



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Tuesday, 17 October 2023

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

Statement of Ethical Obligations

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

Disclosure of Pecuniary Interests at meetings (extract from the Code of Conduct – Section 4)

- 4.28** Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29** The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30** In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31** Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

Disclosure of Political Donations and Gifts

The *Environmental Planning and Assessment Act 1979* places obligations on Councillors, staff, applicants and any person who makes a public submission, to disclose information relating to political donations and gifts during the environmental plan making or development assessment process.

The fact that political donations or gifts have been made by applicants / proponents of a planning application should not affect whether an application is approved or refused. Political donations or gifts should not be relevant in making a determination. The matter should be determined on its merits. Nor do they provide grounds for challenging the determination of any applications.

For further information, visit www.planning.nsw.gov.au/donations

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

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

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

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

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

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

Photography

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

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

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

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

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



Tuesday, 17 October 2023

Council Chambers 76 Capper Street Tumut and Via Video Link

2:00 PM

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1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

3. DECLARATIONS OF PECUNIARY INTEREST

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

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 21 SEPTEMBER 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 21 September 2023 be received and confirmed as an accurate record.

Attachment 1 - 20230921 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

Thursday, 21 September 2023

THE MEETING WAS HELD AT 2:05 PM
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT AND
VIA VIDEO LINK

Mayor

Interim General Manager



Thursday, 21 September 2023

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

2:00 PM

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Mayor

Interim General Manager

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

IN ATTENDANCE: Interim General Manager, Steven Pinnuck, Director Infrastructure & Works Duncan Mitchell, 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 Sam Hughes.

2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Cr Livermore 10.3 declared a non-pecuniary/non-significant interest in relation to report 10.3 Community Grant Applications for 2023-24 due to being a member of one of the recipient organisations and will leave the meeting during discussion.

Director Community & Corporate declared a non-significant non-pecuniary interest in relation to report 10.2 DA 2023-0073 - Continuous Use of Completed Earthworks Lot 10 DP 703914 - 131-133 Herbert Street, Tumut due to neighbouring property and will leave the meeting during discussion.

4. CONFIRMATION OF MINUTES

4.1. MINUTES - ORDINARY COUNCIL - 17 AUGUST 2023

M165/23 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 August 2023 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

9.1 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE PERIOD ENDING SEPTEMBER 2024

M166/23 RESOLVED:

A motion was moved and seconded that Item 9.1: Election of Mayor and Deputy Mayor for the Period Ending 14 September 2023 be brought forward to the first item of business.

Cr Julia Ham/Cr Johanna (Hansie) Armour

CARRIED UNANIMOUSLY

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Mayor

Interim General Manager

The Interim General Manager as Returning Officer advised that 2 nominations have been received and submitted correctly for the position of Mayor, those being:

- Cr Ian Chaffey
- Cr James Hayes

There were no further nominations from the floor.

The Returning Officer called for a mover and seconder for Item 9.1: Election of Mayor and Deputy Mayor for the Period Ending 14 September 2023.

M167/23 RESOLVED:

THAT COUNCIL:

1. Receive and Invite nominations for the election of mayor and deputy mayor.
2. Proceed with the election of the mayor and deputy mayor, in the event of there being more than one candidate, by Ordinary ballot.
3. Conduct the election for mayor and deputy mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2021.
4. Elect a mayor in accordance with Sections 225, 226, 227 and 230 of the *Local Government Act 1993* for a period ending 14 September 2024.
5. Elect a deputy mayor in accordance with Section 231 of the *Local Government Act 1993* for a period ending 14 September 2024.

Cr James Hayes/Cr John Larter

CARRIED UNANIMOUSLY

Ballot papers were circulated, completed and returned to the Returning Officer.

The Returning Officer advised the result for each of the nominated councillors, results being:

Cr Ian Chaffey - 7

Cr James Hayes - 2

The Returning Officer declared Cr Ian Chaffey as Mayor for the period 21 September 2023 to 14 September 2024.

The Interim General Manager as Returning Officer advised that 2 nominations have been received and submitted correctly for the position of Deputy Mayor, those being:

- Cr Trina Thomson
- Cr James Hayes

The Returning Officer called for voting for the position of Deputy Mayor, agreed to be for the same amount of time as for the position of Mayor, based on the 2 nominations received for the position with the Ordinary ballot results being:

Cr Trina Thomson - 6

Cr James Hayes - 3

The Returning Officer declared Cr Trina Thomson as Deputy Mayor for the period 21 September 2023 to 14 September 2024.

5. CORRESPONDENCE/PETITIONS

Nil.

6. NOTICE OF MOTION/NOTICE OF RESCISSION

6.1. NOTICE OF MOTION - PUBLIC FORUM RECORDINGS

M168/23 RESOLVED:

THAT COUNCIL:

1. Make audio/visual recordings of Public Forums that are associated with and held prior to Ordinary of Extraordinary Meetings of Council.

Cr Johanna (Hansie) Armour/Cr Trina Thomson

CARRIED UNANIMOUSLY

M169/23 RESOLVED:

THAT COUNCIL:

1. Receive a report to the October meeting on proposed changes to the Code of Meeting Practice to facilitate audio/visual recordings of Public Forums that are associated with and held prior to Ordinary or Extraordinary Meetings of Council.

Cr Johanna (Hansie) Armour/Cr Trina Thomson

CARRIED UNANIMOUSLY

6.2. NOTICE OF MOTION - TRANSGRID - UNDERGROUNDING OF HUMELINK TRANSMISSION INFRASTRUCTURE

M170/23 RESOLVED:

THAT COUNCIL:

1. Collaborate with the National Parks Association to continue to lobby for undergrounding of all/part of the Humelink transmission infrastructure.
2. Show a united front and collaborate with other councils e.g. Yass Valley Council, Upper Lachlan Shire Council and Wagga Wagga City Council in preparing a combined submission to the newly announced select committee.

Cr Johanna (Hansie) Armour/Cr Trina Thomson

CARRIED UNANIMOUSLY

7. MAYORAL MINUTE

Nil.

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76 Capper Street Tumut and Via Video Link on Thursday, 21 September 2023

Mayor

Interim General Manager

8. URGENT BUSINESS WITHOUT NOTICE

Nil.

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE PERIOD ENDING SEPTEMBER 2024

(Item brought forward)

9.2. DETERMINATION OF THE NUMBER OF COUNCILLORS

M171/23 RESOLVED:

THAT COUNCIL:

1. Receive the report on Determination of the Number of Councillors for the term of office following the September 2024 elections from the Interim General Manager; and
2. In accordance with Section 224 (2) of the *Local Government Act 1993*, determine the number of Councillors to be unchanged, being nine (one of whom is the Mayor).

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

9.3. 2023 REGIONS RISING NATIONAL SUMMIT 13-14 SEPTEMBER CANBERRA

M172/23 RESOLVED:

THAT COUNCIL:

1. Note the attendance of Cr Ham at the 2023 Regions Rising National Summit on 13-14 September in Canberra.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

9.4. RESCHEDULE - ORDINARY COUNCIL MEETING - OCTOBER 2023

M173/23 RESOLVED:

THAT COUNCIL:

1. Reschedule the Ordinary Council meeting held on Thursday 19 October 2023 to Tuesday 17 October 2023 commencing at 2pm.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY

9.5. LONG TERM FINANCIAL PLAN 2023-2033 & REVENUE POLICY 2023-2024**MOTION:**

THAT COUNCIL:

1. Adopt the revised Revenue Policy;
2. Endorse the revised Long Term Financial Plan to be placed on public exhibition for a minimum period of 28 days;
3. Note if submissions are received during the exhibition, a further report will be provided to Council; and
4. Adopt the Long Term Financial Plan if no submissions are received on the day after the completion of the public exhibition period.

Cr Brent Livermore/Cr Julia Ham

M174/23 RESOLVED to move into Committee of the Whole

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

M175/23 RESOLVED to move out of Committee of the Whole

Cr Julia Ham/Sam Hughes

CARRIED UNANIMOUSLY

M176/23 RESOLVED:

THAT COUNCIL:

1. Adopt the revised Revenue Policy;
2. Endorse the revised Long Term Financial Plan to be placed on public exhibition for a minimum period of 28 days;
3. Note if submissions are received during the exhibition, a further report will be provided to Council; and
4. Adopt the Long Term Financial Plan if no submissions are received on the day after the completion of the public exhibition period.

Cr Brent Livermore/Cr Julia Ham

CARRIED UNANIMOUSLY

9.6. REVIEW AND APPROVAL OF 2023-24 REVOTES**M177/23 RESOLVED:**

THAT COUNCIL:

1. Note that there are no carry-over projects for the council re-votes; and

2. Note the projects commenced during 2022/23 and will be carried forward with a cost of \$2,340,375 for expenditure in 2023/24.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

9.7. COUNCILLOR EXPENSES FOR THE SIX MONTHS PERIOD ENDING 30 JUNE 2023

M178/23 RESOLVED:

THAT COUNCIL:

1. Note the report on Councillor Expenses for the six months period ending 30 June 2023.

Cr Mick Ivill/Cr Julia Ham

CARRIED UNANIMOUSLY

9.8. STATEMENT OF INVESTMENTS - 31 AUGUST 2023

M179/23 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investments - 31 August 2023.

Cr John Larter/Cr Brent Livermore

CARRIED UNANIMOUSLY

10. MANAGEMENT REPORTS

10.1. DA 2023/0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION. 404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA

MOTION:

Defer report 10.1 until further clarification is obtained.

Cr James Hayes/Cr Trina Thomson

M180/23 RESOLVED to move into Committee of the Whole

Cr Trina Thomson/Cr Brent Livermore

CARRIED UNANIMOUSLY

M181/23 RESOLVED to move out of Committee of the Whole

Cr Julia Ham/Cr Sam Hughes

CARRIED UNANIMOUSLY

M182/23 RESOLVED:

THAT Council defer Development Application 2023/0025 Proposed Tourist and Visitor Accommodation at 404 Goobarragandra Road Goobarragandra pending additional information being received by the proponent including:

1. The disposal of waste-water onsite including confirmation of the maximum number of persons onsite at any one time;
2. Relating to the amount of water storage on the subject site and methods for potable treatment; any plans and documentation should include the size and location of any static storage for both potable and bushfire fighting reserve;
3. The flood susceptibility of the proposed viewing platform and potential impacts of flooding on the infrastructure;
4. Relating to an existing marquee erected on the land prior to the issue of any approval under the subject application;
5. Relating to the source of water for fire-fighting including whether this will be sourced from the river and if so, what licences will be obtained to permit such water extraction;
6. Proposed intended use of the subject development and if any uses are proposed beyond utilizing the development for the purposes of tourist and visitor accommodation;
7. Additional information on proposed uses of the site.

FOR: Cr Armour, Cr Chaffey, Cr Hayes, Cr Hughes, Cr Ivill, Cr Livermore, Cr Thomson

AGAINST: Cr Ham, Cr Larter

CARRIED

7/2

The Director Community & Corporate left the meeting at 3.22pm.

10.2. DA 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT**M183/23 RESOLVED:**

That Council determine the Development Application 2023/0073 being Lot 10 DP 703914 131-133 Herbert Street Tumut by way of approval subject to draft conditions of consent as outlined in ATTACHMENT 3.

Cr Hayes/Cr Larter

For: Cr Armour, Cr Chaffey, Cr Ham, Cr Hayes, Cr Hughes, Cr Ivill, Cr Larter, Cr Livermore, Cr Thomson

CARRIED UNANIMOUSLY

The Director Community & Corporate returned to the meeting at 3.26pm.

Cr Livermore left the room at 3.26pm.

10.3. COMMUNITY GRANT APPLICATIONS FOR 2023-24**M184/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the Community Strengthening Grant projects recommended for funding, being:
 - a. Batlow Community and Cultural Association - \$4,453.00
 - b. Big Brothers Big Sisters Australia - \$3,000.00
 - c. Brungle Memorial Hall Committee - \$5,500.00
 - d. Brungle Tumut Local Aboriginal Land Council - \$2,000.00
 - e. Christmas in Tumut Inc - \$4,000.00
 - f. Courabyra Public Hall - \$1,900.00
 - g. Falling Leaf Festival - \$2,000.00
 - h. Gilmore Progress Association - \$4,000.00
 - i. Khancoban Country Club - \$4,500.00
 - j. Lacmalac Soldiers Memorial Hall - \$2,170.00
 - k. St Jude's Anglican Church Tumbarumba - \$3,500.00
 - l. Tumut and District Historical Society Inc - \$2,667.50
 - m. Tumut Art Society - \$3,018.00
 - n. Tumut Bridge Club - \$2,782.00
2. Endorse the Capital Sports and Recreation Grant projects recommended for funding, being:
 - a. Khancoban Tennis Club - \$1,280.00
 - b. Ngarigo Toomaroombah Kunama Namadgi - \$5,000.00
 - c. South West Slopes Sporting Field Archers - \$2,433.37
 - d. Tooma Cricket Club - \$8,000.00
 - e. Tumbarumba Equine Club - \$3,050.00
 - f. Tumbarumba Sports Academy Inc - \$4,000.00
 - g. Tumbarumba Touch Football Association - \$1,500.00
 - h. Tumut Basketball Association - \$4,700.00

Cr Trina Thomson/Cr Mick Ivill

CARRIED UNANIMOUSLY

Cr Armour left the meeting at 3.29pm and did not return.

10.4. COMMITTEE MEMBERSHIP RECRUITMENT - APPLICATION APPROVAL - YOUTH COUNCIL COMMITTEE**M185/23 RESOLVED:**

THAT COUNCIL:

1. Receive and Note the report.
2. Endorse five (5) new members as community representatives on the Youth Council Committee these being Jack Moxey, Atticus Blenkins, Thomas Miranda, Cameron Foley and Anna Stuart (Youth members) and one (1) adult facilitator/volunteer Brook Penfold.

Cr Trina Thomson/Cr Sam Hughes

*Cr Livermore returned to the meeting at 3.31pm.***CARRIED UNANIMOUSLY****10.5. SALE OF PROPERTY - SNOW VIEW ESTATE TUMBARUMBA - STAGE 3****M186/23 RESOLVED:**

THAT COUNCIL:

1. Authorise the sale of Snow View Estate Stage 3 lots as a staged release via public auction through Council's authorised Real Estate Agent;
2. Authorise the sale of the dwelling located at Snow View Estate Stage 2 - Lot 34 DP 1182360 by public auction;
3. Authorise that the funds from the sale of the dwelling located at Snow View Estate Stage 2, Lot 34 DP1182360 be allocated towards the construction of a display home on Lot 54DP 1182360;
4. Retain a single lot, currently identified as Lot 61 DP 1182360 to construct dual occupancy dwellings for Council's purposes;
5. Delegate authority to the General Manager to set the reserve price for the sale of the properties at public auction;
6. Delegate authority to the General Manager to negotiate and finalise the sale by private treaty should the property not sell at public auction;
7. Authorise the affixing of the of the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution; and
8. Approve the revised project budget of an additional \$130,000.00 to facilitate an asphalt road finish to the internal roads in Snow View Estate Stage 3.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

10.6. CLASSIFY LAND ACQUIRED - Lot 7027 DP94611 - LAMBIE ST RESERVOIR TUMUT**M187/23:**

THAT COUNCIL:

1. Classify Land Acquired at Lambie Street Reservoir, Tumut being Lot 7027 DP 94611 as "Operational Land".

Cr Sam Hughes/Cr John Larter

CARRIED UNANIMOUSLY**10.7. KHANCOBAN VACANT LAND - 14 TYRELL STREET, KHANCOBAN (LOT 3 DP 1239992) REQUEST TO REPEAL RESOLUTION****M188/23 RESOLVED:**

THAT COUNCIL:

1. Repeal Resolution Item No. 2 of item 11.1 resolved on at Council Meeting dated 16 June 2022 for an easement for access over Lot 3 DP 1239992, in favour of Lot 2 DP 1088037 and Lot 2 DP 1239992.
2. Repeal Resolution Item No. 3 of item 11.1 resolved on at Council Meeting dated 16 June 2022 for development requirement to occur within 2 years;
3. Council place Lot 3 DP 1239992 on its property disposal register for sale at a future time via a public auction process;
4. Delegate authority to the Interim General Manager to set the price for the future sale of this property;
5. Council officers enter into negotiations with surrounding property owners of Lot 2 DP 108837 and Lot 1 and Lot 2 of DP 1239992 in relation to the easement of access track if this resolution is adopted by Council; and
6. Authorise the affixing of the Common Seal of Council to the transfer documents and any other documentation to give effect to this resolution.

Cr Julia Ham/Cr John Larter

CARRIED UNANIMOUSLY**10.8. DRAFT COMMUNITY AND RECREATIONAL FACILITIES MANAGEMENT POLICY - PUBLIC EXHIBITION****M189/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the draft Community and Recreational Facilities Management Policy (SVC-ENG-PO-130-01) for public exhibition for a period of 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to Council; and

3. Adopts the Community and Recreational Facilities Management Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Julia Ham/Cr Trina Thomson

CARRIED UNANIMOUSLY

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 23 AUGUST 2023

M190/23 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Audit, Risk and Improvement Committee held on 23 August 2023.
2. Note the following recommendation/s from the minutes:
 - a. That the Audit Risk and Improvement Committee request detailed reports on the whole-of-life plans for waste facilities and quarries;
 - b. That Council formally approach the Rural Fire Service to request asset information required to satisfy financial reporting requirements of Council; and
 - c. That the Audit, Risk and Improvement Committee request a report to go to the Extra-ordinary meeting to discuss risk appetite of overdue audit recommendation actions.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

11.2. MINUTES - DISABILITY INCLUSION ACCESS REFERENCE GROUP COMMITTEE - 24 AUGUST 2023

M191/23 RESOLVED:

THAT COUNCIL:

1. Note the minutes of the Disability Inclusion Access Reference Group committee meeting held on 24 August 2023.

Cr Trina Thomson/Cr Sam Hughes

CARRIED UNANIMOUSLY

11.3. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 16 AUGUST 2023

M192/23 RESOLVED:

THAT COUNCIL:

1. Receive and note the minutes of the First Nations Liaison Committee held on 16 August 2023;
2. Extend the delivery date of the Reflect Reconciliation Action Plan 2022-2023 to the 30th of June 2024; and

Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in In the Council Chambers Page 14
76 Capper Street Tumut and Via Video Link on Thursday, 21 September 2023

Mayor

Interim General Manager

3. Appoint Olivia Williams as a voting member of the First Nations Liaison Committee and notify applicant of the outcome.

Cr Sam Hughes/Cr Julia Ham

CARRIED UNANIMOUSLY

11.4. MINUTES - LOCAL TRAFFIC COMMITTEE - 23 AUGUST 2023

M193/23 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Local Traffic Committee held on Wednesday, 23 August 2023.
2. Adopt the following recommendations from the minutes:
 - a. Respond in writing indicating that driver and school education programs will be run to inform relevant users.
 - b. SPECIAL EVENT APPLICATION - ZONE 20 PONY CLUB
 1. Support the Special Event Application for the Zone 20 Pony Club event, subject to Council's standard conditions including the requirement for nomination of Council, Police and TfNSW as Interested Parties on the Certificate of Currency.
 - c. SPECIAL EVENT APPLICATION - TUMUT XMAS FAMILY FUN NIGHT
 1. Support the Special Event Application for the Tumut Xmas Family Fun Night event, subject to Council's standard conditions and the supply of signed forms for notification and updated Certificate of Currency.
 - d. SPECIAL EVENT APPLICATION - TUMUT CYCLE CLASSIC
 1. Support the special event application for the Tumut Cycle Classic event, subject to Council's standard conditions including updated Certificate of Currency 2. Council engage with TfNSW to ensure compliance with the TGS and ROL requirements.
 - e. SPECIAL EVENT APPLICATION - TUMBAFEST
 1. Support the Special Event Application for the Tumbafest event, subject to Council's standard conditions and updated Certificate of Currency.
 - f. SPECIAL EVENTS APPLICATION - INWARD BOUND
 1. Support the Special Event Application for the Inward Bound event, subject to Council's standard conditions.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

11.5. MINUTES - GLENROY HERITAGE RESERVE COMMITTEE - VARIOUS**M194/23 RESOLVED:**

THAT COUNCIL:

1. Note the Minutes of the Glenroy Heritage Reserve Annual General Committee Meeting held on 5 November 2022;
2. Endorse the nominations of the following committee members:
 - a. President: Neil Christie,
 - b. President Elect: Bruce Wright
 - c. Treasurer: Stephen Weeks
 - d. Secretary Colleen McAuliffe
 - e. Committee Members: Anne Thoroughgood, Jamie Metcalf, Brenda Wigget;
3. Note the Minutes of the Glenroy Heritage Reserve Ordinary Meeting held on 5 November 2022;
4. Adopt the following recommendation/s from the minutes:
 - a. Glenroy Heritage Reserve Terms of Reference as endorsed by the committee;
5. Note the Minutes of the Glenroy Heritage Reserve held on 4 February 2023; and
6. Note the Minutes of the Glenroy Heritage Reserve held on 6 May 2023.

Cr Julia Ham/Cr Brent Livermore

CARRIED UNANIMOUSLY

12. CONFIDENTIAL**M195/23 RESOLVED:**

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

12.1 CONFIDENTIAL - RFT 2023-04 - BRUNGLE CREEK BRIDGE No 3 REPLACEMENT

Item 12.1 is confidential under the *Local Government Act 1993* Section 10A (2)(i) as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.2 CONFIDENTIAL - RFT 2023-05 - PANEL OF PREFERRED SUPPLIERS - SPECIALIST CONTRACTORS - TRAFFIC MANAGEMENT, GUARDRAIL, LINEMARKING, TREE AND CONCRETE SERVICES

Item 12.2 is confidential under the *Local Government Act 1993* Section 10A (2) (i) as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

12.3 CONFIDENTIAL - RFT 2023-06 - PANEL OF PREFERRED SUPPLIERS - PLANT AND EQUIPMENT HIRE

Item 12.3 is confidential under the *Local Government Act 1993* Section 10A (2) (d) (i) as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Trina Thomson /Cr Mick Ivill

CARRIED UNANIMOUSLY

12.1. CONFIDENTIAL - RFT 2023-04 BRUNGLE CREEK BRIDGE No 3 REPLACEMENT

M196/23 RESOLVED:

THAT COUNCIL:

1. Resolve in accordance with Section 55 of the NSW *Local Government Act 1993* to accept the tender from NELMAC PTY LTD for the Design and Construction of Brungle Creek Bridge # 3, Wee Jasper Rd, Wyangle – Contract No SVC 2023/04, for the lump sum amount of \$458,250 including GST.
2. Authorise the Interim General Manager to enter a contract with NELMAC PTY LTD for the Design and Construction of Brungle Creek Bridge # 3, Wee Jasper Rd, Wyangle and
3. Once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by *Government Information (Public Access) Act 2009* - Part 3 Division 5 - Government Contracts with the Private Sector.
4. The Confidential Report relating to matters specified in Sections 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Mick Ivill/Cr John Larter

CARRIED UNANIMOUSLY

12.2. CONFIDENTIAL - RFT 2023-05 - PANEL OF PREFERRED SUPPLIERS - SPECIALIST CONTRACTORS - TRAFFIC MANAGEMENT GUARDRAIL LINEMARKING TREE AND CONCRETE SERVICES

M197/23 RESOLVED:

THAT COUNCIL:

1. Resolve in accordance with Section 55 of the NSW *Local Government Act 1993* to accept the tender RFT 2023/05 Panel of Preferred Suppliers – Specialist Contractors – Traffic Management, Guardrail, Linemarking, Tree and Concrete Services. Requests for quotes will be sought from this panel for any works to ensure the best value for money.

Specialist Contractor Category	Successful Contractor names
Traffic Management	East Coast Traffic Solutions
	Riverina Traffic Services Pty Ltd
Installation and repair of Guardrail	R.B.K Pty Ltd
	Safety Barrier Solutions
	Western Safety Barriers
Linemarking	ACT Line Marking
	Capital Lines and Signs
	North Eastern Roadmarkers
Tree Services	Active Trees
	Bradsworth Tree Services & Contracting
	On the Mark Tree Services
	Riverina Tree Care
Concrete Services	Conex Group
	Form and Pour constructions
	JSC Pty Ltd

- Notes the above businesses will be engaged as a member of the panel from the 1 October 2023 – 30 September 2025. With the option to extend at each of the two subsequent years, to 31st October 2027
- Once Council has resolved to accept this tender, information relating to the successful tenderers be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- The Confidential Report relating to matters specified in Sections 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.
- Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr John Larter/Cr Mick Ivill

CARRIED UNANIMOUSLY

12.3. CONFIDENTIAL - RFT 2023-06 - PANEL OF PREFERRED SUPPLIERS - PLANT AND EQUIPMENT HIRE

M198/23 RESOLVED:

THAT COUNCIL:

- Resolve in accordance with Section 55 of the NSW *Local Government Act 1993* to accept the tender RFT 2023/06 - *Panel of Preferred suppliers – Plant and Equipment Hire*. Requests for quotes will be sought from this panel for any works to ensure the best value for money.

A-Plant Equipment	Grassit Pty Ltd TA Recs Group	R&L Withers Earthmoving
Altro Holdings Pty Ltd / t/a Orange Hire	Gundagai Construction Services Pty Ltd	Reka Services Pty Ltd
Aqua Assets	Henry's Excavations	Roadworx Group
Brennans Quarries	J & E McCallum Haulage	RDOP Pty Ltd
Brooks Hire Service	JB Tipper Hire Pty Ltd	Rollers Australia Pty Ltd
Cleanaway Waste Management Ltd	JS Miller & Sons	Rosmech Sales & Service
Coates Hire Operations Pty Ltd	Kelton Rentals	S&N Withers Excavations Pty Ltd
Conplant Pty Ltd	Kennards Hire Pty Ltd	Shore Hire
Fenworx Pty Ltd	Lentro Earthworks	Stabilco Pty Ltd
Form and Pour Constructions	Nigel Grant Contracting	TFH Hire Services Pty Ltd
G & T Webb Earthworks	P&M Hawkins Pty Ltd	Thomas Jamieson Contracting P/L
Gledhill's Earthmoving Pty Ltd	Pipe Management Australia	Thomas SP Robertson

2. Notes the above businesses will be engaged as a member of the panel from the 1 October 2023 - 30 September 2025, with the option to extend at each of the two subsequent years, to 31 October 2027.

3. Once Council has resolved to accept this tender, information relating to the successful tenderers be published in Council's Register of Contracts as required by Government Information (*Public Access*) Act 2009 - Part 3 Division 5 - Government Contracts with the Private Sector.

4. The Confidential Report relating to matters specified in Sections 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr Julia Ham/Cr Mick Ivill

CARRIED UNANIMOUSLY

12.4. CONFIDENTIAL - RFT 2023-07 - SPRAYED BITUMINOUS SURFACING-RESEALS

M199/23 RESOLVED:

THAT COUNCIL:

1. Resolve in accordance with Section 55 of the NSW *Local Government Act 1993* to accept the tender from DOWNER EDI WORKS PTY LTD for the 2023-2024 Sprayed Bituminous Surfacing (Reseal) Program, on Snowy Valleys Council Local Government Area and TfNSW Roads, as a schedule of rates contract(RFT No 2023-07)with the estimated spend for 2023-24 reseal being \$1,277,083.25 excluding GST.
2. Authorise the Interim General Manager to enter a contract with DOWNER EDI WORKS PTY LTD for the Sprayed Bituminous Surfacing (Reseal) Contract 2023-2024 with the option to extend for a further 12 months at each of the two subsequent years to 31 October 2027. The exercising of these options under the contract is subject to funding being made available in Councils adopted Delivery program for the financial years beyond 2023-24.

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Mayor

Interim General Manager

3. Once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by *Government Information (Public Access) Act 2009* - Part 3 Division 5 - Government Contracts with Private Sector.
4. The Confidential Report relating to matters specified in Sections 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.
5. Write to the unsuccessful tenderers advising of the outcomes of the tender process.

Cr James Hayes/Cr Mick Ivill

CARRIED UNANIMOUSLY

M200/23 RESOLVED to move back into open council.

Cr John Larter/Cr Julia Ham

CARRIED UNANIMOUSLY

Cr Ivill left the meeting at 4.21pm and returned at 4.22pm.

The Interim General Manager provided a verbal report on the resolutions from the closed Confidential session.

13. MEETING CLOSURE

There being no further business to discuss, the meeting closed at 4.24pm.

5. CORRESPONDENCE/PETITIONS

6. NOTICE OF MOTION/NOTICE OF RESCISSION**6.1. NOTICE OF MOTION: NSW ACKNOWLEDGEMENT OF LONG-TERM FINANCIAL SUSTAINABILITY CHALLENGES****COUNCILLOR JAMES HAYES**

SUMMARY:

Pursuant to Notice, Councillor James Hayes has submitted the following Motion:

NOTICE OF MOTION:**THAT COUNCIL:**

Call upon the NSW Government to acknowledge the long-term financial sustainability challenges of local government, and to specifically address:

- 1. The detrimental impacts on council financial sustainability as a result of cost-shifting to local government by both the Federal and NSW Governments, such as:
 - (1) The transfer of the emergency services levy to Councils;**
 - (2) The requirement to provide concessions (e.g. pensioner concessions) without adequate compensation payments;**
 - (3) The failure to provide appropriate indexation for fees and charges prescribed under State legislation;**
 - (4) The vesting of Rural Fire Service assets in council, leaving councils to bear the cost burden of depreciation;**
 - (5) The transfer of management of Crown Lands to local councils without appropriate compensation to alleviate the financial and resource burden on councils****
- 2. The antiquated rating system and its restrictions on a council's ability to raise appropriate levels of revenue to fund the provision of an increasing range of services to their communities;**
- 3. The impediment of maintaining Rural Centre employment numbers for merged councils in achieving long term efficiencies and savings;**
- 4. The lack of ongoing operational funding for new and upgraded assets once they are commissioned under a capital funding stream;**
- 5. The inequity of taxation distribution among the three tiers of Australian government, including the reduction of the Financial Assistance Grants Scheme grant as a percentage of total taxation revenue.**

ATTACHMENTS

Nil.

7. MAYORAL MINUTE

8. URGENT BUSINESS WITHOUT NOTICE

9. GOVERNANCE AND FINANCIAL REPORTS

9.1. ATTENDANCE AT THE REGIONS RISING NATIONAL SUMMIT 13-14 SEPTEMBER 2023 BY CR JULIA HAM

REPORT AUTHOR: COUNCILLOR JULIA HAM

EXECUTIVE SUMMARY:

Councillor Ham attended the 2023 Regions Rising National Summit in September and has provide the following report on the outcomes.

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on the 2023 Regions Rising National Summit outcomes from Councillor Julia Ham.

BACKGROUND:

The 2023 Regions Rising National Summit was held on the 13th and 14th of September 2023 in Canberra.

Council's policy *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors*, section 6.33, states: Councillors attending conferences will provide a written report to an open council meeting on the outcomes of the conference within one month of the Councillors' attendance at the conference.

REPORT:

Report provided by Councillor Julia Ham.

The 2023 Regional Rising National Summit was a tremendous opportunity for delegates from regional areas around Australia to discuss concerns and solutions for people living in the regions. Its main aim is to highlight regional living and promote the benefits to people thinking of making a change to move from the city. The conference was held in Canberra during a Parliamentary sitting week. This allowed delegates access to Ministers and staff and an opportunity to network. Our local federal member, Hon Kristy McBain was the keynote speaker at the dinner.

The Summit hosted a series of panels discussing the housing crisis, workforce shortages, lack of infrastructure, education, refugees, and medicine in the bush. It was presented with people offering hands-on experiences with what works in their regions.

The CEO Liz Rickie with the Regional Australia Institute economist Dr Kim Houghton were able to provide information and statistics about the growth in the regions and the optimistic view as to how regions are growing and they need to be prepared.

A highlight was to meet and listen to the Agrifutures Woman of the year, Nikki Davey. Nikki started a flower business supporting regional and rural flower growers starting a trend to use local flowers rather than flowers purchased overseas and air freighted in. 'Grown not Flown' is the slogan.

I would like to thank Snowy Valleys Council for the opportunity to attend this very motivating conference.

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

1.2 Provide and maintain community spaces that encourage activity and wellbeing

FINANCIAL AND RESOURCES IMPLICATIONS:

Costs of attendance for Cr Ham were reported in the September 2023 council meeting. In accordance with Council's *Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy* and Councillor's obligation to undertake professional development; a budget allocation has been established for this purpose.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council's *Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy* requires a report to a council meeting on the outcomes of the attended conference within one month of the Councillor's attendance at the conference.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

9.2. PROPOSED CHANGES TO THE CODE OF MEETING PRACTICE

REPORT AUTHOR: GOVERNANCE ASSISTANT

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report presents proposed updates to the *Code of Meeting Practice* to facilitate audio/visual recording of Public Forums that are associated with and held prior to Ordinary or Extraordinary Meetings of Council.

RECOMMENDATION:

THAT COUNCIL:

1. Adopt the proposed updates to the *Code of Meeting Practice SVC-EXE-M-023-05* as outlined in the attached document.

BACKGROUND:

At the September 2023 meeting it was resolved M169/23 to update the *Code of Meeting Practice* to facilitate audio/visual recording of Public Forums that are associated with and held prior to Ordinary or Extraordinary Meetings of Council.

REPORT:

The changes to the *Code of Meeting Practice* are confined to section 4 Public Forums and in particular clauses 4.1, 4.16 and 4.18 and section 8 order of business for Ordinary Council Meetings. The changes have been tracked changed for easy review by Councillors.

In reference to the *NSW Local Government Act 1993* - Section 362 (2) the proposed updates to the *Code of Meeting Practice* are deemed as minor and accordingly no public exhibition is required.

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Nil.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

1. DRAFT Code of Meeting Practice SVC-EXE-M-023-05(Under separate cover)

9.3. 2024 SCHEDULE OF ORDINARY COUNCIL MEETING DATES AND TIMES

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

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

In 2023 council meeting dates for ordinary council meetings were scheduled to be held on the third Thursday of each month, except for December which was held on the second Thursday, commencing at 2pm and held in the Council Chambers in Tumut and via Video Link.

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

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

RECOMMENDATION:

THAT COUNCIL:

- 1. Approve the following Ordinary Council meeting dates for 2024 commencing at 2pm, Tumut Council Chambers: Thursday 15 February 2024, Thursday 21 March 2024, Thursday 18 April 2024, Thursday 16 May 2024, Thursday 20 June 2024, Thursday 18 July 2024, Thursday 15 August 2024, Thursday 19 September 2024, Thursday 17 October 2024, Thursday 21 November 2024, Thursday 12 December 2024; and**
- 2. Approve the cancellation of the meeting in January 2024 unless there are extenuating circumstances and the Mayor deems it necessary to call a meeting.**

BACKGROUND:

This report sets the Council meeting schedule for the 2024 calendar year.

REPORT:

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

The following Ordinary Council meeting dates for 2024 commencing at 2pm in the Tumut Council Chambers are as recommended below:

Thursday 15 February 2024, Thursday 21 March 2024, Thursday 18 April 2024, Thursday 16 May 2024, Thursday 20 June 2024, Thursday 18 July 2024, Thursday 15 August 2024, Thursday 19 September 2024, Thursday 17 October 2024, Thursday 21 November 2024, Thursday 12 December 2024.

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:

Nil

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

It is essential that Council is able to meet with all Councillors to ensure good governance of Council business.

Council is required to meet at least 10 times during the course of a year under Section 365 of the *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

1. Adopt as per recommendations set out in this report - preferred option.
2. Amend the meeting schedule including meeting day and time.
3. Decline the recommendations set out in this report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Council will make available on its website the schedule of adopted meetings for 2024 and through the appropriate internal communication channels to staff.

ATTACHMENTS

Nil.

9.4. CHRISTMAS CLOSURE 2023

REPORT AUTHOR: DIRECTOR COMMUNITY & CORPORATE

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report details the proposed operational arrangements for Council over the 2023/24 Christmas/New Year period. Consistent with previous years, it is proposed that whilst a brief shut-down period be applied in most areas, a presence consisting of staff required to ensure continuity of essential services is to be maintained.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the implementation of the operational arrangements outlined in this report for the 2023/24 Christmas/New Year period and that these details be published to the community; and**
- 2. In accordance with Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and General Manager or in their absence, to the persons acting in these roles, during the period of Council recess to jointly exercise the powers, authorities, duties and functions of Council which cannot reasonably be deferred to the first ordinary Council meeting following the Council recess. This period:**
 - (a) Commencing at midnight on the day of the Council meeting held immediately before the recess period as approved by Council (14 December 2023) and**
 - (b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (15 February 2024) and noting that any such decisions are to be unanimous and circulated to Councillors for their information, and will be reported to the first Ordinary Council meeting following the recess period.**

BACKGROUND:

Consistent with previous years, Council services and operations will close over the Christmas/ New Year period. A presence of staff required to ensure the continuity of essential services will be maintained. This year the closure will be for a two (2) week period to allow staff to have a break and assist the organisation in reducing annual leave liabilities. This report also ensures appropriate provisions are in place whilst Council takes a recess period.

REPORT:

In accordance with the Council's *Code of Meeting Practice*, there will be no ordinary meetings of Council held in January 2024. This means that the recess period for 2023/24 will be from midnight on 14 December 2023 until the commencement of the first ordinary Council meeting in 2024 being 15 February. During this period there may be matters which require determination or urgent action by Council. It is proposed that during this period the Mayor and the General Manager, or the persons acting in these positions if the incumbents are absent, be delegated with the authority, pursuant to Section 377 of the *Local Government Act 1993*, to jointly exercise the powers, authorities, duties and functions of Council which cannot reasonably be deferred to the first ordinary Council meeting following Council recess.

The period from 12 noon Friday, 22nd December 2023 until Monday, 8th January 2024 (inclusive) will be deemed a designated shut-down period for all staff except those rostered on to work to provide essential services or maintain an on-call presence.

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

5.2 Implement efficient and effective systems and processes to drive organisational sustainability and support staff

FINANCIAL AND RESOURCES IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

There are no implications for Council associated with this report. In accordance with *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There are no implications for Council associated with this report.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Upon confirmation of the operating arrangements, these details will be published to the community via the relevant channels.

ATTACHMENTS

Nil.

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

REPORT AUTHOR: DIRECTOR COMMUNITY & CORPORATE

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

At the May Council meeting in 2022, Council adopted to pay superannuation to Councillors at the superannuation guarantee from 1 July 2022. This report seeks to amend the *Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy* to include superannuation payments to councillors and include a provision for councillors to sacrifice any amount of their allowance into a complying superannuation fund in accordance with ATO ID 2007/205. It is recommended that the revised policy be placed on public exhibition for a minimum of 28 days in accordance with Section 252 and Section 253 of the *Local Government Act 1993* (the Act).

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the Draft Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy SVC-EXE-PO-002-05 for public exhibition for a period of no less than 28 days;**
- 2. Note if submissions are received during the exhibition, a further report will be provided to Council; and**
- 3. Adopt the Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy SVC-EXE-PO-002-05 if no submissions are received on the day after the completion of the public exhibition period.**

BACKGROUND:

The Local Government Amendment Bill 2021 was passed by both Houses of Parliament in May 2021. This Act amends the *Local Government Act 1993* to give effect to certain recommendations made by the Independent Pricing and Regulatory Tribunal concerning the local government rating system; to make further provisions about local government elections and certain terms of office; to provide for superannuation contributions for councillors; and for related purposes.

REPORT:

The *Local Government Act 1993* (the Act) was amended in 2021 to introduce superannuation payments for councillors effective from 1 July 2022 should councils decide to do so. Council, at its meeting on 19 May 2022, considered the matter and resolved to make superannuation contributions to councillors pursuant to the *Local Government Amendment Act 2021* once assented to and incorporated in the Act. Section 254B of the Act now provides that Council may make superannuation contribution payments for councillors.

The Australian Tax Office (ATO) ruling (ID 2007/205) allows for Councillors to redirect their fees into superannuation. A clear point in the ruling is that councillors are deemed not to be an employee under common law. However, an arrangement can be put in place whereby Council fees can be paid into superannuation on a pre-tax basis (i.e. the superannuation fund deducts 15% tax as these contributions are received). Having set up the facility, any request by a councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective.

It is appropriate that the *Payment of Expenses and Provision of Facilities Policy for Mayor and Councillors Policy* (attached) be amended to reflect these decisions.

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Annual operating expenditure for Councillors superannuation of \$11,669 for 2023/24.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government Act 1993

Local Government Amendment Act 2021

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

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

ATTACHMENTS

1. Draft Updated Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy - for public exhibition SVC-EXE-PO-002-05 (Under separate cover)

9.6. DRAFT MEDIA AND SOCIAL MEDIA POLICY FOR PUBLIC EXHIBITION

REPORT AUTHOR: COORDINATOR COMMUNICATIONS & ENGAGEMENT

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

This report submits a new Draft Media and Social Media Policy and seeks Council's endorsement to provide the opportunity for community feedback through a public exhibition period of 28 days.

Endorsement of the draft policy will reinforce Council's commitment to proactive communication with our community and media partners, along with clarifying the roles and responsibilities of the various parties to media relations.

RECOMMENDATION:

THAT COUNCIL:

1. **Endorse the Draft Media and Social Media Policy SVC-COR-PO-024-03 for public exhibition for a period of no less than 28 days;**
2. **Note if submissions are received during the exhibition, a further report will be provided to Council; and**
3. **Adopt the Media and Social Media Policy SVC-COR-PO-024-03 if no submissions are received on the day after the completion of the public exhibition period.**

BACKGROUND:

The current Snowy Valleys Council (SVC) *Media Policy* (SVC-COR-PO-024-02) and the *Media Policy for Mayor and Councillors* (SVC-COR-PO-028-02) were adopted in 2021.

In 2022 the Office of Local Government (OLG) released its Model Media Policy and its Model Social Media Policy which sets out an exemplary approach by incorporating examples of best practice from the media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The adoption of the OLG Model Policies is not compulsory however they provide a guide to best practice governance.

The newly drafted SVC *Media and Social Media Policy* has been developed by incorporating the two model policies into one overarching SVC Policy that is tailored to best suit the organisation and councillors into the future.

REPORT:

The media is one of Council's most important external stakeholders, however, the media landscape is changing and evolving rapidly including digital media becoming one of the main ways people receive their news.

The Draft SVC *Media and Social Media Policy* provides a robust framework to assist staff and councillors when dealing with the media in all its forms and the administration and management of social media platforms, to ensure that media engagement by councillors and staff is consistent, accurate, and professional and enhances Council's reputation.

Council is committed to upholding and promoting the following principles of media engagement:

- **Openness** - We will ensure that we promote an open exchange of information between our Council and the media, and our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.

- **Consistency** - We will ensure consistency by all councillors and staff when communicating with traditional media and on social media platforms.
- **Accuracy** - The information and content we share will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.
- **Respect** - Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's Code of Conduct when using our social media platforms and any other social media platform.
- **Timeliness** - We will ensure that we respond to media enquiries in a timely manner.

The Draft SVC *Media and Social Media Policy* covers the following content which reinforces Council's commitment to proactive communication with our community and media partners, along with clarifying the roles and responsibilities of the various parties:

Part A - MEDIA

1. Media principles
2. Administrative framework for engagement with the media
3. Who can engage with the media
4. Standards of conduct when engaging with the media
5. Use of media during emergencies
6. Media engagement in the lead up to elections
7. Records management requirements for media
8. Definitions

PART B – SOCIAL MEDIA

1. Principles
2. Administrative framework for council social media platforms
3. Administrative framework for councillor social media platforms
4. Standards of conduct on social media
5. Moderation of social media platforms
6. Use of social media during emergencies
7. Records management and privacy requirements
8. Private use of social media
9. Concerns or complaints
10. Definitions

If adopted the SVC *Media and Social Media Policy* will supersede the current SVC *Media Policy* (SVC-COR-PO-024-02) and SVC *Media Policy for Mayor and Councillors* (SVC-COR-PO-028-02).

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The implementation of these policies may incur associated expenses including training.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

A clear and consistent framework for interaction with the community and media aligns with Council's adopted Code of Conduct.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Consultation:**

The Draft Policy was presented to a formal Executive Leadership Team meeting and all staff had the opportunity to provide feedback during a 7-day internal exhibition period.

External Consultation:

The Draft Media and Social Media Policy, as per recommendation, shall be advertised for a minimum of 28 days seeking community comment. If any responses or submissions are received they will be considered in a future report to Council.

ATTACHMENTS

1. Draft SVC Media and Social Media Policy SVC-COR-PO-024-03 (Under separate cover)

9.7. PECUNIARY INTEREST RETURNS FOR COUNCILLORS DESIGNATED STAFF AND ARIC MEMBERS

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

To present to the Council the Pecuniary Interest Returns for Councillors and Designated Persons in accordance with Section 4.21 of the Snowy Valleys Council Code of Conduct.

RECOMMENDATION:

THAT COUNCIL:

1. Receive the report on Pecuniary Interest Returns for Councillors and Designated Staff.
2. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2023 as listed in accordance with the Code of Conduct:
Councillors: Clr Johanna (Hansie) Armour, Clr Ian Chaffey, Clr Julia Ham, Clr James Hayes, Clr Samuel Hughes, Clr Michael Ivill, Clr John Larter, Clr Brent Livermore, Clr Trina Thomson;
Designated Staff:
General Manager-Ken Gouldthorp; Interim General Manager- Steven Pinnuck; Director Infrastructure & Works-Duncan Mitchell; Director Community & Corporate-Jessica Quilty; Manager Growth & Activation- Nicholas Wilton; Audit Risk & Improvement Committee Chairperson-Sтивен Walker and Committee Members-Carolyn Rosetta-Walsh & Melissa Tooke;
3. Approve for the redacted Pecuniary Interest Returns for the Councillors and Designated Staff to be placed on Council's website in accordance with the current Information and Privacy Commission Guideline 1.

BACKGROUND:

The *Local Government Act 1993* (the Act) provides for the management of pecuniary interests. It places specific obligations on councillors, council delegates, key council staff and other people involved in making decisions or giving advice on council matters to act honestly and responsibly in carrying out their functions.

Those obligations include the lodgement of disclosure of interest returns annually.

A pecuniary interest in a matter is one where there is a reasonable likelihood or expectation of appreciable financial loss or gain to the person, or to other persons as defined by section 443 of the Act. This calls for an objective judgement in each case as to whether a pecuniary interest exists.

Council also manages pecuniary interests through its application of the adopted Code of Conduct. This report on Disclosure of Pecuniary Interest Returns is in compliance with Clause 4.21 of the Code of Conduct:

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 of this code, disclosing the council's or designated person's interest as specified in schedule 1 of this code within 3 months after:

- (a) becoming a councillor or designated person, and*
- (b) 30 June of each year, and*

(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

REPORT:

Pecuniary Interest Returns received as at 30 June 2023 for Councillors, designated persons and Audit Risk & Improvement Committee (ARIC) Members are attached in compliance with Clause 4.25 of the Code of Conduct:

4.25 Returns required to be lodged with the general manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

Councillors and designated persons are required under Clause 4.21 of the Code of Conduct to lodge an "Annual Return – Disclosures of Pecuniary Interests" for the previous financial year or within 3 months after becoming a councillor or designated person. It is an important mechanism in enhancing public confidence in local administration.

The Council has issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The responsibility is with each individual to ensure their Pecuniary Interest Return is completed accurately and in compliance with the regulations and guidelines. The Code of Conduct prescribes the manner in which returns are completed, lodged and held. Clause 4.27 states:

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Information and Privacy Commission's, *Guideline 1 Returns of Interests* in association with Office of Local Government's Circular No 19/21 states that Councillors and designated persons' returns of interest must be made publicly available free of charge on Council's website.

The combined effect of the *Government Information (Public Access) Act 2009* (GIPA Act) and the GIPA Regulation is that the information in the returns needs to be disclosed on the website of each local council, unless to do so would impose unreasonable costs on the council, or if the council determines there was an overriding public interest against disclosing the information.

In order to decide whether there is an overriding public interest against disclosure, Council needs to apply the public interest test, (*GIPA Act 2009* Section 14) and weigh the public interest considerations in favour of and public interest considerations against disclosure.

Clause 3 in the Table in Section 14 of the GIPA Act 2009 lists as a consideration against disclosure the fact that information may reveal someone's personal information, or would contravene an information privacy principle under the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act).

An individual has a right to protect the privacy of their personal information. Given the amount of personal information that may be contained in the returns, special care should be taken to protect this right.

The type of matter which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return.

Releasing the information contained in the returns of Councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while respecting other considerations against disclosure including privacy.

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:

Nil

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Snowy Valleys Councils Code of Conduct Clause 4.21-4.27

The NSW Information and Privacy Commissions Information Access Guideline 1

Snowy Valleys Council Completion of Disclosure of Pecuniary Interest Returns for Councillors and Designated Persons Procedure

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Compliance with obligations to declare pecuniary interests supports good governance and risk management.

Lack of redaction of some of the information contained within the returns could expose a person to a risk of harm or of serious harassment or serious intimidation.

OPTIONS:

To release the Pecuniary Interest Returns in FULL for the Councillors and Designated Persons on Council's website in accordance with the adopted Information and Privacy Commission's Guideline 1.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Johanna (Hansie) Armour - Redacted (under separate cover)
2. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Ian Chaffey - Redacted (under separate cover)
3. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Julia Ham - Redacted (under separate cover)

4. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr James Hayes - Redacted (under separate cover)
5. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Samuel Hughes - Redacted (under separate cover)
6. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Michael Ivill - Redacted (under separate cover)
7. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr John Larter - Redacted (under separate cover)
8. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Brent Livermore - Redacted (under separate cover)
9. 2023 - Disclosure of Pecuniary Interest Yearly Return - Cllr Trina Thomson - Redacted (under separate cover)
10. 2023 - Disclosure of Pecuniary Interest Yearly Return - Ken Gouldthorp - Redacted (under separate cover)
11. 2023 - Disclosure of Pecuniary Interest Initial Return - Steven Pinnuck - Redacted (under separate cover)
12. 2023 - Disclosure of Pecuniary Interest Initial Return - Duncan Mitchell - Redacted (under separate cover)
13. 2023 - Disclosure of Pecuniary Interest Yearly Return - Jessica Quilty - Redacted (under separate cover)
14. 2023 - Disclosure of Pecuniary Interest Yearly Return - Nicholas Wilton - Redacted (under separate cover)
15. 2023 - Disclosure of Pecuniary Interest Yearly Return - Steven Walker - Redacted (under separate cover)
16. 2023 - Disclosure of Pecuniary Interest Yearly Return - Carolyn Rosetta-Walsh - Redacted (under separate cover)
17. 2023 - Disclosure of Pecuniary Interest Yearly Return - Melissa Tooke - Redacted (under separate cover)

9.8. PRESENTATION OF ANNUAL FINANCIAL STATEMENTS - YEAR ENDED 30 JUNE 2023

REPORT AUTHOR: MANAGER FINANCE

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

Following completion of the annual external audit, Council's Annual Financial Statements for the year ended 30 June 2023 are presented to Council for adoption and subsequent lodgement with the Office of Local Government by 31 October 2023. It is recommended that Council adopt the Annual Financial Statements and invite the Audit Office of NSW and auditors Crowe Australia to attend the next Council meeting to present the Auditor's Report.

RECOMMENDATION:

THAT COUNCIL:

- 1. Adopt the Annual Financial Statements for the year ended 30 June 2023;**
- 2. In accordance with Section 413(2)(c) of the *Local Government Act 1993*, authorise the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer to sign the "Statement by Councillors and Management" for the General and Special Purpose Financial Statements and lodge them with the Office of Local Government by 31 October 2023;**
- 3. Note that the Annual Financial Statements will be placed on Council's website for public comment;**
- 4. Invite the Audit Office of NSW and Crowe Australia to attend the Council meeting of 16 November 2023 to present the Auditor's Report; and**
- 5. Approve a Reserve Fund transfer of \$70,000 towards the Batlow Itinerant Workers Accommodation project from the Caravan Park Internal Reserve.**

BACKGROUND:

The 2023 Draft Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) on Wednesday 27 September 2023. The Committee endorsed the Statements without modification, however, raised some concerns around Council's cash position and various other financial sustainability matters.

The Auditor's Report still needs to be finalised and lodged, together with the audited Financial Statements, with the Office of Local Government by the due date of 31 October 2023.

It should be noted that Section 418 of the *Local Government Act 1993*, requires that as soon as practicable after a council receives a copy of the Auditor's Report:

- a. It must fix a date for the meeting at which it proposes to present its audited financial reports, together with the Auditor's reports, to the public; and**
- b. It must give public notice of the date so fixed.**

Notice will be given via Council's website of the intention to present the Annual Financial Statements for the year ended 30 June 2023, together with the Auditor's Report at the 16 November 2023, Ordinary Council Meeting and invite members of the public to make written submission, should they wish to do so.

Representatives from the Audit Office of NSW and Crowe Australia will be invited to attend the 16 November 2023 Council meeting to present the Auditors Report and respond to any questions Councillors may have.

REPORT:**Financial Result****Income Statement**

The income statement details the income and expenditure of the Council. This is presented on an 'accrual' basis, that is, it records revenue when it is earned and expenses when they are incurred, regardless of the timing of the receipt or payment of cash. The Income Statement measures Council's financial performance over the year and shows whether or not Council has earned sufficient revenues to support its activities during the year; and whether or not it has created surpluses to fund additional or replacement of assets to service community needs.

The 2022/23 Draft Income Statement (as per GPFS attached) shows total income from continuing operations (including capital grants and contributions) of \$92.09 million, total expenses from continuing operations of \$77.32 million, resulting in a net operating surplus of \$14.77 million. Council's 2022/23 financial performance has slightly improved from the 2021/22 financial year primarily as a result of 15.7% SRV increase and the reversal of revaluation decrement of water supply network assets in the income statement.

The net operating result when excluding grants and contributions provided for capital purposes results in a minor surplus of \$187 thousand. However, the operating performance of the Council resulted in a deficit of \$347 thousand after adjusting capital grants and contributions, and non-cash operating items (as per below Table 1). The Council operating performance deficit has improved from a \$2.32 million deficit in FY 2022 to \$347 thousand deficit in FY 2023. An ongoing negative performance ratio indicates that the Council is unable to fund its day-to-day activities including ongoing maintenance of Infrastructure, Properties, Plant & Equipment (IPPE) assets and is encouraged to budget for surplus results.

Table 1

Snowy Valleys Council - DRAFT | Financial Statements 30 June 2023

Snowy Valleys Council - DRAFT**General Purpose Financial Statements**

for the year ended 30 June 2023

Operating performance

\$ '000	2023	2022
Total continuing operating revenue	92,086	73,553
Less:		
Capital grants and non-developer contributions	(14,401)	(13,178)
Capital developer contributions	(178)	(571)
Reversal of IPP&E revaluation decrements	(4,219)	–
Total expenses from continuing operations	(77,320)	(79,520)
(Add back): revaluation decrements (fair valuation of I,PP&E assets)	–	14,811
(Add back): net loss on sale of assets	3,685	2,582
Total continuing operating revenue excluding capital grants and contributions less operating expenses	(347)	(2,323)
Total continuing operating revenue	92,086	73,553
Less:		
Capital grants and non-developer contributions	(14,401)	(13,178)
Capital developer contributions	(178)	(571)
Reversal of IPP&E revaluation decrements	(4,219)	–
Total continuing operating revenue excluding capital grants and contributions	73,288	59,804

Council's net operating deficit has reduced from \$2.3m to \$0.34m. due to 100% advance payment of FAG's grants in FY 2023 and 15.7% SRV increase.

Total council revenue increased by \$18.5m (25.2%) compared to FY 2022. The major contributors to the revenue increases are:

- Rates and annual charges increased by \$1.9m (10.3%) of which ~\$1.5m additional Rates revenue is a result of first year of 15.7% SRV application.
- User charges and fees increased by \$6.1m (31.9%). The substantial increase in this category due to additional private works and RMCC routine maintenance works program which offsets against material and services expenditures.
- Other revenues decreased by \$941k (16.5%).
- Grants and contributions provided for operating purposes increased by \$5.2m (34.6%). 100% advance payment of Financial Assistance Grants totalling \$7.2m and delay in processing/receipting various operating grants from state and federal agencies.
- Grants and contributions provided for capital purposes increased by \$830k (6.0%)
- Interest and investment income increased by \$843k (266.8%) due to higher interest rates in the market.

Total council expenditure reduced by \$2.2m (2.77%) compared to FY 2022:

- Employee benefits and on-costs is slightly higher by \$332k (1.6%).
- Materials and services increased by \$10.7m (38.0%). Offsets against the additional income from user charges and fees and from other revenue categories.
- Borrowing costs increased by \$116k (29.2%) due to higher interest rates.
- Depreciation, amortisation and impairment of non-financial assets reduced by \$14.6m (55.0%) due to no revaluation decrement recorded in FY 2023 compared to prior year's \$15.1m water asset revaluation decrement.
- Other expenditure is slightly higher by \$384k (34.6%).
- Net loss from the disposal of assets is higher by \$1.1m (42.8%) due to disposal of infrastructure assets.

The cash balance at 30 June 2023 was \$44.02 million compared to 30 June 2022 was \$45.33 million. There is a reduction of \$1.32 million in cash between two financial years.

Draft financial statements were presented to Council's ARIC at an extraordinary meeting on 27 September 2023.

During the ARIC meeting the following issues were discussed at length:

- Recognition of Rural Fire Service (RFS) assets
- Unrestricted cash and internally restricted cash allocations (Financial Reserves)
- Recognition of increase in Water supply network assets revaluation to the income statement
- Other matters.

Recognition of RFS assets continues to be a controversial matter for a large number of NSW Councils. Council continues not to recognise RFS assets on its Asset Register. Council's rationale for this determination is as follows: "Based on Australian Accounting Standard 116 Preparation and Presentation of Financial Statements (AASB 116), Council does not receive the economic benefits from the assets and the assets are not controlled by Council."

A position paper was prepared and presented to the Council's auditors and ARIC. ARIC supported the Council's approach in not recognising the RFS Assets. However, ARIC suggested to make a formal request to RFS to supply necessary financial reporting information on their assets held within SVC local

government area. The key information missing for Council is useful life of the individual assets to reliably measure the depreciation of the assets as on 30 June 2023.

Council's Financial Reserve Management Policy stipulates "an unrestricted cash amount of approximately \$2 million will be held at years' end subject to Council resolution".

The Council is required to fund additional \$70,000 to complete the Batlow Itinerant Workers Accommodation project in order to comply with the grant requirements. The Executive Leadership Team has resolved the issue to seek Council approval to make this additional fund available from the Caravan Park Internal Reserve. However, the report seeking approval has not previously been submitted to Council. It was brought to Council notice that the Camp Hudson Internal Reserve was fully utilised during financial year 2021/22 but the reserve transfer was pending. As part of Quarterly Budget Review, the Camp Hudson Internal Reserve will be corrected to zero.

The Council has recognised the increase of Water supply network assets revaluation to the income statement in accordance with AASB 116 and GPFS Note C1-6,

"Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss."

The council has recognised \$2.97 million of asset revaluation increase water supply network assets into income statement under note B6-1 reversal of revaluation decrements of IPPE previously expensed.

In addition to the above, it was identified that the "Infrastructure Revaluation Reserve" contained a historical credit balance from Water asset revaluations and indexations. The credit balance was created during FY18 to FY20 due to indexation and revaluation of the Water Network assets. As this balance is attributable to the Water Network asset class it was also recognised in the Income Statement as a reversal of the previous decrement loss incurred in 2022/23 total \$1.25 million.

Other matters discussed at ARIC included:

- Discrepancies between Budget 2023 and Actual 2023 – The budget data captured in the financial statements are the original budget adopted at the beginning of FY 2023. The adjustments endorsed during Quarterly Budget Reviews are not reflected in the budget column data. However, material budget variations are explained in Note B5-1 in GPFS.
- Payment for materials and services in Cashflow statement – the line item includes GST gross up amount adjustments which is offsetting against GST receipts. The difference between FY 2023 and FY 2022 primarily due to it includes GST gross up from capital purchases and correct representation of other expenditure line item in FY 2023. Net effect of GST gross up adjustments is 'zero' in cashflow statement.
- Key Management Personnel (KMP) expenditure – The KMP expenditure initially was substantially low compared to the previous financial year in note F1-1 of the Annual Financial Statement. Reviewing the figure, it is rectified now by including the total expenditure of the personnel hired via recruitment agency and were not on council payroll during FY 2023. The adjusted new total KMP expenditure of \$1,534 is reflected in GPFS.
- Workers Compensation Rebate Note B2-3 – Upon reviewing the figure it is identified that ~\$100k of workers compensation rebate is overstated in prior year due to transfer of balance sheet item from the expenses.

Statement of Financial Position

The Statement of Financial Position details the assets and liabilities of the council, also referred to as a balance sheet statement. The assets and liabilities are generally measured at their 'fair value' which may be different to the historic cost. For example, long life infrastructure assets, such as roads, are measured at the current estimated cost to replace, adjusted to reflect the current condition of the asset while land and non-specialised buildings are usually recorded at market value.

The Statement of Financial Position discloses Council's net accumulated financial worth at the end of the financial year. It shows 'value' of assets that Council holds as well as liabilities or claims against these assets. Council's total equity as at 30 June 2023 is \$797.07 million (\$735.24 million as at 30 June 2022).

Snowy Valleys Council Statement of Financial Position as at 30 June 2023 is highlighted by the following:

Current Assets and Current Liabilities

Cash Assets

Council's cash assets, which comprise cash and investments totalling \$44.02 million at 30 June 2023 compared to \$45.33 million at 30 June 2022.

Note C1-1 to C1-3 of the Financial Statements provides a breakdown of the cash position including funds held in Council's various reserves.

Council's internally restricted cash of \$8.4 million within the General Fund represents money set aside by Council to fund the cost of future works and/or to meet financial obligations including employee leave entitlements.

In addition to General Fund reserve balances, Council has externally restricted investments totalling \$35.54 million which relate to the amounts set aside for the purpose for which the funds were generated and include Water Fund; Sewer Fund; Developer Contributions; Domestic Waste Services; Unexpended Grants and the Tumbarumba Retirement Village.

Infrastructure, Property, Plant and Equipment

Council's fixed assets were valued at \$769.72 million at 30 June 2023.

Council, in accordance with the Accounting Code, revalued buildings and open space recreational assets. Revaluation increments totalled \$47.06 million whilst a revaluation increment with regards to the Water Fund of \$4.22 million is recognised in the income statement.

Note C1-6 provides details of Council assets and discloses that Council expended \$24.75 million on new and replacement assets whilst depreciation expenses representing consumption of assets totalled \$11.55 million. The disposal of assets totalled \$5.38 million and relates in the main to disposal of infrastructure assets of \$4.55 million following the renewal and/or replacement of these assets.

Interest Bearing Loans

Council's net loan liability decreased by \$1.18 million to \$5.07 million at 30 June 2023. A summary of loans by Fund is set out below:

- General Fund \$2.01 million
- Water Fund \$0.99 million
- Sewer Fund \$2.07 million

Performance Measures

G5 Statement of performance measures

G5-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2023	Indicator 2023	Indicators 2022 2021		Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(347)	(0.47)%	(3.88)%	(4.12)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	73,288				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	52,979	60.29%	60.80%	51.64%	> 60.00%
Total continuing operating revenue ¹	87,867				
3. Unrestricted current ratio					
Current assets less all external restrictions	18,958	1.94x	1.79x	2.81x	> 1.50x
Current liabilities less specific purpose liabilities	9,750				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	11,884	8.13x	5.71x	4.73x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	1,462				
5. Rates and annual charges outstanding percentage					
Rates and annual charges outstanding	1,048	5.07%	3.95%	5.56%	< 10.00%
Rates and annual charges collectable	20,656				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	44,016	7.68 months	10.46 months	7.46 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities	5,728				

Operating performance

The 'operating performances ratio' measures how well local councils contained expenses within revenue. The benchmark set by the Office of Local Government (OLG) for the ratio is greater than zero per cent.

The Council has produced an operating deficit of \$347 thousand in FY 2023 which resulted in the ratio of -0.47%. However, Council's financial position has slightly improved compared to prior financial years.

Own source operating revenue

The 'own source operating revenue ratio' measures a council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG for the ratio is greater than 60 per cent.

Council has successfully maintained the ratio above the benchmark at 60.29%.

Unrestricted current ratio

The 'unrestricted current ratio' is specific to the Local Government sector and represents a council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG for the ratio is greater than 1.5 times.

Council has improved its ratio to 1.94 times compared to FY 2022 which reflect the strong short term financial position for the Council.

Debt service cover ratio

The 'debt service cover ratio' measures the operating cash available to service debt including interest, principal and lease payments. The benchmark set by OLG for the ratio is greater than two times.

Council is continuing to improve the ratio with 8.13 times of cash available to meet the specific purpose liabilities with no new borrowings in FY 2023.

Rates and annual charges outstanding percentage

The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on a Council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG for the ratio is less than five per cent for metropolitan and less than ten per cent for rural councils.

Council is performing well in the collection of rates and annual charges with only 5.07% outstanding rates and annual charges in FY 2023.

Cash expense cover ratio

The 'cash expense cover ratio' indicates the number of months a council can continue paying its expenses without additional cash inflows. Council's ratio of 7.68 exceeded the benchmark set by OLG of greater than three months.

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:

There is a considerable cost incurred to have the financial statements externally audited along with considerable internal resources required to produce the financial statements.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Local Government Act 1993.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The process for undertaking the completion and validation of financial statements is robust and is a key component to managing financial and business risk.

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Audited Financial Statements will be presented to the Ordinary Council meeting in November 2023 by the External Auditor. Media releases and website information will follow both Council meetings to provide further information to the public.

ATTACHMENTS

1. Draft Annual Financial Statements 2022-2023 (Under separate cover)
2. Statement by Councillors and Management GPFC (Under separate cover)
3. Statement by Councillors and Management SPFC (Under separate cover)

9.9. STATEMENT OF INVESTMENTS - 30 SEPTEMBER 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 September 2023.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Statement of Investments - 30 September 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 September 2023.

Combined Cash & Investments Table

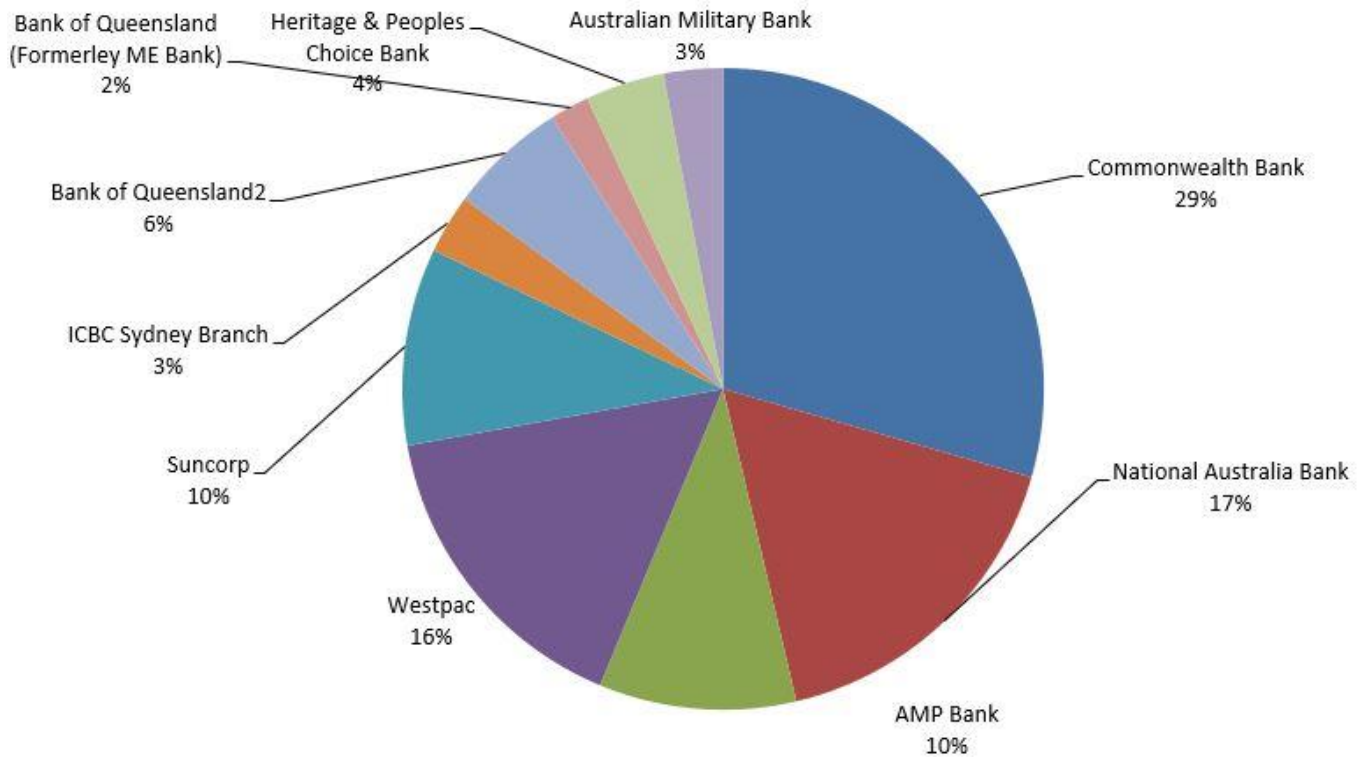
30/09/2023

Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	
Commonwealth Bank	Tumut	\$ 7,075,804	\$ 4,860,550	\$ 2,215,254	W/Acct	4.10%	
Commonwealth Bank	Tumut	\$ 7,726,907	\$ 7,699,328	\$ 27,580	At Call (BOS)	4.20%	
Commonwealth Bank		\$ 7,400	\$ 5,399	\$ 2,001	Gen-Roth	4.10%	
Total Cash & At Call Investments		\$ 14,810,112	\$ 12,565,277	\$ 2,244,835		4.15%	

Term Deposits	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
National Australia Bank	375	\$ -	\$ 2,000,000	-\$ 2,000,000	7/09/2022	4.13%	7/09/2023
AMP Bank	939	\$ -	\$ 1,000,000	-\$ 1,000,000	15/03/2023	4.60%	15/09/2023
Suncorp	484	\$ -	\$ 2,000,000	-\$ 2,000,000	30/06/2023	5.10%	29/09/2023
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
Suncorp	484	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.50%	29/12/2023
Bank of Queensland	001	\$ 1,000,000	\$ 1,000,000	\$ -	18/07/2023	5.45%	18/01/2024
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
National Australia Bank	375	\$ 1,000,000	\$ -	\$ 1,000,000	15/09/2023	5.10%	15/03/2024
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.53%	28/03/2024
Bank of Queensland	001	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.51%	28/03/2024
ICBC Sydney Branch	337	\$ 1,500,000	\$ 1,500,000	\$ -	8/04/2021	0.85%	8/04/2024
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	11/04/2023	4.80%	11/04/2024
Suncorp	484	\$ 2,000,000	\$ 2,000,000	\$ -	31/07/2023	5.35%	30/04/2024
AMP Bank	939	\$ 2,000,000	\$ 2,000,000	\$ -	30/06/2023	5.70%	28/06/2024
AMP Bank	939	\$ 1,000,000	\$ 1,000,000	\$ -	18/07/2023	5.75%	18/07/2024
Heritage & Peoples Choice Bank	140	\$ 2,000,000	\$ 2,000,000	\$ -	1/08/2023	5.50%	31/07/2024
Westpac	916	\$ 1,500,000	\$ 1,500,000	\$ -	7/09/2021	0.78%	9/09/2024
National Australia Bank	375	\$ 2,000,000	\$ -	\$ 2,000,000	7/09/2023	5.23%	9/09/2024
Australian Military Bank	564	\$ 1,500,000	\$ 1,500,000	\$ -	1/08/2023	5.35%	1/08/2025
Westpac	916	\$ 2,000,000	\$ -	\$ 2,000,000	29/09/2023	5.21%	29/09/2025
Total Term Deposits		\$ 35,500,000	\$ 35,500,000	\$ -		4.65%	

% of Portfolio

Snowy Valleys Council Total Cash and Investments - September 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 increased \$2.2M in September 2023.

Major cash receipts received during September 2023 included:

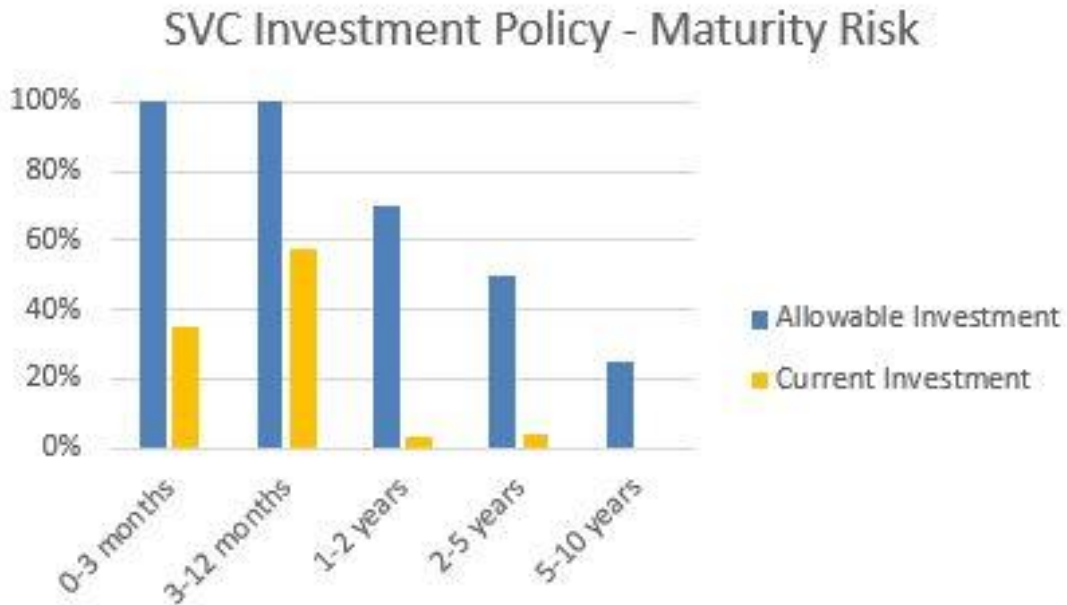
- Rates, Water and Debtor payments - \$1.2M
- Transport NSW - Natural Disaster Funding AGRN 1034 - October & November Floods 2022 - \$1M
- Snowy Monaro Regional Council - Works Contract - Bobeyan Road - \$868K
- Department of Infrastructure - Local Roads and Community Infrastructure (LRCI) Program - Round 4 - \$549K
- Department of Regional NSW - Snowy Valleys Itinerant Worker Accommodation - \$395K
- Statecover Mutual - Employee 2022/2023 Premium Rebate - \$96K

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

- Tooma Recreation Reserve Management Committee - Black Summer Bushfire Recovery Grant - \$497K
- Pioneer Park & Goldfields Park - Supply & Installation Anti-Vandal Amenities Building - \$352K

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.

This month the report includes a focus on maturity risk. The portfolio remains highly liquid with 35% of investments maturing within 90 days and an additional 58% of investments maturing within 12 months.



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. DONATION OF HERITAGE GOLD MINING EQUIPMENT

REPORT AUTHOR: PROGRAM MANAGER

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

In 2019 Snowy Valleys Council received a grant of \$40,000 through the Community Heritage Category of the NSW Heritage Grants Program to extend the "Outdoor Museum of Heritage Gold Mining Equipment" at Adelong Falls. Within this grant application Council pledged \$26,000 as a contribution to the \$40,000 grant. Since the grant application the Adelong Alive Museum has contributed \$6000 towards the project.

Council has received a cost estimate of \$61,000 to have the equipment constructed and relocated to the Adelong Falls. With the grant funding and the Adelong Alive Museum contribution council must contribute \$15,000 (a lesser amount than the original \$26,000 pledged).

The purpose of this report is to seek Councils approval to enter into an agreement with Rodney and Margo Fifield to accept a donation of old Gold Mining Equipment for display above the entrance of the Adelong Falls Reserve and to request that \$15,000 be made available from the building renewals capital works program to complete the project.

RECOMMENDATION:

THAT COUNCIL:

- 1. Accept the donation of old gold mining equipment (Windlass Wheels) from Rodney & Margo Fifield to be displayed in the Mining Equipment Park above the entrance to the Adelong Falls Reserve;**
- 2. Approve the amount of \$15,000 to fund the project from the building renewals capital works program; and**
- 3. Authorise the Interim General Manager to enter into an agreement with the Fifield's to accept the donation on behalf of Council.**

BACKGROUND:

The Adelong Falls Gold Mill Ruins Outdoor Mining Museum is a designated area with NSW Heritage Branch approval. The original donor of the first item, Mr Robert Henry Hughes was very delighted with the manner in which Council displayed his "de-watering" pump when it was installed in April 2016.

Council has now been offered the donation of rare and intact windlass wheels which also come from Mr Bob Hughes' (now deceased) property and are intended to be used in an interpretative Poppet Head. The construction of the Poppet Head will extend the existing heritage park located above the entrance to the state listed Adelong Falls gold workings and along the accessible Adelong Falls Walking Track. The Mining Equipment Park overlooks a large section of the Adelong Falls Gold Mill Ruins from where much of the gold was mined for the Reefer ore crushing mill. The Adelong Falls walk follows the route of many of the miners as they searched for the elusive metal and trudged their way along the creek to the mills and workings. The park connects the walk with the main visitor's area platform and access to the heritage listed ruins by a well-made access road and walking path.

The grant for the construction of the Poppet Head was received in 2019 with the frame now completed. This frame will hold the donated Windlass Wheels which is the subject of this report.

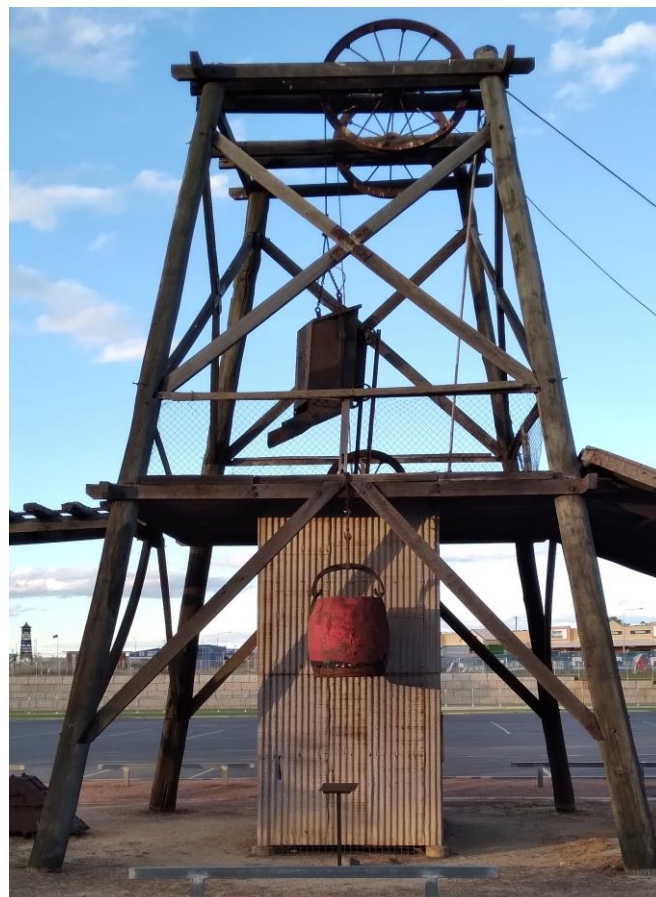
Donated Windlass Wheels



Completed Poppet Head Structure (minus Windlass Wheels)



Working Poppet Head Structure (location Charters Towers QLD)



Approved location for Poppet Head at Adelong Falls**REPORT:**

In 2019 Snowy Valleys Council received a grant of \$40,000 through the Community Heritage Category of the NSW Heritage Grants Program to extend the “Outdoor Museum of Heritage Gold Mining Equipment” at Adelong Falls. Within this grant application Council pledged \$26,000 as a contribution to the \$40,000 grant. Since the grant application the community has also contributed \$6000 towards the project. Council has received a cost estimate of \$61,000 to have the equipment constructed and relocated to the Adelong Falls. With the grant funding and the community contribution council must contribute \$15,000 (a lesser amount than the original \$26,000 pledged).

The purpose of this report is to seek Councils approval to enter into an agreement with Rodney and Margo Fifield to accept a donation of the old Gold Mining Equipment (windlass wheels), that is on their property (previously owned by Mr Bob Hughes - now deceased) for display above the entrance of the Adelong Falls Reserve.

History of the Gold Mining Equipment (Windlass Wheels)

The Wheels have considerable heritage significance relating to the history of the Adelong Goldfields and the gold booms of the 1800's. According to the previous Owner/custodian, the Wheels were originally mounted on the mine head within the Gibraltar Mining Complex along the Adelong Creek, Grahamstown and therefore this does not affect the heritage value as they are not within the heritage area last used nor declared.

The Wheels have been laying in a field approximately 1km from their original location prior to the demolition of the Gibraltar Complex. The Windlass Wheels have not been desecrated to the best of all involved knowledge.

As with anything there is always a risk when heritage items are moved, and all possible precautions will be taken to transport with the current owner/custodians onsite when the move takes place.

To assess the value of these windlass wheels is almost impossible without an accurate identifying document. There is no proof of ownership as they have been with the family for a number of years. As to the exact provenance we are totally reliant on the information from the previous and current owners/custodians.

Local historians have assessed the wheels determining their history. Noel Thomson, Council's Heritage Advisor, has been made aware of the project.

The proposed location known as the movable heritage park was thought to be ideal as it identifies the most important industrial heritage site in the region the Adelong Falls Gold Mill Ruins (that has attracted approx. 35,000 visitors annually over the past 10 years). However, as the Poppet Head was not used in the location of the Reefer Battery and other mills and mines, the Poppet Head will be mounted together with the Stamper and Dewatering Pump at the entrance to the Adelong Falls Reserve.

The Poppet Head will be significant as it will “bookend” the sculpture and mining trail with the replica of the Stamper at the beginning/end and the Poppet Head at the other/opposite beginning/end.

Poppet Head location at Adelong Falls end of the Adelong Falls Walk



Stamper located at the town end of the Adelong Falls Walk



Draft Conditions of Donation / Gift from the Fifield's

The Windlass Wheels are being donated to Council by Rodney & Margo Fifield at no cost.

Mr & Mrs Fifield have donated the wheels on behalf of the late Mr Robert Hughes on the condition that they are displayed in the Mining Equipment Park above the entrance to Adelong Falls Reserve.

If the Wheels are no longer required, they will be returned to Mr & Mrs Fifield or nominated family member / individual.

Mr & Mrs Fifield retain legal ownership of the Wheels but release legal liabilities whilst Wheels are in transit or situ at the Mining Equipment Park.

If the Wheels are damaged or broken whilst not in the possession of Mr Fifield, the Wheels are to be repaired at no cost to Mr Fifield or otherwise nominated individual.

Snowy Valleys Council Obligations

The Council accepts the donation in good faith and undertakes to secure the donation in the best possible way.

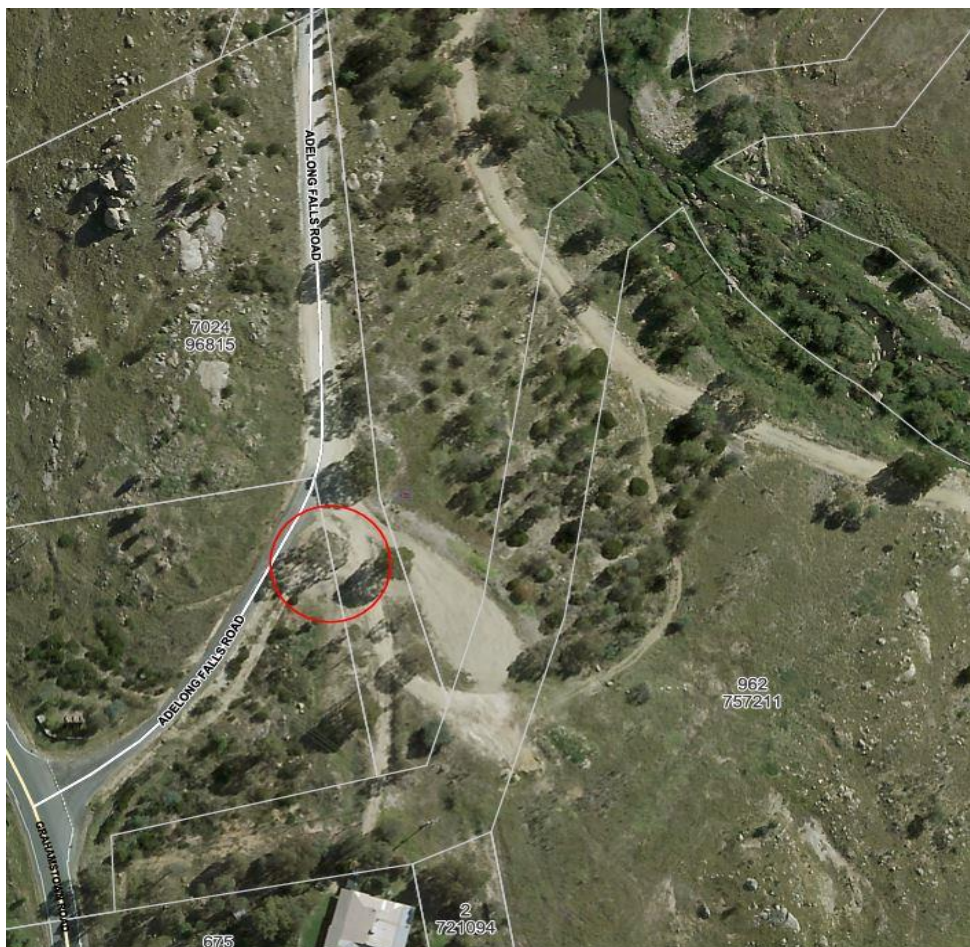
The Donor is to be recognised on the interpretive plaque to be developed following research on the maker and use.

Note: As mentioned previously in this report, Mr Bob Hughes, now deceased, was the original donor of the first item a "de-watering "pump which was installed at the Adelong Falls in April 2016.

Cost Implications for Council

Council has received a cost estimate of \$61,000 to have the equipment constructed and relocated to the Adelong Falls. With the grant funding and the Adelong Alive Museum contribution council must contribute \$15,000 (a lesser amount than the original \$26,000 pledged within the grant application).

Map of approved location of Poppet Head



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

1.2 Provide and maintain community spaces that encourage activity and wellbeing

1.5 Value our heritage and promote civic pride

FINANCIAL AND RESOURCES IMPLICATIONS:

These works are grant funded and will be delivered at the Mining Equipment Park above the entrance to the Adelong Falls Reserve.

- 2019-2021 NSW Heritage Grants – Community Heritage (Interpretation) - \$40,000
- Adelong Alive Museum contribution - \$6,000

In total \$46,000 (Exc. GST) is available for the works.

As per the grant agreement, Council has agreed to contribute up to \$26,000 of funds towards this project. It is estimated approximately an additional \$15,000 will be required to complete the project which includes transport and establishment cost for the donated Windlass Wheels. The additional funds will come from the building renewals capital works program to complete the project.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The acceptance of this donation is in accordance with the *Local Government Act 1993* - Sect. 56b, Gifts and Donations Register and the Council Gifts and Benefits Declaration Form.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

This risk has been assessed as low as an agreement is being entered into with the owners of the mining equipment, and the equipment is being installed as per the NSW Heritage Grant agreement.

There are no direct Work Health & Safety (WHS) and Public Risk implications associated with the acceptance of this donation.

WHS and public risk implications associated with the delivery of the services will be managed in accordance with Council's Integrated Management System.

OPTIONS:

1. Accept the donation of the Heritage Gold Mining Equipment. - preferred option.
2. Amend the recommendations as referred to in this report, noting that this will have significant implications on the completion of the Adelong Outdoor Mining Equipment project and the associated grant funds.
3. Not accept the donation, noting that this will also have significant implications on the completion of the Adelong Outdoor Mining Equipment project and the associated grant funds.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Extensive community consultation has been undertaken in relation to works undertaken at the Adelong Falls Reserve. This project was a grant application that was submitted in 2019 to enhance the outdoor mining equipment park at the reserve.

ATTACHMENTS

1. Draft Donation Agreement from Rodney and Margo Fifield (Under separate cover)
2. Engineering specifications of Poppet Head (Under separate cover)

11. MINUTES OF COMMITTEE MEETINGS

11.1. MINUTES - EXTRA-AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 SEPTEMBER 2023

REPORT AUTHOR: RISK MANAGEMENT OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

THAT COUNCIL:

1. **Note the Minutes of the Extra-Audit Risk and Improvement Committee held on 27 September 2023.**
2. **Note the following matters from the draft Financial Statements:**
 - a. **The 'cash position' and operational performance, highlighting the structural deficit of approximately \$5 million;**
 - b. **The effect of corporate churn on the operational performance and financial sustainability of Snowy Valleys Council;**
 - c. **That the 'own source operating revenue ratio' was lifted by the revaluation of water and sewer assets;**
 - d. **The potential risks of State and Federal government decisions including rates of Emergency Services Levy, Pensioner Rebates and the reporting on RFS Assets;**
 - e. **The credit risk associated with the proportional increase in the 'gross carrying amount' of outstanding rate debtors;**
 - f. **Any impact on performance related to 'employee benefits and on-costs', impact of reduced staffing levels and consideration of contractor cost inflation; and**
 - g. **The risk of financial sustainability for the rehabilitation of waste facilities and quarries may be impacted by the rehabilitation strategies currently being developed.**

BACKGROUND:

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

- (1) *A council must appoint an Audit, Risk and Improvement Committee.*
- (2) *The Committee must keep under review the following aspects of the council's operations*
 - *compliance,*
 - *risk management,*
 - *fraud control,*
 - *financial management,*

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

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

REPORT:

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

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The ARIC has proposed a budget for the operation of ARIC for 2023/24 at \$47,000 and includes member remuneration, training and the engagement of the internal auditor.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Council has established an ARIC which functions under the Internal Audit Guidelines, September 2010 issued under Section 23A the *Local Government Act 1993*. ARIC is in the process of transitioning to the *Draft Risk Management and Internal Audit Guidelines* for Local Government in NSW issued by the Office of Local Government.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The Committee is charged with the responsibility of:

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

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Not required.

ATTACHMENTS

1. Minutes - Extra-Audit Risk & Improvement Committee - 27 September 2023 (Under separate cover)

11.2. MINUTES - TUMBARUMBA FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING - 25 SEPTEMBER 2023

REPORT AUTHOR: COORDINATOR GROWTH & DEVELOPMENT

RESPONSIBLE DIRECTOR: MANAGER GROWTH & ACTIVATION

EXECUTIVE SUMMARY:

Council was successful in 2022/2023 financial year in obtaining a grant to undertake a flood study of the Tumbarumba catchment given the development pressures being experienced within the catchment area. As part of the terms of the funding agreement, Council is required to form a steering committee to assist in providing direction to Council on the proposed Tumbarumba Flood Study. At Council's Ordinary Meeting of 25 February 2023, Council resolved to formally establish a Tumbarumba Floodplain Risk Management Committee being an advisory committee of Council.

This report provides the minutes and outcomes of the inaugural Tumbarumba Floodplain Committee Meeting on the 25th September 2023.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Minutes of the Tumbarumba Floodplain Risk Management Meeting held on 25 September 2023; and**
- 2. Adopt the following recommendation from the minutes:**
 - 2a. Endorse the amendment of the Terms of Reference to adopt the change in Point 6(b), Item 3 to state 'NSW State Emergency Service'.**

BACKGROUND:

In 2022, the New South Wales Department of Planning and Environment (the Department) provided an opportunity for NSW Councils and public land managers to apply for grant funding to undertake flood studies and other mitigation works as part of a \$10 million budget to address flood impacts on NSW communities. Council made application for funding to enable a flood study to be undertaken within the Tumbarumba catchment area and was successful in this application.

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

Council staff investigations with the studies will provide Council with a complete revised set of studies for the greater urbanised areas of the Local Government Area.

Development pressures have continued to be experienced within the floodplain catchment of Tumbarumba and in the absence of revised flood studies, Council's ability to respond to development applications for housing, tourist and visitor accommodation, agricultural pursuits and other land uses is impaired. A number of community developments are occurring within the creek lands precinct of Tumbarumba and further pressures are being experienced to provide additional accommodation options at the Tumbarumba Caravan Park which is situated on flood liable land. This study will assist in making more informed decisions in the creeklands locations.

REPORT:

As part of the funding agreement issued by the New South Wales Department of Planning and Environment, Council is required to have a floodplain risk management committee to provide a level of support to the Council in the development of the Tumbarumba Floodplain Management Study. With the establishment of the committee, the committee minutes have been prepared for the meeting of the 25 September 2023 for the presentation to Council.

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

Theme 3 - Our Environment

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

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

Delivery Program Principal Activities

3.1 Create climate resilience through our actions and advocacy

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

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

Option1

THAT COUNCIL:

1. Note the Minutes of the Tumbarumba Floodplain Risk Management Meeting held on 25 September 2023; and
2. Adopt the following recommendation from the minutes:

2a. Endorse the amendment of the Terms of Reference to adopt the change in Point 6(b), Item 3 to state 'NSW State Emergency Service'.

Option 2

THAT COUNCIL:

1. Not adopt the minutes of the Floodplain Risk Management Committee Meeting held on 25 September 2023 and provide an alternative position.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No

ATTACHMENTS

1. Minutes - Tumbarumba Floodplain Risk Management Committee - 25 September 2023 (Under separate cover)

12. CONFIDENTIAL

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

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

RECOMMENDATION:

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

12.1 CONFIDENTIAL - RFT 2022-07 CONSTRUCTION OF AMENITIES BLOCK BULL Paddock TUMUT

Item 12.1 is confidential under the *Local Government Act 1993* Section 10A 2 (d)i and (d)ii as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13. MEETING CLOSURE