects that follow a 'complex' pathway through the PMF.

- Fogo Organics Infrastructure
- Snowy Valleys Itinerant Worker Accommodation
- Tumut Aerodrome Improvements Stage 2
- Emergency Evacuation and Multi-Purpose Centre

There are currently 31 projects which follow a 'medium' pathway through the PMF and 18 projects following a 'simple' pathway.

Monthly reports are provided by Project Managers or Project Owners. The monthly reports are templated integrated reports that require inputs including status regarding budget and delivery times plus a range of other factors. This determines the risk status of the project with results being 'red', 'amber' or 'green'.

There are currently zero projects in 'red' status, six projects in 'amber' and all other projects are in 'green'. The six (6) projects in 'amber' status are the four (4) projects following the 'complex' pathway plus the Snowy View Estate and the Tumut Parking Strategy projects.



Figure 2 - Project Pathway

Project Pathway	Stage Gate Approval Process
<b>Complex</b>	The PMF has 4 Phases & Stage Gates. <b>Stage Gates 1 &amp; 4</b> will be endorsed by the Executive Director and approved by the Executive Leadership Team. <b>Stage Gate 2 &amp; 3</b> will be endorsed by Greater Leadership Team Manager or Nominated Sponsor and approved by Executive Director.
<b>Medium</b>	The PMF has 4 Phases & Stage Gates. <b>Stage Gate 1</b> will be endorsed by the Executive Director and approved by the Executive Leadership Team. <b>Stage Gate 2</b> will be endorsed by the Greater Leadership team Manager or Nominated Sponsor and approved by the Executive Director. <b>Stage Gates 3 and 4</b> will be approved by the Greater Leadership Team Manager or Nominated Sponsor.
<b>Simple</b>	The PMF has 4 Phases & Stage Gates. <b>Stage Gate 1</b> will be endorsed by the Greater Leadership Team Manager or Nominated Sponsor and approved by the Executive Director. <b>Stage Gate 2 to 4</b> will be approved by the greater Leadership Team Manager or Nominated Sponsor.

Figure 3 - Stage Gate Approval Process

### Objectives of the Committee

The main objective of the Committee is to ensure the overall health and optimisation of the Snowy Valleys Council project portfolio under the PMF.

Project Governance is critical for the success of any project. The main benefits of effective project governance are:

- Effective and appropriate escalation and decision making
- Project / program has the best chance of delivering successful outcomes for Council within the time / cost / quality parameters
- Facilitates transparency
- Enables information to be communicated throughout the Council in a defined format and timeframe
- Provides greater Council focus
- Enhanced project schedule, budget, business case scope management control

### **Responsibilities of the Committee**

The Committee's responsibilities within the PMF are the following:

- Approval of Stage Gate 1 and 4 for 'complex' projects
- Approval of Stage Gate 1 for 'medium' projects
- Oversight of projects with an 'amber' or 'red' status
- Oversight of 'selected' projects that do not fit the above categories but have been resolved by Council or escalated by the Executive Leadership Team to fall within the scope of the Committee

In addition to the above project reporting, the Committee have the following general responsibilities.

- Ensure that all projects governed by the Committee are aligned with the organisation's strategic objectives
- Ensure that projects adhere to all Council policies and standards including:
  - Code of Conduct
  - Procurement Policies
  - Tendering Guidelines
  - Project Management Policy
  - Project Management Framework
  - Enterprise Risk Management Framework
  - Capital Expenditure Guidelines 2010 (Division of Local Government)
- Review and take appropriate action on significant Council level risks and issues, as identified
- Oversee the project portfolio to ensure all the initiatives are sufficient and necessary to contribute to, and achieve, the strategic objectives
- Resolve issues and challenges escalated by the Executive Leadership Team
- Ensure projects receive full executive level support and promote awareness of the project within the Council

### **Membership of the Committee**

Establishing the size of the committee is a balance between ensuring appropriate representation, knowledge sharing and functionality. A committee of five voting members is proposed as follows:

- Mayor
- Deputy Mayor
- One additional voting Councillor

- General Manager
- Director Infrastructure
- Program Manager (non-voting)

Council may wish to consider increasing the number of voting members to seven by including another Councillor and either the Director Corporate and Community Services or the Finance Manager.

Representation by project stakeholders (Project Sponsor, Project Manager, Project Owner) may be present as requested through the General Manager.

The Committee shall aim to make decisions by consensus when possible, however if voting of the Committee is equal, the Chairperson of the meeting shall have a casting vote as well as an original vote.

The General Manager and Director Infrastructure may delegate to another staff member acting in the role and this person will have voting rights.

Councillor positions may not be delegated. All Councillors are welcome to attend meetings but only the three (3) designated members will have voting rights.

Other than the General Manager and the Director Infrastructure, any additional staff or external representatives who attend Committee meetings will not have voting rights.

Residents and rate payers of the Snowy Valleys Council are unable to attend meetings.

### **First meeting of the Major Project Oversight Committee**

It has been recommended that the first date for the Major Project Oversight Committee be set for fourth week in August. This will leave sufficient time for the changes to the PMF documentation to be implemented (policy, framework, plans, templates, etc), staff with PMF responsibilities to be trained and the compilation of the first business paper completed and training to be provided to members on the project management framework. To produce the business paper in less than three (3) months will ensure the Committee will be meeting before staff have the capacity to update documentation and complete the necessary training. This could pose a risk of business paper reports not containing information relevant to the objectives and the Committee's Terms of Reference.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

#### **Community Strategic Plan Strategic 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

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

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

To endorse the Major Projects Oversight Committee, it is anticipated to cost approximately \$65,000 in 2023/2024. This cost has not been included in the budget that is being presented to the May 2023 Council meeting. Thereafter, is expected to cost approximately \$55,000 per year to administer.

The estimated cost per meeting (as per the following table) is \$5,000. Given there are 11 meetings per year planned, it is expected to cost approximately \$55,000 per year to administer the meetings. Although the Committee will be replacing the Executive Leadership Team PMF Governance Committee, there is a

higher level of information and detail required in reports that will be presented to the new Committee. Reports presented to ELT have a level of understanding due to the operational nature and management relationships. Developing reports and the associated business paper for the new Committee will take significantly more time and resources than the current governance structure.

Councils adopted PMF and associated documents were developed by consultants in 2022. If the Committee is endorsed, thereby altering the process, the framework will need to be revised and all documentation reviewed to reflect the change in governance structure. This is estimated to cost approximately \$5,000.

Training will need to be delivered to both staff and Councillors to ensure that the Committee is adequately trained to understand the responsibilities of the new governance structure. This is estimated to cost approximately \$3,000 to develop and deliver the training module. It is estimated to cost another \$3,500 in staff time for attendance at training. A blended hourly rate for impacted staff is equivalent to approximately \$70 per hour at 2 hours training and 25 staff members.

The following additional out-of-pocket expenses have not been included in this report:

- Actions required following decisions of this Committee (example change of deliverables)
- External companies that may have to provide further information as required.

Item	# of hours	Responsible Officer	Estimated Hourly Rate	Total
<b>Business paper compilation</b>				
Program Management Update Report - 1 per month	8	Program Manager	\$58	\$464
Stage Gate Reports - Approx 1 per month	4	Project Owner	\$72	\$288
MPOC Action Report - 1 per month	4	Project Manager	\$58	\$232
Report approval - 1 hour per report	3	Director	\$121	\$363
Compilation of business paper	2	Governance	\$42	\$84
Agenda and minute processing	4	Secretariat	\$37	\$148
Monthly report to Council	2	Program Manager	\$58	\$116
<b>Meeting attendance</b>				
2 hour monthly meetings	2	General Manager	\$167	\$334
	2	Director	\$121	\$242
	4	Project Owners	\$72	\$288
	2	Program Manager	\$58	\$116
	2	Secretariat	\$37	\$74
<b>Actions following meeting</b>				
Estimated at 5 hours per report, 3 reports per meeting	15	Project Owner	\$72	\$1,080
Approx cost per meeting				\$3,829
On costs for FY23 are set at 33%				\$1,264
<b>Total cost per meeting</b>				<b>\$5,093</b>

## POLICY, LEGAL AND STATUTORY IMPLICATIONS:

*Local Government Act 1993*

Code of Conduct

Procurement Policies

Tendering Guidelines

Project Management Policy

Project Management Framework

Enterprise Risk Management Framework

Capital Expenditure Guidelines 2010 (Division of Local Government)

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Legal	Adherence to Local Government Act and relevant Council policies including Procurement Policy and Code of Conduct	Breach of Act, policies, contracts or funding agreements may result in legal proceedings against Council	None identified
Environmental & Public Health	None identified	None identified	None identified
Financial	Costs associated with operation of committee or incurred/avoided resulting from decisions made	Operation of the committee will incur costs associated with staff time. Decisions made by the committee may result in additional costs to projects through project delays, scope creep, breach or funding agreements, breach or contract, legal proceedings.	Community minded insight and resulting decisions may result in changes to project development, potential cost savings or subsequent redevelopments.
People	Impacts of committee on staff	Additional layer within Council's adopted project management framework which may impact on timeframes, scope, budget and resources.	Additional layer within Council's adopted project management framework which may provide additional community minded insight resulting in better delivery outcomes
Technology	None identified	None identified	None identified
Stakeholder	Impacts of committee on project stakeholders and community	Potential for individual/minority groups to influence outcomes and also impact project timeframes, scope, budget and resources.	Potential increased stakeholder and community input into project development
Service Delivery	Impacts of committee on service delivery	Decisions of the committee regarding projects under construction may impact delivery timeframes, scope and budgets as well as impact on contracts or funding agreements	Committees approval of projects pre-construction should result in a better understanding of individual projects and therefore lessen potential impacts during the construction phase

**OPTIONS:**

1. Adopt as per recommendations set out in this report - preferred option.
2. Amend the Terms of Reference and request an additional report to Council
3. Decline the recommendations set out in this report

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The Terms of Reference and the proposed implementation have been considered by small number of key staff. Time constraints have limited internal consultation with all relevant staff. The project management specialists who were engaged to develop the PMF were consulted briefly during the development of the Terms of Reference.

An implementation plan will need to be developed to ensure the following:

- Project Management Framework and associated documents are updated to reflect the new governance structure
- Calendars updated to reflect the additional meeting and the required reporting timeframes
- Information regarding the Committee and governance structure disseminated
- Training provided to all members
- Training provided to staff, external delivery managers and community groups as required.

**ATTACHMENTS**

1. ECM\_3240772\_v1\_Major Projects Steering Committee - Terms of Reference - SVC-TofR-041-01 (Under separate cover)
2. EXM\_3240775\_v1\_Framework - Project Management - Schematic (Under separate cover)



**9.5. STATEMENT OF INVESTMENTS - APRIL 2023****REPORT AUTHOR: FINANCE OFFICER****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE****EXECUTIVE SUMMARY:**

This report provides an overview of Council's cash and investment portfolio performance as at 30 April 2023.

**RECOMMENDATION:****THAT COUNCIL:**

1. Note the report on Statement of Investments - April 2023

**BACKGROUND:**

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

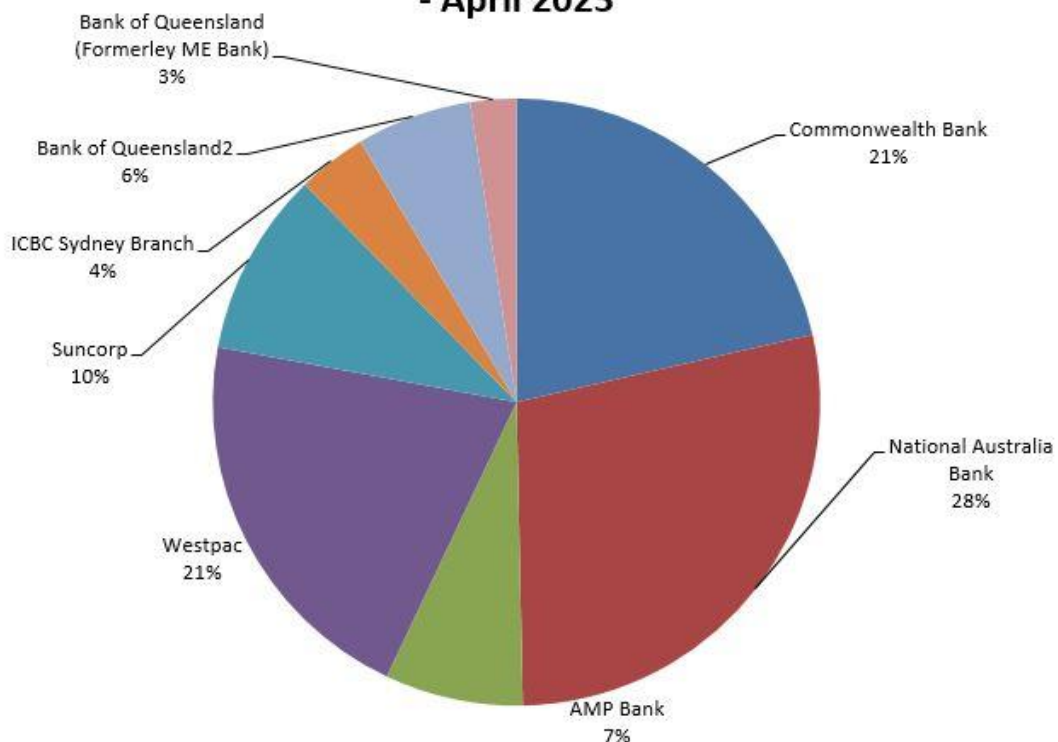
**REPORT:**

The following table contains a list of cash, at call investments and term deposits held by Council as at 30 April 2023.

Combined Cash & Investments Table		30/04/2023					
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	Tumut	\$ 593,697	\$ 2,724,202	\$ 2,130,505	W/Acct	3.60%	
Commonwealth Bank	Tumut	\$ 8,125,795	\$ 3,213,227	\$ 4,912,568	At Call (BOS)	3.70%	
Commonwealth Bank	Tumut	\$ 8,803	\$ 7,106	\$ 1,698	Gen-Roth	3.60%	
<b>Sub Total Cash &amp; 11 am at Call Accounts</b>		<b>\$ 8,728,296</b>	<b>\$ 5,944,535</b>	<b>\$ 2,783,761</b>		<b>3.69%</b>	
<b>Total Cash &amp; At Call Investments</b>		<b>\$ 8,728,296</b>	<b>\$ 5,944,535</b>	<b>\$ 2,783,761</b>		<b>3.69%</b>	
Term Deposits	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
ICBC Sydney Branch	336	\$ -	\$ 1,500,000	\$ 1,500,000	08/04/2021	0.65%	11/04/2023
Suncorp	484	\$ -	\$ 1,500,000	\$ 1,500,000	27/10/2022	4.20%	27/04/2023
Westpac	916	\$ -	\$ 2,000,000	\$ 2,000,000	27/04/2022	2.27%	27/04/2023
Suncorp	484	\$ -	\$ 1,500,000	\$ 1,500,000	31/10/2022	4.26%	28/04/2023
Westpac	032	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2021	0.88%	01/06/2023
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	01/06/2022	3.20%	01/06/2023
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023
Suncorp	484	\$ 1,500,000	\$ 1,500,000	\$ -	01/12/2022	4.15%	01/06/2023
Bank of Queensland	001	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2022	4.34%	22/06/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2021	0.60%	28/06/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	15/07/2021	0.65%	17/07/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	18/01/2023	4.38%	18/07/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/07/2021	0.65%	31/07/2023
Westpac	032	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.62%	28/08/2023
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2022	4.13%	07/09/2023
AMP Bank	939	\$ 1,000,000	\$ -	\$ 1,000,000	15/03/2023	4.60%	15/09/2023
Bank of Queensland (Formerly ME Bank)	010	\$ 1,000,000	\$ 1,000,000	\$ -	27/04/2022	2.70%	27/10/2023
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	4.80%	28/11/2023
Suncorp	484	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2022	4.48%	28/11/2023
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	30/01/2023	4.60%	30/01/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	31/01/2023	4.60%	31/01/2024
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	31/01/2023	4.60%	31/01/2024
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	15/02/2022	1.75%	15/02/2024
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/02/2023	5.00%	28/02/2024
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	08/04/2021	0.85%	08/04/2024
AMP Bank	939	\$ 2,000,000	\$ -	\$ 2,000,000	11/04/2023	4.80%	11/04/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	07/09/2021	0.78%	09/09/2024
<b>Total TD's</b>		<b>\$ 32,000,000</b>	<b>\$ 35,500,000</b>	<b>\$ 3,500,000</b>		<b>3.18%</b>	
<b>Total Cash &amp; Investments</b>		<b>\$ 40,728,296</b>	<b>\$ 41,444,535</b>	<b>\$ 716,239</b>		<b>3.29%</b>	



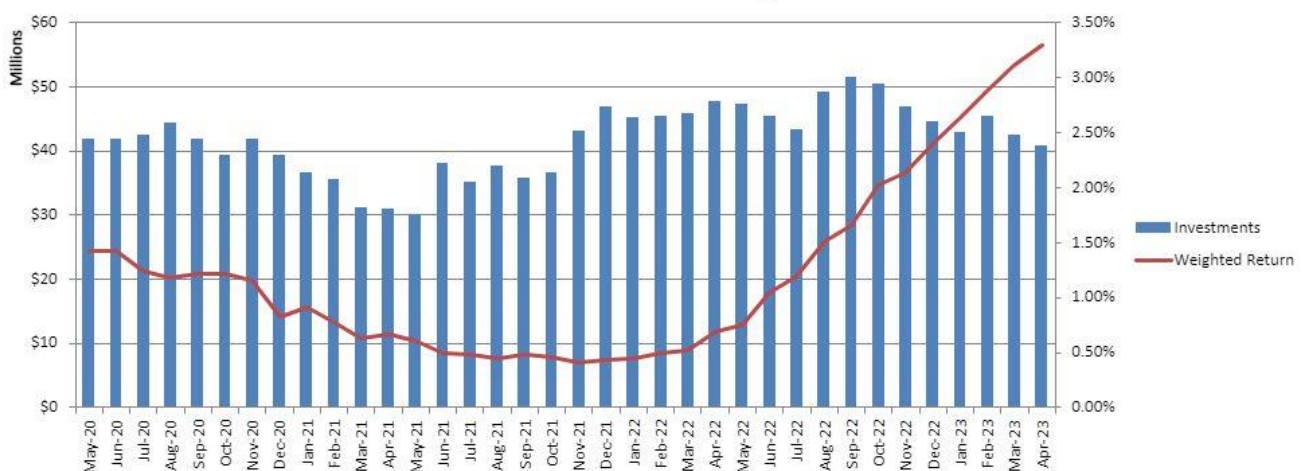
### Snowy Valleys Council Total Cash and Investments - April 2023



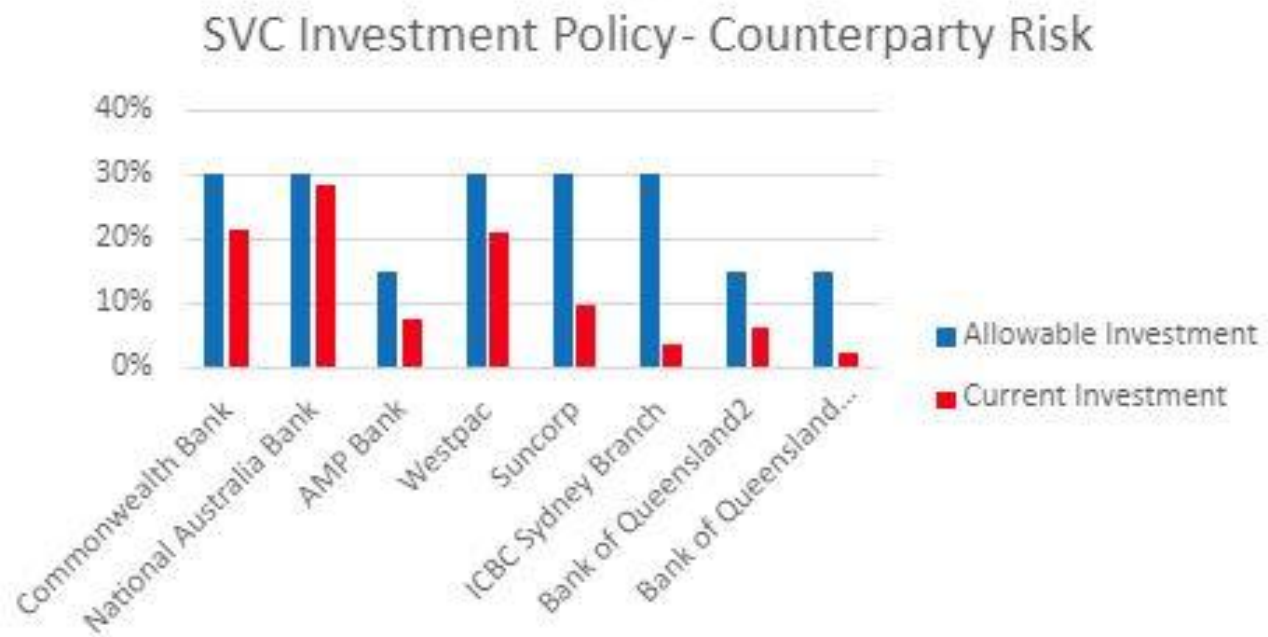
It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's *Investment Policy*. Cash and Investments decreased \$716K in April 2023.

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

### SVC Cash Investments and Weighted Return



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



## LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

### Integrated Planning and Reporting Framework:

#### Community Strategic Plan Theme

Theme 5 - Our Civic Leadership

#### Community Strategic Plan Strategic 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 on spreading Council's Investment risk across various institutions as per the *Investment Policy* and section 625 of the *Local Government Act 1993*.

## POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The information provided complies with Council's *Investment Policy* and section 625 of the *Local Government Act 1993*.

## 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 require further communication will be addressed at the meeting or taken on notice and a response will be provided.

**ATTACHMENTS**

Nil.

## 10. MANAGEMENT REPORTS

### 10.1. AUSTRALIA DAY 2024

**REPORT AUTHOR: COORDINATOR PLACE ACTIVATION**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to outline to Council proposed changes for delivery of Australia Day in the Snowy Valleys region. Snowy Valleys Council currently delivers a consolidated Australia Day Awards Ceremony in one event held at Stockwell Gardens in Tumut. Council also supports local celebrations held at towns across the Local Government Area (LGA). This report proposes to move towards a community delivered approach in each town with Council taking on a supporting and facilitating role rather than an event delivery role.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Receive the report on Australia Day 2024.**
- 2. Support the proposal to cease holding a Snowy Valleys Council Awards process and celebration.**
- 3. Encourage and provide support to the community-led Australia Day events each year.**
- 4. Hold a Civic Reception after Australia Day to celebrate local Australia Day Award winners and conduct the Citizenship Ceremony.**

#### **BACKGROUND:**

Australia Day is a celebration for all Australians to recognise their contributions to this country. As per resolution M231/19 dated Thursday 15 August 2019, Snowy Valleys Council (SVC) currently delivers one formal Australia Day celebration that recognises the achievements of individuals in the region. Prior to 2023, the Snowy Valleys Council Australia Day awards ceremony was held at Stockwell Gardens, Tumut, from 8:00am. In 2023, for the first time, Snowy Valleys Council presented its Australia Day awards at a dinner held at the Batlow Literary Institute on the evening of 25th January. As with previous years, Council then delivered the Citizenship Ceremony at the Stockwell Gardens event on 26th January.

There are also community celebrations held in other towns (Adelong, Batlow, Talbingo and Tumbarumba) which Council supports. These events include awards determined by those communities and the communities host and organise their own events.

#### **REPORT:**

The recommendations put forward in this report have been considered following a debrief meeting held after the 2023 Australia Day event was delivered. The meeting involved a discussion between councillors and SVC staff responsible for Australia Day regarding 2023 delivery and options for future delivery of the event.

Over recent years, it has become apparent to staff that Council needs to rework the way it delivers Australia Day. In the past, Council has coordinated a region-wide awards process around the same time as local community groups have run their own respective awards processes, which has caused confusion among the community.

Historically, the former Tumut Shire Council was responsible for delivering the Australia Day awards in Tumut and since the merger, the celebration organised by Snowy Valleys Council has also functioned as Tumut's only Australia Day celebration - i.e. there has not been a community group responsible for delivering Australia Day in Tumut, that responsibility has always sat with the local Council.

As a result of this, Council has struggled to encourage residents in other towns to engage with the SVC awards and ceremony, with the majority preferring to maintain an involvement with the celebrations taking place in their hometown.

This challenge has been present for the past few years and staff believe the best and most effective way to move forward with Australia Day in the Snowy Valleys region is to support local awards and events across the LGA.

The community celebrations currently held in Adelong, Batlow, Talbingo and Tumbarumba are organised by well-established local organisations/committees, with Council playing a supportive and facilitative role. Council would like to see a similar style of delivery occur in Tumut, and staff believe there is capacity within the community to take on this work. Other towns within the LGA such as Khancoban have also expressed an interest in delivering Australia Day celebrations in 2024 and Council's role in supporting events would apply to new events as well as already established celebrations.

If the recommendations in this report are adopted, Council staff will begin outreach work to local communities and organising groups and arrange meetings to outline the changes relating to SVC stepping away from Australia Day event delivery and instead fulfilling a supporting and facilitative role. Council will also encourage event organisers to source local Australia Day ambassadors that are relevant to their town/area.

Council will outline the support that it can offer to the local events and will work with local organisers to determine a budget for their event. Council will then explore avenues to source the funding required to deliver the events. There is annual funding available for delivery of Australia Day events through the National Australia Day Council's Community Grants Program.

In the debrief meeting following the 2023 Australia Day event, Council staff proposed that local award winners would feed into a region-wide awards process whereby overall SVC award winners would be voted on. Councillors in attendance at the debrief disagreed with this suggestion and instead proposed that Council hosts a Civic Reception to acknowledge local winners.

As a result, following Australia Day, it is proposed that Council host a Civic Reception to celebrate local award winners. Council will invite each community organising group to select 3/4 Australia Day award winners from their town to attend the Civic Reception. This event would be fairly informal in nature with minimal formalities, but provide an opportunity for the wider Snowy Valleys Council community to come together and acknowledge the achievements of residents. This event will be hosted by the Mayor and Deputy Mayor and the annual Citizenship Ceremony would be included in this event, allowing new citizens to meet and engage with community leaders.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 1 - Our Community

#### **Community Strategic Plan Strategic Objectives**

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

#### **Delivery Program Principal Activities**

1.5 Value our heritage and promote civic pride

**FINANCIAL AND RESOURCES IMPLICATIONS:**

Council has an operational budget of \$7,000 for Australia Day. Under the new proposal, this budget would fund the Civic Reception. Council would source additional funding through the annual National Australia Day Council Community Grants Program to support local Australia Day celebrations held in towns across the LGA.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Nil

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

RISK CATEGORY	POSITIVE	NEGATIVE
Environmental & Public Health	Ensuring appropriate waste management services are in place.	Nil
Financial	Annual funding available through National Australia Day Council Community Grants Program.	Nil
People	Supporting events that build community capacity and bring communities together to celebrate.	Nil
Stakeholder	Council building productive working relationships with community event organisers.	Nil

**OPTIONS:**

1. Adopt as per recommendations set out in this report - preferred option.
2. Amend the recommendations set out in this report
3. Decline the recommendations set out in this report

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Council will engage with the local Australia Day event organisers and support them during event planning by maintaining regular communication.

**ATTACHMENTS**

Nil.

## **10.2. DOLLY PARTON IMAGINATION LIBRARY**

**REPORT AUTHOR: MANAGER COMMUNITY SERVICES**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### **EXECUTIVE SUMMARY:**

The purpose of this report is to provide information about the Dolly Parton Imagination Library and offer an alternative option for the continuation of access to these resources. This government funded initiative is aimed at children from birth to five (5) years of age and is currently providing books to these children at no cost. The program will end in July 2024 to newborn children but continue for those already registered until they are five (5) years of age.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Receive the report on the Dolly Parton Imagination Library.**
- 2. Thank United Way for their administration of the Program to Snowy Valleys Council.**
- 3. Continue to focus and strengthen the promotion of Library services to children of preschool age, especially after the Dolly Parton Imagination initiative has concluded.**

### **BACKGROUND:**

The Dolly Parton Imagination Library was introduced into Snowy Valleys in 2022 by the NSW Government as part of Brighter Beginnings. From January 2022, every newborn child living in the Snowy Valleys was eligible to access Dolly Parton's Imagination Library, where they received a free age-appropriate book every month until they turned five (5). The Murrumbidgee Local Health District provides details of every baby born in the Snowy Valleys Council area and Tumut Library staff register them on the Imagination Library system. The books are sent externally to the eligible children. The program is due to conclude in July 2024. Children enrolled prior to July 2024 will continue to receive books until they are five (5) years of age.

### **REPORT:**

The Imagination Library is a community-based book gifting intervention, initiated by Dolly Parton over twenty (20) years ago. The program has seen over one hundred and sixty (160) million books and parent reading materials delivered to children in the USA, Canada, the United Kingdom, and Australia. The aim of the program is for children to have access to their own library of literacy resources from an early age, which will assist them in developing competent reading and comprehension skills before they start school. Through the program, families can also be introduced to your local Library to establish ongoing reading disciplines and a lifelong love of reading. Age-appropriate and culturally sensitive books are mailed directly to children registered in the program. All children born from 1 January 2022 and living within our Council area are eligible to access the program, irrespective of where they are born.

During 2022, one hundred and forty (140) children were enrolled in the program in Snowy Valleys Council (SVC) area resulting in six hundred and twenty-four (624) age-appropriate books being sent. Reading tip sheets are sent with the books which support families to read books in ways that assist in developing language and emerging literary skills. Murrumbidgee Local Health District provides names and contact details of babies born in SVC to Tumut Library staff who register the participants in the program. The children receive a book every month from birth to five (5) years of age. The administration staff of the Imagination Library process and send books out to the children registered. SVC was chosen by The NSW Department of Education as it was identified as an area that for children's development vulnerability.

The provider United Way have approached Snowy Valleys Council to continue funding of the Dolly Parton Imagination Library initiative. Based on the report provided by United Way, costs associated with providing this additional service is approximately \$16,500 per year.

As an alternative, it is proposed that as the program is nearing completion Council Library Staff will contact all families to provide information about access to resources and children's programs delivered by the libraries in the Local Government Area (LGA). Council will promote its library services and programs to eligible families in addition to exploring other promotional avenues such as childcare centres and relevant groups (playgroups). As the Local Health District is participating in this program, Council can utilise the existing partnership to provide information to parents of newborns on SVC Library Services that are provided to the community.

The use of existing library services and resources will not have any additional financial impacts to Council whilst also enabling access to books for children from ages birth to 5 years. The same resources that are mailed out to participants are available to borrow from the libraries and any additional resources can be accessed through the Riverina Regional Library Network.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 1 - Our Community

#### **Community Strategic Plan Strategic Objectives**

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

#### **Delivery Program Principal Activities**

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

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

No extra funding or Human resources required.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Nil

## **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Legal	nil	nil	nil
Environmental & Public Health	nil	nil	nil
Financial	nil	nil	nil
People	Improved reading interest and skills. Improve family relationships. Positive comments from families.	nil	Improved reading interest and skills. Improved family relationships. Positive comments from families.
Technology	nil	nil	nil
Stakeholder	nil	nil	nil
Service Delivery	nil	nil	nil



**OPTIONS:**

1. Accept the recommendations contained within the report
2. Continue to participate in the program at an additional cost of \$16,500 p.a.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

**ATTACHMENTS**

Nil

### **10.3. DRAFT LIBRARY STRATEGIC PLAN 2022-2026**

**REPORT AUTHOR: MANAGER COMMUNITY SERVICES**

**RESPONSIBLE DIRECTOR: DIRECTOR CORPORATE & COMMUNITY**

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#### **EXECUTIVE SUMMARY:**

The purpose of this report is to outline the results of the community consultation for the draft Library Strategic Plan 2022-2026. The plan outlines how Council will continue to provide library and information services that both meet and anticipate the needs of the community over the next four years. The report summarises the results of the public consultation that took place over a 28 day period. One (1) submission was received in relation to the draft strategy.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Receive the report on the Draft Library Strategic Plan 2022-2026**
- 2. Adopt the Draft Library Strategic Plan 2022-2026 without any changes**
- 3. Write to the submitter, thanking them for their input and advising them of the outcome to their submission**

#### **BACKGROUND:**

The draft Strategic Plan 2022-2026 was presented to Council and was approved to be endorsed for a period of twenty-eight (28) days public exhibition. One submission was received in the twenty (28) day period.

#### **REPORT:**

The Draft Library Strategic Plan 2022 – 2026 (The Plan), is a collaboration of work by Snowy Valleys Council Library Services teams and Snowy Valleys Council management in consultation with Logophilic who developed the Plan. The Plan incorporates the five (5) themes of Snowy Valleys Council Community Strategic Plan 2028 and provides direction as how this can be achieved.

The Plan has five (5) focus areas (outcomes) with three (3) guiding principles contained under each outcome.

##### **Places and Spaces – our infrastructure**

- Contemporary library building and spaces designed to meet community needs
- Spaces inclusive and welcoming design
- Accessible, visible and well-located branches

##### **Read, Learn and Discover – our collections, services and programs, delivery, and communication**

- A socially inclusive and welcoming service
- A creative and learning community
- Relevant, effective and visible community outreach

##### **Partnerships – how we work collaboratively with Council and the community**

- Develop and nurture partnerships that benefit the Council, the library and its customers
- Pursue collaborative partnerships and projects

- Ongoing community engagement and support

#### Digital Access and Equity

- Customer focused and accessible technology
- Digital inclusion and wellbeing
- Up-to-date, responsive and relevant technology and digital services

#### Capacity and Capability – knowledgeable and confident people

- A customer-focused, flexible and agile library
- Well-trained, experienced and professional staff
- A culture of learning and growth

The plan was placed on public exhibition during November 2022 with one submission received during this period. The submission related to signage outside all libraries similar to the signage outside Adelong Library. Whilst not specifically addressing the strategy itself, this submission will be responded to as it provided valuable feedback. Therefore, no changes to the document have been made.

### LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

#### Integrated Planning and Reporting Framework:

#### Community Strategic Plan Theme

Theme 1 - Our Community

#### Community Strategic Plan Strategic Objectives

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

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

#### Delivery Program Principal Activities

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

1.2 Provide and maintain community spaces that encourage activity and wellbeing

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

### FINANCIAL AND RESOURCES IMPLICATIONS:

The outcomes in the Draft Strategic Plan 2022-2026 reflect intentions for sustainable libraries that look at reducing Snowy Valleys Council contributions and operational costs. Actions not funded within the annual operation plan will need to be subject to external grant funding opportunities.

### POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil

### RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Nil	Nil	Nil
Environmental & Public Health	Nil	Nil	Nil

<b>RISK CATEGORY</b>	<b>RISK/REWARD DESCRIPTION</b>	<b>COST/RISK</b>	<b>BENEFIT/ REWARD</b>
Financial	Action Plan has not been identified to date.	Not costed to date.	Undetermined.
People	There is no proposed changes within the Plan to staff levels.	Remains the same.	Sustained knowledge and skills. Flexible workforce.
Technology	Improved technology and utilisation	Decrease in financial commitment.	Increased online borrowing.
Stakeholder	Improved relationships	Increase in funding.	Council sought funding initiatives for Libraries. Relationships are clear and transparent.
Service Delivery	Improved and flexible service delivery.	Current commitment sustained or improved.	Delivery of quality and relevant services.

**OPTIONS:**

1. Adopt the recommendations set out in this report.
2. Decline the recommendations set out in this report.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The Plan placed on public exhibition for twenty-eight (28) days. Prior consultation and engagement undertaken to develop the Plan with Coordinator of Libraries, Human Resources Partner, Former Chief Executive Officer and Library staff.

**ATTACHMENTS**

1. Draft Library Strategic Plan 2022-2026 (Under Separate Cover)

**10.4. DEVELOPMENT APPLICATION 2022-0099 - RESIDENTIAL ALTERATIONS AND ADDITIONS LOT 32 DP 1120073, LITTLE RIVER ROAD, LITTLE RIVER 2720****REPORT AUTHOR: COORDINATOR GROWTH & DEVELOPMENT****RESPONSIBLE OFFICER: GENERAL MANAGER****EXECUTIVE SUMMARY:**

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

The proposal has been reported to full Council on the basis that it is a public interest matter given the number of submissions that have been received during the notification period. The merits of the application have been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it has been recommended that the application be approved subject to conditions.

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

**RECOMMENDATION:****THAT COUNCIL:**

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

**BACKGROUND:**

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

**Previous approved developments / activities**

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

- DA2002/03-261 DA Only erection 2 Holiday Cabins

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

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

### **Subject site and locality**

The development site is known as 3/722 Little River Road, Little River NSW 2720 and is legally described as Lot 32, DP 1120073. The land is 3.9 hectares in area and forms an irregular rectangle in shape. The northern boundary has direct frontage to the Goobarragandra River and the land falls towards the river in a north-westerly direction and the proposed development is approximately 36.5 metres from the Goobarragandra River foreshore. An aerial view of the land has been shown below in Figure 1 and cadastral layout in Figure 2.

The subject site is located in the Little River area and is zoned RU1 Primary Production under the *Tumut Local Environmental Plan 2012* (LEP), with the surrounding land currently being utilised for residential and primary production land uses. It is considered that the proposal is generally consistent with the surrounding existing land uses with the site currently utilised for residential and tourism accommodation purposes.



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



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

Proposed Development

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

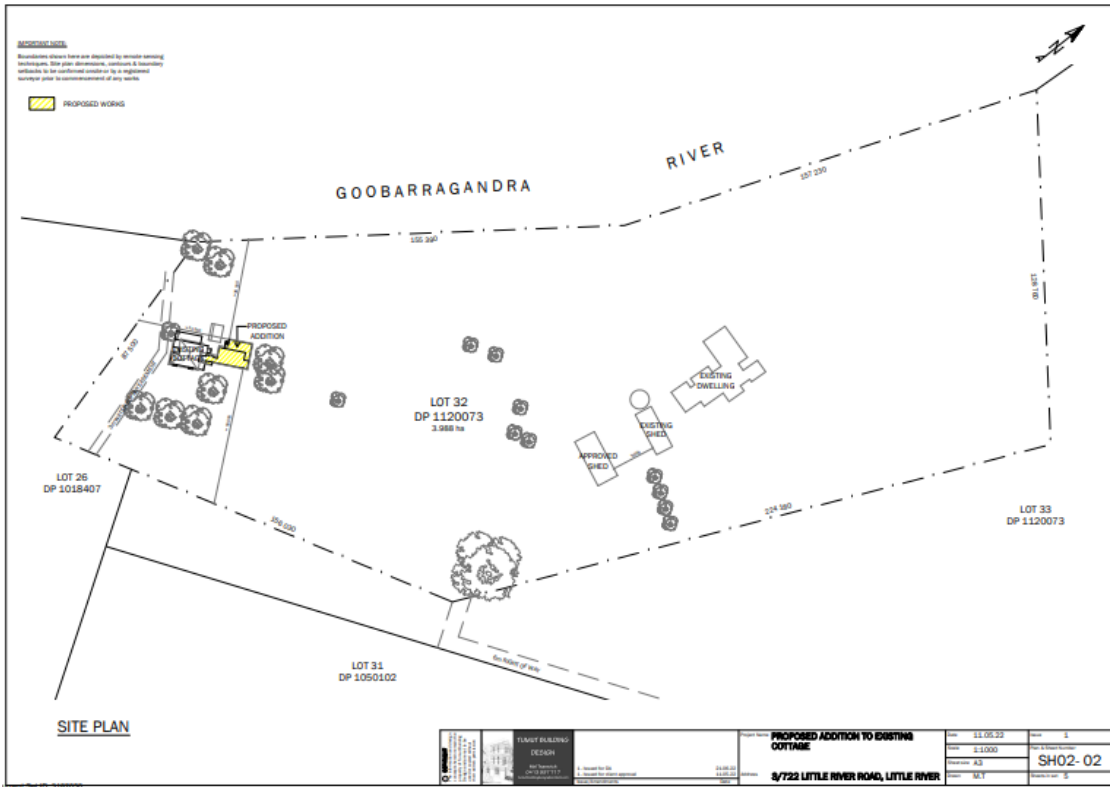


Figure 3: Site plan. Source from plans

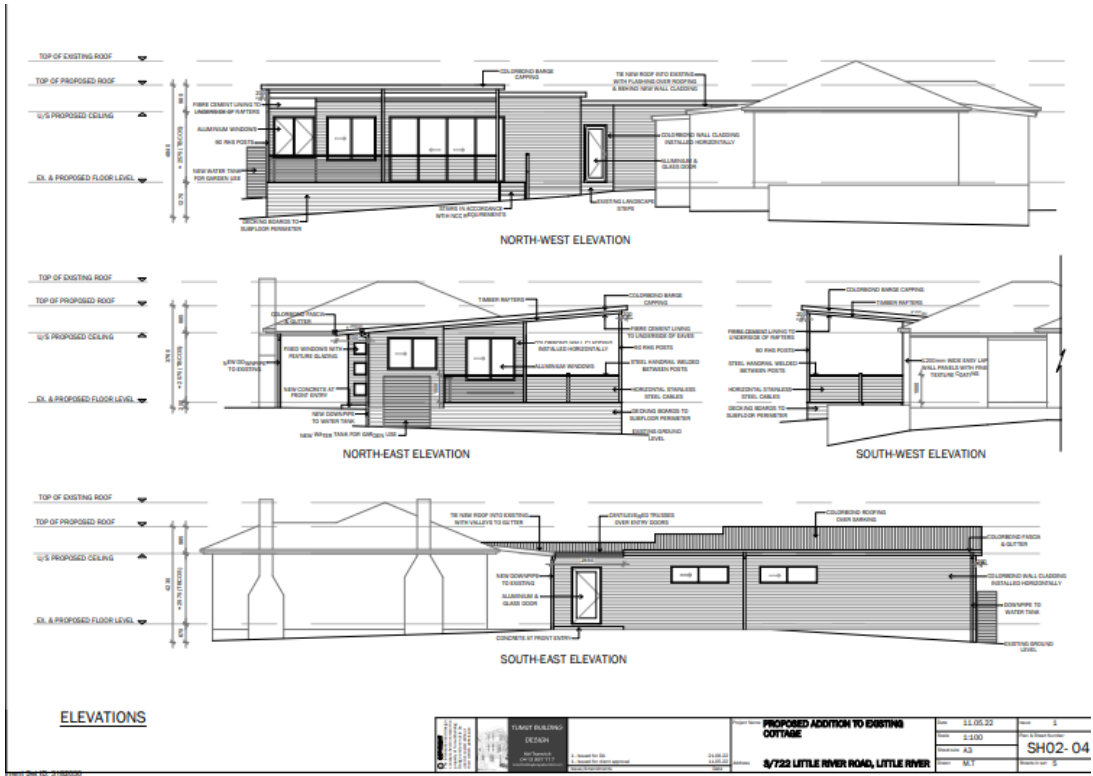


Figure 4: Elevations. Source from plans



Council considered the development application at the Council meeting of 17 November 2022, where it was resolved to defer the matter pending clarification of a number of issues. Those issues related to compliance matters relating to an 'existing cottage', clarification of access and egress to the site and also matters relating to property business signage.

In accordance with the resolution, Council staff met with the owner of the premises on the 15th December 2022. The purpose of the meeting was to discuss the concerns raised by the Council and also to inspect both the existing cottage and also the road access to the premises. Following the inspection a formal request for additional information was provided to the applicant.

Council staff again met with the owners of the premises on the 9th March 2023 to discuss the proposal and also seek clarification on a number of broader issues relating to the site.

## **REPORT:**

### **Statutory Provisions**

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

### **State Environmental Planning Policies**

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

#### **State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004**

##### **- Clause 6 – Buildings to which Policy applies.**

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

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### **- Clause 3.6 – Is the land potential koala habitat?**

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

### **Local Environmental Plans**

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

##### **- Clause 1.2 Aims of the Plan**

The aims of the Tumut Local Environment Plan 2012 are:

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

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

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

The subject site is zoned RU1 Primary Production under the provisions of the Tumut LEP 2012 (LEP) (see Fig. 5 below).

## Objectives of zone:

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

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



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

#### - Clause 6.4 - Groundwater Vulnerability and Wastewater

(2) This clause applies to land identified as “Groundwater Vulnerability” on the LEP Groundwater Vulnerability Map (refer Figure 6 below). Part of the land adjoining the river is mapped for groundwater vulnerability. This has implications for the treatment of wastewater on site from the development. Clause 6.4 applies to land identified as “Groundwater Vulnerability” on the Groundwater Vulnerability Map.

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

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

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

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



Figure 6: Groundwater vulnerability mapping. Source: SVC IntraMaps

#### - Clause 6.5 - Riparian lands and watercourses

This clause applies to all of the following—

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

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

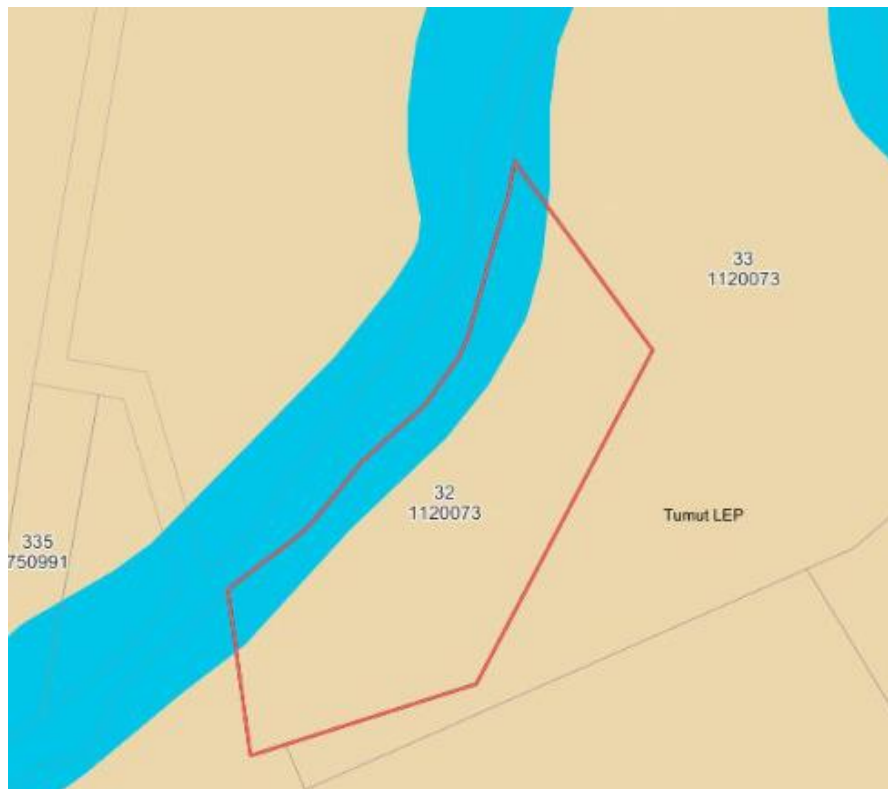


Figure 7: Riparian lands and watercourses mapping. Source: SVC IntraMaps

#### **- Clause 6.8 - Landslide Risk Land and Earthworks**

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

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

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



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

### Development Control Plans

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

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

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.1 Vehicle access standards	Vehicle access to all development is to be designed to be safe.	Existing access arrangements are to be retained via an existing 6 metre wide easement.  Note: A secondary access to the site from the easement is being investigated by Council as the road was constructed in the absence of development consent. The access is not expected to affect practical access to the proposed development.	Yes
3.2.2 Bushfire	On land that is mapped as bush fire prone land a development must comply with the relevant NSW Rural Fire Service	The proposal has been assessed under the grassland deeming provisions, as an APZ 20-49m can be provided. The development will comply grassland deeming provisions, BAL 12.5. Accordingly	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	Planning for Bushfire Protection Guidelines.	the development complies with the Planning for Bushfire Protection Guidelines.	
3.2.3 Carparking	Sufficient on-site car parking is to be provided for all development proposals.	The site occupies an area to enable sufficient on-site car parking for any occupants of the residence.	Yes
3.2.4 Construction over Council land and services	n/a	No construction over Council land or services are proposed.	n/a
3.2.5 Contaminated land	n/a	The site is considered to be suitable in its current state for the proposed development. A desktop survey and site inspection has not revealed any previous uses that would constitute the site being contaminated.	Yes
3.2.6 Cut and fill	For any development the maximum level of cut must not exceed 1.0 metre below the ground level (existing) and the maximum level of fill must not exceed 1.0 metre above ground level (existing).	No cut and fill is proposed as the additions are proposed to be on piers.	Yes
3.2.7 Demolition	All demolition work is required to comply with AS2601-2001 - The Demolition of Structures (as amended) in accordance with a detailed work plan prepared by a suitably qualified person.	All demolition work is required to comply with AS2601-2001, A condition of development consent will be applied to ensure all demolition works comply with the Australian Standard.	Yes
3.2.8 Development near electrical easements	All proposed activities within and immediately adjacent to electricity easements and infrastructure require approval from the relevant utility providers.	Any proposed works will be clear of any easements and associated utility infrastructure.	Yes
3.2.9 Erosion & sediment control	Runoff is to be managed to prevent any land degradation including offsite sedimentation. Arrangements are to be implemented to instigate revegetation of	Conditions of consent will be applied to ensure that the development complies with sediment and erosion control measures.	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	<p>earthworks to minimise erosion.</p> <p>Site activities must be planned and managed to minimise soil disturbance.</p>		
3.2.10 Flooding	n/a	The development is outside of the flood planning area and the AHD level is above the known historical flood levels for the proposed development.	n/a
3.2.11 Heritage	n/a	There are no known heritage items on or near the site. Historically the site is highly disturbed, with the likelihood of artefacts being located on the site being low.	n/a
3.2.12 Landscaping	Landscape design is to enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	There is existing landscaping on the site. A condition will be applied to any consent requiring the additional planting of indigenous species.	Yes
3.2.13 On-site Wastewater Management (OSSM)	Where a site is not serviced by a reticulated sewerage system an approved wastewater management system is to be installed.	The proposed development will not increase any load on existing septic systems and therefore no upgrade to the system is required.	Yes
3.2.14 Provision of services	<p>Where access to reticulated sewer is not available, arrangements must meet Council requirements in relation to OSSM.</p> <p>Where connection to the reticulated water supply system is not available, new development is to be provided with sufficient water storage.</p> <p>Development must be provided with an adequate connection to grid supplied electricity services or its equivalent.</p>	<p>There is no reticulated gas, water or sewer in this location. The development provides for onsite sewer management on the land from the existing system.</p> <p>Collected rainwater is proposed to be utilised for the provision of water to the site.</p>	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
3.2.15 Retaining walls	Any retaining wall that is not complying or exempt development, and is higher than 800mm must be designed by a structural engineer and made from appropriate material.  Any retaining wall must not adversely alter surface flows to adjoining private land	No significant retaining walls are proposed as part of this development.	Yes
3.2.16 Safer by design	Crime Prevention Legislative Guidelines requires that Council ensure developments provide safety and security to users and the community	The proposed development generally is in accordance with Crime Prevention Through Environmental Design (CPTED) principles.	Yes
3.2.17 Stormwater / roof water Management	Stormwater, roof water and rainwater tank overflow must be collected and disposed of (under gravity) or, in rural areas, managed and retained within the site.	The development proposes the capture of rainwater for reuse.	Yes
8.3 Locality Based Controls - Goobarragandra Valley	Future development in the valley must be sensitive to this fragile environment.  This is to be achieved by off-setting the unavoidable adverse impact by adding creating environmental improvements, including as applicable to the development site: <ul style="list-style-type: none"><li>• creation of riparian zones along the banks of waterways</li><li>• planting of indigenous trees</li><li>• erosion control works</li><li>• fencing off remaining trees from stock, including remnant native vegetation.</li></ul>	The proposed development is generally in accordance with the controls with no adverse impacts envisaged as the development will be designed, sited and managed to avoid any significant adverse impact on the location and the land surrounding the development.  Conditions of development consent will be applied requiring the planting of indigenous species on the site.	Yes



Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
4.7.1 Access	Internal access roads are to be graded and gravelled to a standard where wet weather does not impede access by two wheel drive vehicles.	The internal access roads are to a two wheel drive gravel standard.	Yes
4.7.2 Building Siting, Height and Scale	The height of all buildings, including dwelling houses and ancillary buildings, is not to exceed 8.5m from natural ground level.	The overall building design is consistent with the requirements of the DCP. The building does not exceed 8.5 metres.	Yes
4.7.3 Building Setbacks	<p>The setback of all buildings including the dwelling house and ancillary buildings from the primary street frontage is to be a minimum of 10 metres.</p> <p>The building lines of side and rear boundary is to be a minimum of 6 metres. This should be increased wherever possible to avoid land use conflicts.</p> <p>Greater setbacks are encouraged to avoid impacts from roads, access ways and agriculture.</p>	The overall setbacks are consistent with the requirements of the DCP.	Yes
4.7.4 Impacts of Agriculture	The operation of the horticultural industry within the Council area can have adverse amenity impacts on rural residential land owners.	The proposed development generally is in accordance with the controls with no adverse impacts envisaged as the development will be designed, sited and managed to avoid any significant adverse impact on the land surrounding the development.	
4.7.5 Farm Sheds and Outbuildings	n/a	No farm sheds and outbuildings proposed.	n/a
4.7.6 Fencing	n/a	No fencing proposed.	n/a
4.7.7 Number of Buildings	n/a	Not proposed	n/a
4.7.10 Temporary accommodation	n/a	Not proposed	n/a
4.7.12 Waste Management	No on-site domestic solid waste disposal is permitted. Domestic	Condition of consent in regards to waste collection will be applied to ensure that waste is disposed of	Yes

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
	solid waste must be, either collected by a waste collection transportation disposal service or is disposed of to a Council waste or resource management facility.	to a lawfully approved and licenced waste management facility.	

It is considered that the proposal is consistent with all relevant controls of the Snowy Valleys Council DCP 2019. It is considered that the development is compliant with all other relevant controls of the DCP.

### Planning Agreements

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

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

### Regulations

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

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

### Coastal Management Plans

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

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

### Impacts of the Development

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

### Context and Setting

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

### Site Design and Internal Design

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

### Heritage

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

## Flooding

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

## Suitability of the Site for the Development

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

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

## Submissions made in accordance with the Act or Regulations

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

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

## Public Interest

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

The provision of the alterations and additions within the rural setting with appropriate controls to manage any associated impacts of the development is considered to be in the public interest. Environmental sensitivities of the area can be appropriately managed through appropriate site design and conditions of development consent.

## CONSULTATION

### Pre-lodgement Meetings

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

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

## Community Participation Plan – Notification

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

Summary of submissions	Councils Response
The development is not an extension to a secondary dwelling is an expansion of a rental property/ tourism accommodation.	Council can only assess the application that has been submitted which does not make provision for any tourism accommodation - as alterations and additions to a secondary dwelling. If approved, any future development beyond any approval will require development consent of Council under a separate application. A condition shall be applied restricting the use of the building for tourist and visitor accommodation.

Summary of submissions	Councils Response
Concerns in relation to unauthorised works on the property.	Any unauthorised works do not form part of the considerations under section 4.15 of the Environmental Planning and Assessment Act 1979 and will be investigated under a separate process.
Concerns long term residence haven't been notified of other development.	The current development application has been considered in accordance with the provisions Council's adopted Community Participation Plan and has been notified in accordance with that plan. Any previous developments would have been considered in accordance with previous policies and plans of the Council.
Concerns about the adverse impacts on the environment if the development proceeds, ie; chemical, waste and grey water waste and odours and noise pollution.	A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.
Concerns of septic system	This is an existing system that is not required to be upgraded due to no additional load being placed on the system. Council will continue to monitor the system in accordance with the requirements of its On Site Sewer Management System programmed inspection regime.
This development is within 18 metres of the high bank of a main watercourse that flows directly into the river and therefore comes under the title of a 'controlled activity area' with the 'Natural Resources Access Regulator' and as such would require them to be involved in any proposed development plan.	A referral was sent to the Department of Planning and Environment -Water and an exemption under the Water Management (General) Regulation Schedule 4,29- Activities with respect to dwellings was provided.
Concerns unauthorised wedding/ events are held at the property.	Council can only assess the application that has been submitted which does not make provision for any proposed functions. If approved, any future development beyond any approval will require development consent of Council under a separate application.  Any current non-compliances will be investigated under a separate process.
Concerns the property is in a 100 year flood zone.	The land is adjacent to the Goobarragandra River and accordingly is susceptible to flooding impacts. It is noted that the area nominated for the purposes alterations and additions is outside of the flood planning area on the subject land and is located above the Australian Height Datum (AHD) of known historical flood heights in the area. No additional controls are required in terms of flood planning for behaviour or storage on the land.
Dogs are a huge problem on the property causing noise.	This is not a consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.

Summary of submissions	Councils Response
	Any potential noise issue relating to companion animals will be investigated via a separate process.
Concerns of Privacy/ Interference.	A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the privacy. Council will impose conditions of development consent requiring additional plantings on the site to maintain privacy with surrounding properties.

### Additional request for information (RFI) matters.

#### Road Access

Councillors raised concerns at the November 2022 Council meeting concerning the road access to Lot 32 in Deposited Plan 1120073, in particular a new road access had been created on the boundary of Lot 26 servicing both Lot 32 and Lot 33.

A review of both Council's records and records of the Land Registry Services (LRS) has indicated that a subdivision was approved by Council on the 17th October 2007 which created Lot 32 with the existing homestead and cottage and Lot 33 with the residual Tourist and Visitor Accommodation Cabins. Council staff investigations have revealed that the access arrangements for Lot 33 had remained the same as previously approved being the access that straddles the boundary of Lot 30 in Deposited Plan 1050102. A right of carriageway was then created across Lot 33 to service Lot 32. An 'emergency access' was created from Lot 32 via a right of carriageway upon the fence line of Lot 26 under deposited plan 1018407 to Little River Road. This access is the access that has been subject to submissions following the notification process and subsequently Councillors have raised concerns in relation to the subject road.

The owner of the property has advised that there is practical access difficulties associated with the access adjacent to Lot 30 in Deposited Plan 1050102. Accordingly, the right of carriageway access adjacent to Lot 26 was formed and is currently utilised for the purposes of accessing both Lot 32 and Lot 33. The owner has advised that the removal of the cottage on Lot 32 from the Elm Cottage business and associated marketing and the private letting of the cottage via air bnb should enable a separate access to be via the right of carriageway as the Lot 32 is a separate entity and is being used for residential purposes.

Council staff understand that a separate development application is going to be lodged for the purposes of a 'farm stay development' on Lot 33 and the access arrangements for this lot will be formalised at this stage taking into account the practical difficulties with the current approved access. It is expected that such application would be lodged within the next six (6) months and the associated impacts of the access adjacent to lot 26 could be considered through the assessment of that application. A masterplan of the site is expected to be provided to Council as part of that development application.

#### 'Existing Cottage'

Council records indicate that there are no existing approvals for the cottage nominated on the site plan as 'existing cottage'. It is understood that the building was a former worker's quarters for rural pursuits on the land. Given the age of the structure, Council staff are of the opinion that the building would have been likely to have been erected prior to the current requirements to obtain development consent.

An inspection of the building by Council staff revealed that the structure has been recently renovated including recladding, restumping and replacement of the roofing materials. Internally the building has been painted and also a new ensuite has been installed. The primary use of the building is for a single

bedroom and also ensuite and cannot be considered as a separate dwelling as it does not contain the components of a separate domicile ie laundry, kitchen etc.

The owners of the premises have advised Council staff that the building is not being utilised as a separate letting however is let in conjunction with the house subject to the current development application. Given Council's enquiries to date, it is satisfied that the worker's quarters would have not required development consent at the time of the construction and the recent renovations would have constituted 'exempt development' ie not requiring development consent. Council is satisfied that if the use of the quarters are in connection with the adjacent cottage (subject to this application) then there is likely to be no additional environmental impacts associated with the use of the quarters. Council has also been advised that the building is let via a private air bnb arrangement and is not part of the Elm Cottage business or associated marketing or Elm Cottage online presence.

Lot 32 is being proposed to be used for air bnb residential letting (including the existing quarters as a single letting) and the residual land is proposed to be used for tourist and visitor accommodation or more broadly known as the 'Elm Cottage'. Lot 32 has the main homestead dwelling also located on it and accordingly the dwelling subject to this application is considered to be a dual occupancy.

### **Signage**

'Business identification signage' and also 'way finding signage' has been erected on Little River Road, Little River by the owner of the premises. Whilst the signage does not form part of the existing development application, the applicant will be requested to lodge a section 138 *Roads Act 1993* application to seek to have the signage approved on Council's road or road related area. It is understood that the owner of the property has recently renovated the signs with new content and reducing the overall size. The signage is not located on the subject Lot 32 and therefore cannot be considered as part of the current development application.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Delivery Program and Operation Plan Strategic Directions**

Theme 2 Our Economy

#### **Community Strategic Plan Objectives**

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

#### **Delivery Program Principal Activities**

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

2.4 Attract and support local business and industry

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

### **Financial and Resources Implications:**

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

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

be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council.

- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.

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

### **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The assessment of the proposal has been carried out in accordance with the relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and the Environmental Planning Regulation (2021). The assessment of the proposal has also been undertaken in accordance with Council's adopted Development Control Plan and also the Community Participation Plan.

### **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

N/A

### **OPTIONS:**

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

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

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

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

**Option 1 is recommended.**

Councillors must record their votes on the matter.

### **COUNCIL SEAL REQUIRED:**

No

### **COMMUNITY ENGAGEMENT AND COMMUNICATION:**

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

### **ATTACHMENTS**

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

## **11. MINUTES OF COMMITTEE MEETINGS**

### **11.1. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP - 27 APRIL 2023**

**REPORT AUTHOR: COMMUNITY DEVELOPMENT OFFICER**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & 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 April 2023.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Receive and Note the Minutes of the Disability Inclusion Action Reference Group held on 27 April 2023.**
- 2. Adopt the following recommendation/s from the minutes:**
  - a. Change the date of the next Disability Inclusion Access Reference Group from 22 June 2023 to 29 June 2023, commencing at 11.00am**

#### **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 27 April 2023, 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. Elect Chairperson
2. Disability Inclusion Action Plan progress report

#### **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

##### **Integrated Planning and Reporting Framework:**

##### **Community Strategic Plan Theme**

Theme 1 - Our Community

Theme 4 - Our Infrastructure

##### **Community Strategic Plan Strategic 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:**

Nil

**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:**

Nil

**ATTACHMENTS**

- 1. Minutes - Disability Inclusion Access Reference Group - 27 April 2023 (Under separate cover)

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## 12. CONFIDENTIAL

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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 - DEVELOPMENT APPLICATION 2022-0099 - RESIDENTIAL ALTERATIONS AND ADDITIONS LOT 32 DP1120073 LITTLE RIVER ROAD, LITTLE RIVER - ATTACHMENT 2**

Item 10.4 Attachment 2 is confidential under the Local Government Act 1993 Section 10A 2 (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.

### **CONFIDENTIAL - DIRECTION TO REMOVE ITEMS UNDER THE ROADS ACT 1993**

Item 12.1 is confidential under the *Local Government Act 1993* Section 10A (2)(e) and (2)(g) as it relates to information that would, if disclosed, prejudice the maintenance of law, advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## 13. MEETING CLOSURE

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