



SNOWY VALLEYS COUNCIL ORDINARY MEETING

AGENDA

Thursday, 17 October 2024

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

Statement of Ethical Obligations

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

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

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

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

Photography

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

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

- 4.1** The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting. All public forums will be audio/visual recorded and live streamed as part of the Council meeting.
- 4.2** Public Forums may be held by audio-visual link.
- 4.3** Public forums are to be chaired by the mayor or their nominee.

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

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



Thursday, 17 October 2024

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

2:00 PM

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1. PUBLIC FORUM

2. 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.

3. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

4. 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.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 15 AUGUST 2024

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on 15 August 2024 be received and confirmed as an accurate record.

Attachment 1 - 20240815 - DRAFT Minutes - Ordinary Council



ORDINARY MEETING

MINUTES

Thursday, 15 August 2024

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

Mayor

Interim General Manager



Thursday, 15 August 2024

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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 Mayor

 Interim General Manager

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

IN ATTENDANCE: Interim General Manager Steven Pinnuck, Director Community & Corporate Jessica Quilty, Director Infrastructure & Works Duncan Mitchell, Executive Manager Growth & Development Nick Wilton

1. PUBLIC FORUM

Anne Hallard and Beth David spoke against item 8.2 'Notice of Motion - Libraries Cost Saving Method - Cr Hughes'.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

M167/24 RESOLVED:

That the request from Cr Hayes and Cr Larter to attend this meeting virtually be received and granted.
Cr Ivill/Cr Ham

CARRIED UNANIMOUSLY

4. DECLARATIONS OF PECUNIARY INTEREST

Nil.

5. CONFIRMATION OF MINUTES

5.1. MINUTES - ORDINARY COUNCIL - 18 JULY 2024

M168/24 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 18 July 2024 be received and confirmed as an accurate record.

Cr Livermore/Cr Ivill

CARRIED UNANIMOUSLY

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 15 August 2024

6. CORRESPONDENCE/PETITIONS

Nil.

7. MAYORAL MINUTE

Nil.

8. NOTICE OF MOTION/NOTICE OF RESCISSION

8.1. NOTICE OF RESCISSION - CARAVAN PARKS - EXPRESSIONS OF INTEREST - CRS THOMSON, ARMOUR & CHAFFEY**M169/24 RESOLVED:**

THAT COUNCIL:

1. Rescind Resolution M136/24 points 6, 7 and 9 only;
2. Extend the lease of Riverglade Caravan Park with Riverglade Holdings Pty Ltd for a period of 4 months expiring on 30 November 2024;
3. Ensure all existing lease arrangements and the lessee's obligations for the operation of the Caravan Park remain the same, including the monthly rental payments to Council for the period of the extended lease;
4. Acknowledge that the date for the removal of all cabins and caravans described at paragraph 11 of the June letter (being 30 December 2024) no longer applies, however the lessee's obligations stipulated in the lease once the lease comes to an end remains the subject of further negotiations between Riverglade Holdings Pty Ltd and Council, which Council is committed to negotiating in good faith;
5. Advise Riverglade Holdings Pty Ltd that Council is unable to provide a permanent deferment of any action arising from Resolution number M136/24.

Cr Thomson/Cr Armour

CARRIED UNANIMOUSLY

Cr Hayes left the meeting 2.33pm and returned at 2.35pm.

8.2. NOTICE OF MOTION - LIBRARIES COST SAVING METHOD - CR HUGHES**M170/24 RESOLVED:**

THAT COUNCIL:

1. Ensure cost saving measures in the Library service area meet the requirements in motion M126/24 and maintain the maximum possible opening hours;
2. Applies the Community Engagement Policy when planning cuts to service levels across the council area;

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Mayor

Interim General Manager

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3. Responds effectively and in a meaningful way to petitions from the community, as per the Community Engagement Policy;
4. Ensures efficiency and value for money as key considerations when cuts to services are required as per the Community Engagement Policy principle 10;
5. Has Batlow Library open for 5 days a week for 3 hours a day and that the extra 2 hours come from the Tumut Library hours.

Cr Hughes/Cr Ham

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

Against: Cr Larter

CARRIED**8/1**

9. URGENT BUSINESS WITHOUT NOTICE

Nil.

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. DE-AMALGAMATION UPDATE

M171/24 RESOLVED:

THAT COUNCIL:

1. Note the report on the de-amalgamation update.

Cr Thomson/Cr Ivill

CARRIED UNANIMOUSLY

10.2. REVIEW AND APPROVAL OF 2024/2025 RE-VOTES

M172/24 RESOLVED:

THAT COUNCIL:

1. Approve the 2023/2024 re-votes and increase the capital budget for 2024/2025 by \$2,705,000; and
2. Note the carry over projects of \$3,938,049 for capital expenditure in 2024/2025.

Cr Thomson/Cr Ham

CARRIED UNANIMOUSLY

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Mayor_____
Interim General Manager

**10.3. ATTENDANCE - ALGA 2024 NATIONAL GENERAL ASSEMBLY 1-5 JULY
CANBERRA****M173/24 RESOLVED:**

THAT COUNCIL:

1. Note the report on the ALGA 2024 National General Assembly outcomes from Deputy Mayor Trina Thomson.

Cr Thomson/Cr Hughes

CARRIED UNANIMOUSLY**10.4. PECUNIARY INTEREST RETURNS FOR DESIGNATED STAFF AND ARIC MEMBERS****M174/24 RESOLVED:**

THAT COUNCIL:

1. Note the following Declarations of Pecuniary Interest Returns from Councillors and Designated Officers as at 30 June 2024 as listed in accordance with the *Code of Conduct*:
 - o Councillors: Cr Johanna (Hansie) Armour, Cr Ian Chaffey, Cr Julia Ham, Cr James Hayes, Cr Samuel Hughes, Cr Michael Ivill, Cr John Larter, Cr Brent Livermore, Cr Trina Thomson;
 - o Designated Staff: Interim General Manager-Sтивен Pinnuck, Director Infrastructure & Works-Duncan Mitchell, Director Community & Corporate-Jessica Quilty, Executive Manager Growth & Development-Nicholas Wilton;
 - o Audit Risk & Improvement Committee : Chairperson-Kylie McRae and Committee Members-Carolyn Rosetta-Walsh & Dennis Vaccher; and
2. Approve 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 *Returns of Interests*.

Cr Ham/Cr Livermore

CARRIED UNANIMOUSLY**10.5. WATER AND WASTEWATER CHARGING POLICY ADOPTION****M175/24 RESOLVED:**

THAT COUNCIL:

1. Receive the report on the DRAFT Water and Wastewater Charging Policy SVC-ENG-PO-105-03 noting the feedback from public exhibition;
2. Note the two (2) submissions received for the Draft Water and Wastewater Charging Policy;
3. Adopt the exhibited DRAFT Water and Wastewater Charging Policy SVC-ENG-PO-105-03 without changes;

4. Write to the submitters, thanking them for their input and advising them of the outcome to their submission.

Cr Ham/Cr Armour

CARRIED UNANIMOUSLY

10.6. STATEMENT OF INVESTMENTS - JULY 2024

M176/24 RESOLVED:

THAT COUNCIL:

1. Note the report on Statement of Investments - July 2024.

Cr Hughes/Cr Livermore

CARRIED UNANIMOUSLY

11. MANAGEMENT REPORTS

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - ADELONG SHOWGROUND COMMITTEE - 13 FEBRUARY 2024 - 8 MAY 2024

M177/24 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Adelong Showground Committee held on 13 February 2024 and 8 May 2024.

Cr Hayes/Cr Ham

CARRIED UNANIMOUSLY

12.2. MINUTES - BATLOW CIDER RAIL TRAIL STEERING COMMITTEE - 24 JULY 2024

M178/24 RESOLVED:

THAT COUNCIL:

1. Note the Minutes of the Batlow Cider Rail Trail Steering Committee held on 24 July 2024; and
2. Adopt the following recommendation/s from the minutes:
 - 2a. The Committee appoints the Chairperson as David Purcell.

Cr Hughes/Cr Ham

CARRIED UNANIMOUSLY

12.3. MINUTES - GLENROY HERITAGE RESERVE COMMITTEE - 10 JULY 2024**M179/24 RESOLVED:**

THAT COUNCIL:

1. Note the Minutes of the Glenroy Heritage Reserve Annual General Meeting held on 10 July 2024; and
2. Endorse the nominations of the following committee members:
 - a. President: Bruce Wright
 - b. Vice President: Neil Christie
 - c. Treasurer: Stephen Weeks
 - d. Secretary: Jamie Metcalf
3. Provide a letter of appreciation to Mr Neil Christie for his outstanding service to the committee.

Cr Ham/Cr Ivill

CARRIED UNANIMOUSLY**13. CONFIDENTIAL****M180/24 RESOLVED:**

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

13.1 CONFIDENTIAL - ADELONG SERVICES & BOWLING CLUB - ADELONG CARAVAN PARK LEASE AGREEMENT

Item 13.1 is confidential under the Local Government Act 1993 Section 10A (2) (d) (ii) as it relates to commercial information of a confidential nature 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 Thomson/Cr Livermore

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3.09pm.

M181/24 RESOLVED to move back into Open Session.

Cr Ham/Cr Armour

CARRIED UNANIMOUSLY

At this stage, the time being 3.35pm the meeting was re-opened to the public.

Cr Hayes and Cr Larter left the meeting at 3.35pm.

13.1. CONFIDENTIAL - ADELONG SERVICES & CITIZENS AND BOWLING CLUB - ADELONG CARAVAN PARK LEASE AGREEMENT

MOTION:

THAT COUNCIL:

1. Enters into a new lease arrangement with the Adelong Services & Citizens and Bowling Club for the Council owned property which is 7,053 m2 of Council owned freehold operational land, located at 11-13 Victoria Hill Road, Adelong;
2. Notes as per the Council Resolution M136/24 at its 20 June 2024 meeting, the lease arrangement with the Adelong Services & Citizens and Bowling Club is for an initial five (5) year period which will commence on 18 August 2024 through to 18 August 2029 with options to renew the lease for further 5 x 5 years;
3. Enters into the new lease arrangement on the lease payment terms and conditions outlined in the attached lease which is \$12,000 per annum;
4. Notes the other capital improvements to the Caravan Park site that the Adelong Services & Citizens & Bowling Club has committed to undertake in the first 18 months of the new lease and which are incorporated as lessee obligations to be fulfilled under the new lease;
5. Authorises the Interim General Manager or delegate to enter into direct negotiation and finalise the draft Lease with the Adelong Services & Citizens Bowling Club;
6. Authorises the Interim General Manager at the end of successful negotiations to enter into a new lease arrangement with the Adelong Services & Citizens & Bowling Club for the Council owned property (L131 - 7,053m2 of Council freehold operational land) located at 11-13 Victoria Hill Road, Adelong;
7. Authorises the Interim General Manager and Mayor to affix the Council Seal and execute all associated documentation to the lease agreement;
8. Upon execution of the lease, advertises information relating to the lease / leases in accordance with the *Government Information (Public Access) Act 2009* - Part 3 Division 5 - Government Contracts with Private Sector; and
9. Treat matters in the Confidential Report specified in Sections 10A(2)(d)(ii) as confidential and remain confidential until Council determines otherwise.

Cr Hayes/Cr Larter

M182/24 RESOLVED to move into Committee of the Whole.

Cr Thomson/Cr Armour

CARRIED UNANIMOUSLY

Cr Ivill left the meeting at 3.23pm and returned at 3.24pm.

M183/24 RESOLVED to move out of Committee of the Whole.

Cr Hughes/Cr Ham

CARRIED UNANIMOUSLY

The Mayor declared the above motion null and void.

The Interim General Manager advised that during the closed session, Council made the following resolution:

M184/24 RESOLVED**THAT COUNCIL:**

1. Enters into a new lease arrangement with the Adelong Services & Citizens and Bowling Club for the Council owned property which is 7,053 m2 of Council owned freehold operational land, located at 11-13 Victoria Hill Road, Adelong;
2. Notes as per the Council Resolution M136/24 at its 20 June 2024 meeting, the lease arrangement with the Adelong Services & Citizens and Bowling Club is for an initial five (5) year period which will commence on 18 August 2024 through to 18 August 2029 with options to renew the lease for further 5 x 5 years;
3. Enters into the new lease arrangement on the lease payment terms and conditions outlined in the attached lease which is \$15,000 per annum with a 2% annual market increase plus a CPI increase applied at the anniversary of the executed lease agreement each year (Annual rental increase);
4. Notes the other capital improvements to the Caravan Park site that the Adelong Services & Citizens & Bowling Club has committed to undertake in the first 18 months of the new lease and which are incorporated as lessee obligations to be fulfilled under the new lease;
5. Authorises the Interim General Manager or delegate to enter into direct negotiation and finalise the draft Lease with the Adelong Services & Citizens Bowling Club;
6. Authorises the Interim General Manager at the end of successful negotiations to enter into a new lease arrangement with the Adelong Services & Citizens & Bowling Club for the Council owned property (L131 - 7,053m2 of Council freehold operational land) located at 11-13 Victoria Hill Road, Adelong;
7. Authorises the Interim General Manager and Mayor to affix the Council Seal and execute all associated documentation to the lease agreement;
8. Upon execution of the lease, advertises information relating to the lease / leases in accordance with the *Government Information (Public Access) Act 2009* - Part 3 Division 5 - Government Contracts with Private Sector; and
9. Treat matters in the Confidential Report specified in Sections 10A(2)(d)(ii) as confidential and remain confidential until Council determines otherwise.

Cr Ham/Cr Livermore

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

Against: Cr Hayes, Cr Larter

CARRIED

7/2

14. MEETING CLOSURE

The Deputy Mayor thanked Mayor, Cr Chaffey and Cr Livermore for their service.

There being no further business to discuss, the meeting closed at 3.47pm.

Mayor

Interim General Manager

6. CORRESPONDENCE/PETITIONS**6.1. PETITION - CLOSURE OF ADELONG LIBRARY AND REDUCTION IN POOL SEASON****REPORT AUTHOR: DIRECTOR COMMUNITY & CORPORATE****RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER****EXECUTIVE SUMMARY:**

Council recently undertook an extensive review of the staffing and levels of services it provides to the community and subsequently resolved at its June 2024 meeting to reduce library and pool services across the Local Government Area. Two particular services impacted by these changes were the closure of the Adelong Library and reduction in the Adelong pool season by two weeks. Council has received a petition from 164 signatories calling for these changes not to proceed. It is recommended that Council continue with the Adelong library alternative service arrangement and proposed pool season.

RECOMMENDATION:**THAT COUNCIL:**

1. Receive the petition on the closure of Adelong library and reduction in pool season;
2. Continue with the Adelong library alternative service arrangement and proposed pool season; and
3. Notify the chief petitioner of the resolution of Council.

BACKGROUND:

Council at its Ordinary Meeting of 20 June 2024, resolved to implement a variety of cost saving initiatives which included Library Services.

10.5. OPERATIONAL COST SAVINGS MEASURES**M126/24 RESOLVED:****THAT COUNCIL:**

1. Endorse the cost saving initiatives identified in table 1 -

Library Services	\$132,323
Swimming Pool's	\$80,000
Waste Recovery Centre's	\$50,000
Reduction in staff	\$801,345
Grants, Sponsorship & Donations	\$150,000
TOTAL	\$1,213,668

It was resolved to reduce the Tumut, Batlow and Tumbarumba Library hours of operation, cease library services in Adelong and the Mobile Library Service by the end of 2026 to Khancoban, Tooma and Jingellic.

REPORT:

As a result of Council's June 2024 resolution, steps have been undertaken to implement the resolution which included writing to all Adelong Library members informing them of the alternative service arrangements that have been implemented. Outreach visits will still be offered at a venue in Adelong which would allow residents to receive the benefits that Library services bring. These visits will provide activities such as craft, story time or instructions on how to get the best out of online resources. Book loans and other resources will still be available. If members wish for certain resources to be borrowed, library staff members can arrange to have these items delivered. Dates for the visits will be advertised locally, on the SVC website and Library Facebook page. In addition, Council has also terminated the lease for the library space located in the Adelong Health and Community Centre building. Affected Library staff have also been consulted with in accordance with provisions contained within the Local Government (State) Award 2023, clause 42.

A detailed [report](#) was also provided to the June 2024 Council meeting outlining the performance of the Council's five (5) public swimming pools for the 2023/2024 pool season with Council resolving to implement future pool operational cost savings by opening Adelong, Batlow, Khancoban and Tumbarumba pools two (2) weeks later than the traditional dates with an estimated saving of \$60,000.

Unfortunately, due to Council's ongoing financial sustainability issues and the timing of the implementation of the June 2024 resolution, Council is not in a position to alter the changes in library and pool services in Adelong.

Snowy Valleys Council has received a petition from 164 concerned community members of Adelong. A copy of the petition will be made available to Councillors at the meeting.

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

Theme 1 - Our Community

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The cost saving initiatives identified in the changes in library services throughout the Snowy Valleys Council area will reduce Council's expenditure in 2024/2025 by approximately \$132,323 and public swimming pools by \$60,000.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Clause 4.3 of the Petitions Policy -SVC-COR-PO-042-03 states the following:

All Petitions received must be forwarded to the Information Management Officer, who will ensure the Petition is registered in Council's record management system and task assigned to the relevant Director.

The relevant Director will arrange for the Petition to be included in the Council agenda of the next meeting of Council.

For privacy reasons, only the substance of the petition and the number of signatories will appear in the Council business paper; the full petition will be available for viewing by Councillors only at the meeting.

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:

Library staff have been consulted about the changes to Council's Library services.

External Consultation:

The Adelong Library community were communicated via a letter outlining the closure of the Adelong Library and the alternative service arrangements that are currently being put in place.

ATTACHMENTS

Nil

6.2. PETITION - PRIMITIVE CAMPING AT MAGINNITYS PARK TOOMA

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

In January 2024, Council received a complaint that bollards had been removed at Maginnitys Park (the Park) at Tooma to facilitate primitive camping at the Park. The Park is situated opposite the Tooma Inn Hotel and accommodation facility Brigham House.

Bollards have always been installed at the Park to restrict vehicular access and following the installation of toilet amenities in late 2019, the bollards were extended to the amenities building.

On 14 August 2024, Council received a petition from the proprietors of the Tooma Inn Hotel containing 149 signatures requesting primitive camping be permitted at the Park.

Maginnitys Park has not been promoted by Council as a primitive camping ground/area and it is recommended that camping continue to be disallowed at the Park.

RECOMMENDATION:

THAT COUNCIL:

- 1. Receive the petition on the primitive camping at Maginnitys Park Tooma;**
- 2. Continue to not support primitive camping at Maginnitys Park, Tooma; and**
- 3. Notify the chief petitioner of the resolution of Council.**

BACKGROUND:

On 8 January 2024, Council received a complaint that bollards had been removed at Maginnitys Park (the Park) at Tooma to facilitate primitive camping at the Park. Follow-up correspondence on the matter was received on 17 January and 17 March 2024.

Council staff were requested to locate and reinstall the bollards, if possible, and in the interim to also install 'no camping' signs.

The 'no camping' signs were installed in June 2024 and the bollards, located at the Tooma Inn Hotel were reinstalled shortly afterwards.

On 14 August 2024, Council received a petition from the Proprietors of the Tooma Inn Hotel containing 149 signatures requesting primitive camping be permitted at the Park.

REPORT:

On 8 January 2024, Council received a complaint that bollards had been removed from Maginnitys Park to enable vehicular access to the area for the purpose of camping.

It would appear from correspondence received on 14 August 2024 from the proprietors of the Tooma Inn Hotel that in December 2023, without any permission from Council, they removed a small number of bollards to enable vehicular access to the Park.

Follow up correspondence was received from the complainant on 17 January and 17 March 2024.

The Author of this report instructed Council staff to locate and reinstall the removed bollards and in the interim install 'no camping' signs. The 'no camping' signs were installed in June 2024 and the removed bollards were located at the Tooma Inn Hotel and reinstalled in August 2024.

Bollards have always been installed at the Park to restrict vehicular access.

Maginnity Park is set on two levels with the upper level directly opposite the Tooma Inn Hotel and Brigham House with a picnic table/shelter and toilets. A further picnic table/shelter is also situated on the lower level adjacent to the Tumbarumba Creek.

The bollards at the front of the Park facing Possum Point Road have been in existence for many years and were extended with construction of the toilet amenities in late 2019 as depicted in the photographs below.



Image 1: Upper level of park with bollards, picnic table/shelter and toilet amenity in the background



Image 2: Lower level of Park adjacent to Tumbarumba Creek



Image 3: Toilet amenities constructed in late 2019

Primitive camping is regulated by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021(the Regulation). Clause 131 of the Regulation states, that the maximum number of designated camp sites in a primitive camping ground must not exceed an average of 2 for each hectare in the camping ground. The area of Maginnitys Park is approximately 2,872 sq.m. or a quarter of one hectare indicating that it is not suitable for a primitive camping ground.



Figure 1: Aerial map of Maginnitys Park.

On Wednesday 17 September 2024 the General Manager met with the proprietors of the Tooma Inn Hotel to discuss the matter and outline the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021(the Regulation).

Since this matter has been brought to the attention of Council, discussions have also taken place with the Tooma Hall Committee to ascertain their interest in primitive camping at the Hall grounds. A discussion with the President Barry Cadle was held on Wednesday, 17 September 2024 and whilst the Hall Committee have not determined a position on primitive camping, it is not an ideal location to provide potential patronage to the Hotel. Whilst it is only a short walk from the Hall grounds to the Hotel, there are three bridges without pedestrian segregation which would make it quite dangerous, particularly at night.

Snowy Valleys Council promotes primitive camping where practicable and appropriate with Council maintaining campgrounds at Paddy Flats, Henry Angel and Towong Bridge, all with 10-15 minutes' drive from the Tooma Inn Hotel.

Accordingly, it is recommended that Council not support primitive camping at Maginnitys Park, Tooma. Snowy Valleys Council has received a petition from 149 signatures and a copy of the petition will be available to Councillors at the meeting.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

There are no financial implications from this report.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Clause 4.3 of the Petitions Policy -SVC-COR-PO-042-03 states the following:

All Petitions received must be forwarded to the Information Management Officer, who will ensure the Petition is registered in Council's record management system and task assigned to the relevant Director.

The relevant Director will arrange for the Petition to be included in the Council agenda of the next meeting of Council.

For privacy reasons, only the substance of the petition and the number of signatories will appear in the Council business paper; the full petition will be available for viewing by Councillors only at the meeting.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

This risk has been assessed as low, however if primitive camping was to be allowed at the site, there are potential risks that would need to be mitigated. Should primitive camping be permitted, then a further risk assessment would be required, as there is a small portion of private property between the boundary of the Park and the Tumbarumba Creek.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

Nil.

7. MAYORAL MINUTE

8. NOTICE OF MOTION/NOTICE OF RESCISSION

9. URGENT BUSINESS WITHOUT NOTICE

10. GOVERNANCE AND FINANCIAL REPORTS

10.1. DE-AMALGAMATION UPDATE

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

At the 15 February 2024 Ordinary Meeting of Council, it was resolved to provide regular updates to Council in relation to the progress of ascertaining the feasibility of de-amalgamating Snowy Valleys Council into the two former Council areas being Tumut and Tumbarumba.

This report serves to provide Councillors with an update.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on the De-amalgamation Update.**

BACKGROUND:

Since the February 2024 Council meeting, monthly reports have been submitted to provide an update on the progress of the de-amalgamation, and any associated issues to be addressed by Council.

In this update, the following matters will be addressed:

- Status of the preparation of the De-amalgamation Implementation Plan (DIP) and Financial Sustainability Plan (FSP).

REPORT:

Snowy Valleys Council De-amalgamation Implementation (DIP) and Financial Sustainability Plan (FSP)

Peter Tegart, Always Thinking Advisory, has been appointed to assist Council in the preparation of the DIP and FSP and all the required and available data has been provided.

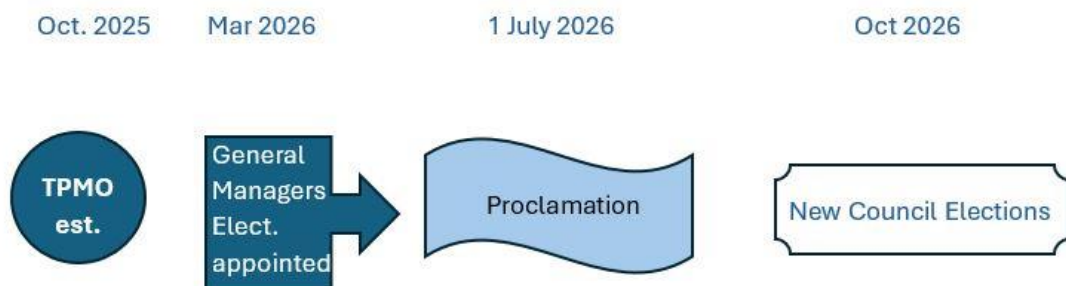
Council has continued to provide financial data to Mr Tegart on splitting the 2024/2025 Budget into the proposed two new Councils.

The development of a Financial Sustainability Plan for Snowy Valleys Council and the two new Councils is nearing completion. This has been very resource-hungry, however, will provide extensive information on the challenges facing Council and the proposed two new councils.

The following documents have been provided to all Councillors separately:

- Always Thinking Advisory – SVC Trends and Analysis
- Always Thinking Advisory – SVC Settings and scenarios
- Always Thinking Advisory – SVC Scenarios options presentation
- SVC – De-amalgamation Implementation Plan (DIP) - second working draft

In relation to the DIP, a timeline for implementation has been included in the most recent revision which has been reproduced below for Councillors' information.

STAGE 1**STAGE 2**

A workshop has been scheduled with Mr Tegart for Thursday, 24 October 2024 to update Councillors on the Trends and Analysis; and Settings and Scenarios documents for Snowy Valleys Council and to provide an update in relation to the Financial Sustainability Plans for the proposed two new Councils.

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:

At this stage in the de-amalgamation process, the feasibility and cost of de-amalgamating Snowy Valleys Council are unknown, however, Council has approved funding of up to \$70,000 to complete Stage 1 of the De-amalgamation Implementation Plan.

Funding of \$45,000 has been provided by the Office of Local Government with the balance being provided by Snowy Valleys Council.

Should Council be able to demonstrate the financial sustainability of two proposed new councils, and ultimately with the approval of the Minister, significant additional funding would then be required to

complete the second stage of the De-amalgamation Implementation Plan, along with the actual implementation costs.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Under section 218CD (1) of the *Local Government Act 1993* (the Act), Snowy Valleys Council has submitted a business case for the dissolution of Snowy Valleys Council and the re-creation of its former areas of Tumut and Tumbarumba.

As required by section 218CD (2) of the Act, the Minister for Local Government has referred the Business Case to the Local Government Boundaries Commission to conduct an inquiry and report on the matter.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The risk has been assessed as high, as at this stage, the De-amalgamation Business Case is before the Local Government Boundaries Commission for examination, and it is unknown whether the State Government will provide funding for Council's wish to de-amalgamate.

Changes to the *Local Government Act 1993* however, has given the Minister for Local Government the discretion to provide either a grant or a loan to assist with the de-amalgamation costs should a de-amalgamation be approved.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.2. 2025 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 2024 council meeting dates for ordinary meetings were held on the third Thursday of each month, except for December which was held on the second Thursday, commencing at 2pm and held in the Council Chambers in Tumut and via Video Link.

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

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

RECOMMENDATION:

THAT COUNCIL:

1. Determine a Schedule of Ordinary Council Meeting dates and times for 2025, ensuring that the requirements of s.365 of the *Local Government Act 1993* are met;
2. Approve the following Ordinary Council meeting dates for 2025 commencing at 2pm to be held in the Tumut Council Chambers: Thursday 20 February 2025, Thursday 20 March 2025, Thursday 17 April 2025, Thursday 15 May 2025, Thursday 19 June 2025, Thursday 17 July 2025, Thursday 21 August 2025, Thursday 18 September 2025, Thursday 16 October 2025, Thursday 20 November 2025, and Thursday 11 December 2025; and
3. Approve the cancellation of the meeting in January 2025 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 2025 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 2025 commencing at 2pm in the Tumut Council Chambers are as recommended below:

Thursday 20 February 2025, Thursday 20 March 2025, Thursday 17 April 2025, Thursday 15 May 2025, Thursday 19 June 2025, Thursday 17 July 2025, Thursday 21 August 2025, Thursday 18 September 2025, Thursday 16 October 2025, Thursday 20 November 2025, and Thursday 11 December 2025.

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 regularly with all Councillors to ensure good governance of Council business.

Council is required to meeting 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 2025 and through the appropriate internal communication channels to staff.

ATTACHMENTS

Nil.

10.3. COMMITTEES AND NOMINATION OF DELEGATES

REPORT AUTHOR: GOVERNANCE OFFICER

RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council the list of Committees for 2024-2026.

Council is required to review and appoint councillor delegates to each of the committees where indicated in the attachment.

The list of committees in the attachment is displayed in sections that reflect the different types of Committees that Council is either responsible for or provides a representative to. These include:

- Section 355 Community Committees
- Internal Advisory Committees
- Working Groups
- External Committees with Council Representation.

RECOMMENDATION:

THAT COUNCIL:

1. **Review and nominate councillor delegates and alternate delegates to each of the Committees where a delegate is required;**
2. **Remove the following from the list for the reasons listed below:**
 - **Tumbarumba RSL Memorial Hall Management Committee - Dissolve - Committee has not met in the last 3-4 years**
 - **Snowy Valleys Community Grants Assessment Panel - Grants are not running this financial year 2024/2025 and new evaluation process implemented in 2023/2024.**
 - **Transgrid Accommodation Options Working Group - Group not required - Accommodation sites have been chosen through the expression of interest process;**
3. **Advise each committee of their councillor and/or staff delegate for the 2024/2026 period; and**
4. **Appoint a non-voting Councillor to the Audit Risk & Improvement Committee from 10 October 2024 until 1 July 2028.**

BACKGROUND:

Council Committees

The establishment and support of Council Committees reflects Snowy Valleys Council's commitment to involve the community in the provision of Council functions, with the aim of enhancing the opportunities for the towns and villages within the Local Government Area.

A committee's primary role is to accept the responsibility for a function of Council through a delegation under the *Local Government Act 1993*. These functions can include the provision of services and/or management of Council-owned facilities, such as public halls or recreation reserves.

Under section 355 of the *Local Government Act 1993*, Council is able to delegate some of its functions to a committee. These committees are operated in accordance with Council's *Committees Policy* and Council's *Committees Operation Manual*.

In accordance with section 4.2 of the *Committees Policy*:

Committee's are established by resolution of Council to manage a function on Council's behalf. Members of that committee are considered and appointed to the committee by Council in accordance with the committee's adopted Terms of Reference. Members of committees are considered Council officials under Council's Code of Conduct.

In determining whether or not to appoint a committee, Council will consider the following:

- *Whether the activity being performed is a Council function.*
- *In the absence of the committee, would Council still undertake the function. Council will not appoint committees to overcome the inability of community groups to obtain insurance cover or any other factor inhibiting the functioning of the community group, such as financial distress or lack of volunteers.*

Council determines the functions and membership of committees through the development of a Terms of Reference for each committee operating under Council's delegation.

There are five (5) types of Committees:

Section 355 Community Committees

Community Committees are delegated by the Council to perform certain functions of the Council (such as managing a Council-owned facility) and may have Councillors or Council employees as delegates. Membership consists of community members who are required to be registered and inducted volunteers of Council as per Councils' *Volunteer Policy*. These members must be appointed to the committee by Council.

Internal Advisory Committees

Advisory committees are often used by Council to obtain expert advice on complex matters. Advisory Committee's membership may include experts, professionals, government employees, community representatives and Council employees as well as councillors.

Working Groups

Working groups consist of groups of people, usually volunteers, that come together for a purpose and have a dedicated staff delegate. They are not required to follow a formal committee governance structure regarding reporting requirements, etc. There is no requirement for recommendations to be provided to Council via meeting minutes.

External Committees with Council representation

In addition to Council Committees, there are committees that are operated externally to Council that require Council representation. Representation can be provided by councillors and/or staff delegates. The external committees themselves advise Council of the representation required. The committees are often advisory in nature and generally do not require a report to Council.

Audit, Risk and Improvement Committee (ARIC)

In 2019, the NSW Government made it a requirement under section 428A of the *Local Government Act 1993* (LG Act) that each council have an Audit, Risk and Improvement Committee (ARIC). Under the ARIC Guidelines, Councils and joint organisations were required to establish a risk management framework and internal audit function that complies with the Guidelines.

ARIC acts as an advisory body to the Council and has no executive powers. The ARIC acts as a forum for communication between the General Manager, Senior Management, External Audit and Internal Audit and the Council.

The ARIC plays a pivotal role in the governance framework. It provides Council with independent assurance, oversight and monitoring of Council's Audit processes, including Council's internal controls activities, risk management, the control framework, legislative compliance, internal audit and external accountability.

For the Committee to be most effective, it is important that it is properly constituted of appropriately qualified Chair and Independent Members as voting members and Council may also appoint one (1) Councillor as a non-voting member as per new guidelines:

- Commencing 1 July 2024, Councils may appoint one Councillor as a non-voting member of its Audit, Risk and Improvement Committee (section 216C (2) and (4)). A Councillor appointed as a non-voting member of an Audit, Risk and Improvement Committee should satisfy the eligibility criteria for Councillor members of committees specified in the ARIC Guidelines.

REPORT:

Appointment of councillor delegates to committees is usually for a four year term, which aligns with the term of the elected Council unless there are any proposed changes to the arrangements.

The General Manager appoints staff delegates.

Council is encouraged to undertake a review of Committees every two years following discussion with committee members and key support staff to ensure that the committee remains relevant to meeting the needs of the community and can be adequately resourced. It is also worth noting that agenda item 11.3 (Southern Regional Planning Panel Membership) is also requesting two (2) Councillor delegates be appointed to the panel.

Audit, Risk and Improvement Committee (ARIC):

All ARIC Chairs and Independent Members were appointed by resolution M95/24 at the 16 May 2024 ordinary council meeting.

Section 216C (2) and (4) of the Local Government (General) Amendment (*Audit, Risk and Improvement Committees*) Regulation 2023 notes:

- (2) One councillor, who must not be the mayor, of the council may also be appointed to the Audit, Risk and Improvement Committee for a council.
- (4) A councillor appointed to the Audit, Risk and Improvement Committee must not vote on a matter being considered by the committee

Councillors appointed as a non-voting member of the Audit, Risk and Improvement committee should satisfy the eligibility criteria for Councillor members of committees specified in the Risk Management and Internal Audit for Local Government in NSW Guidelines.

Essential Criteria - Non-voting Councillor Member:

Ideally, the non-voting Councillor Member of ARICs should also meet the following criteria:

1. An ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest), and
2. A good understanding of one or more of the following:
 - risk management
 - performance management
 - human resources management
 - internal and external auditing
 - financial reporting
 - accounting
 - management control frameworks
 - internal financial controls
 - governance (including planning, reporting and oversight)

- business operations
- capacity to form independent judgement and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a Councillor member of an Audit, Risk and Improvement Committee, and
- preparedness to undertake any training on the operation of Audit, Risk and Improvement Committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the Councillor member.

Councillor members of ARIC are non-voting members of committees, and this is to ensure that decision making by the committee is independent of the council. Councillor members of the ARIC act as an important link between the governing body and the committee.

The non-voting Councillor's role is to:

- relay to the committee any concerns the governing body may have regarding Council and any issues being considered by the committee
- provide insights into local issues and the strategic priorities of Snowy Valleys Council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it; and
- assist the governing body to review the performance of the committee.

Appointment of a Councillor as a non-voting member for the ARIC is for a four-year term, which aligns with the term of the elected Council unless there are any proposed change to the arrangements.

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:

There is a mandatory requirement for Community Committees, that operate independent bank accounts, to submit an annual financial report to Council as per the *Council Committees Operation Manual*.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Committees are governed by the *Local Government Act 1993* and related regulations. For Community and Advisory Committees, the *Council Committees Policy* and *Operation Manual* apply as well as individual committee Terms of Reference.

Audit Risk and Improvement Committee Terms of Reference

Guidelines for Risk Management and Internal Audit for Local Government in NSW – Office of Local Government, 2023

Local Government Act 1993

Local Government (General) Regulation 2021

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Committees that do not operate by meeting basic governance and accounting standards create a risk to council. Providing a dedicated councillor and staff delegate, ensures communication between the Committee and Council and will therefore assist Council to identify emerging risks associated with the committees.

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Participation in Committee administration enables community engagement and an opportunity to work with the community.

ATTACHMENTS

1. DRAFT 2024 and 2026 List of Committees and Their Delegates (Under separate cover)

10.4. EXTRAORDINARY MEETING OF COUNCIL - 24 OCTOBER 2024**REPORT AUTHOR: INTERIM GENERAL MANAGER**

EXECUTIVE SUMMARY:

Council is required to consider the 2023/2024 financial statements; sign along with management on their opinion of the financial statements in accordance with Section 413 (2)(c) of the *Local Government Act 1993* and provide to the Office of Local Government by 31 October 2024.

RECOMMENDATION:**THAT COUNCIL:**

1. **Hold an Extraordinary Meeting on Thursday 24 October 2024 to consider the audited 2023/2024 financial statements.**

BACKGROUND:

Each year, the Draft Financial Statements are prepared by staff, and a report prepared by an external auditor is presented to the Audit, Risk and Improvement Committee (ARIC) for consideration and endorsement prior to submitting to Council.

REPORT:

An Extraordinary Meeting of Council is required, suggested to be held on 24 October 2024, in order for the adopted Financial Statements and Auditor's Report to be lodged with the Office of Local Government by the due date of 31 October 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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Nil.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Section 413 (2)(c) of the *Local Government Act, 1993* requires that a statement by Council be signed prior to the NSW Audit Office releasing their report on the conduct of the audit to Council.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.5. ATTENDANCE AT THE REGIONS RISING NATIONAL SUMMIT 2024

REPORT AUTHOR: COUNCILLOR JAMES HAYES

EXECUTIVE SUMMARY:

Councillor James Hayes and Councillor John Larter attended the 2024 Regions Rising National Summit on 13-15 August at the National Convention Centre in Canberra. Councillor Hayes has provided the following report on the outcomes.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on the 2024 Regions Rising National Summit outcomes from Councillor James Hayes.**

BACKGROUND:

Regions Rising National Summit is the Regional Australia Institute's (RAI) national event series, running since 2019.

It is an engagement program, made up of in-person and virtual events, through which the RAI presents its research on regional issues to promote dialogue and thought leadership.

The Regions Rising event series brings together industry experts, economists, regional leaders, government, political leaders, academics and the community sector to deliver the latest information on the key pillars affecting regional communities - including jobs and skills, housing, population, liveability, productivity and resilience.

REPORT:

The conference was held in Canberra and attended by 400 delegates from across Australia. The theme for the conference was 'The New Frontier' with emphasis on repopulating the regions, the push to net zero emissions, Artificial Intelligence and the transition to renewable energy.

Speakers included: Hon Kristy McBain, James Holloway from Reserve Bank, Hon Joel Fitzgibbon, Kerry Chikarovski, Dr Helen Haines MP, CEO of Qantaslink Rachel Yangoyan, and Hon David Littleproud.

Keynote addresses were delivered by Hannah Speers from Elders Adelong and CEO of Squadron Energy Rob Wheales.

The conference allowed attendees the opportunity to make contact with colleagues, officials and elected members. We took the opportunity to speak with various other attendees including representatives from Transgrid, Telstra, Airbnb, Regional Development Australia Southern Inland (RDASI), Canberra Region Joint Organisation (CRJO) and the NSW Cross Border Commissioner.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Cost of attendance for Councillor James Hayes and Councillor John Larter was reported at the July 2024 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. Due to the 2024 Local Government Elections taking place in September, there was no ordinary meeting of Council in September; therefore, this report has been submitted to the next ordinary meeting of Council.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

Nil.

10.6. 2024 LGNSW ANNUAL CONFERENCE PROPOSED MOTION

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

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

This report presents the proposed motion to be submitted by Snowy Valleys Council to the 2024 LGNSW Annual Conference to be held on 17-19 November in Tamworth, NSW.

RECOMMENDATION:

THAT COUNCIL:

1. Approve the following motion to be submitted to the 2024 LGNSW Annual Conference:
 - a. That Local Government NSW lobbies the Australian Government and the NSW Government to establish significant Community Enhancement Funds for Local Government Areas impacted by Transgrid Electrical Distribution Infrastructure at a similar level as proposed in the NSW State Government Draft Energy Policy Framework for renewable energy projects.

BACKGROUND:

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

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

REPORT:

The following motion is proposed by Snowy Valleys Council for submission to the 2024 LGNSW Annual Conference:

1. Transgrid to pay royalties

That Local Government NSW lobbies the Australian Government and the NSW Government to establish significant Community Enhancement Funds for Local Government Areas impacted by Transgrid Electrical Distribution Infrastructure at a similar level as proposed in the NSW State Government Draft Energy Policy Framework for renewable energy projects.

Note to Motion

The NSW State Government has recognised that the transition to renewable energy has significant impacts on local communities that host such infrastructure. The Draft Energy Policy Framework ensures that there is a balance in the benefit sharing by the developers and their local communities thereby fostering greater local acceptance and support.

Ironically, communities impacted by the transmission infrastructure to support the renewable energy industry comparatively receive very little over the life of the project.

Snowy Valleys Council has been working hard to reinvent itself as a nature tourism destination and the impact of the soon-to-be constructed transmission infrastructure will impact the natural landscape for the next 50 years and beyond.

It is grossly unfair that these communities are not compensated in a similar way to communities that host renewable energy generation infrastructure.

Attached is the LGNSW Annual Conference Motions Submission Guide for reference, noting that the closure date for submissions of motions is **Sunday 20 October 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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

There are no financial or resource implications for this report.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Nil.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

This is primarily an administrative matter and there are no risks that need to be managed.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

1. 2024 LGNSW Annual Conference Motions Submission Guide (Under separate cover)

10.7. COUNTRY UNIVERSITIES CENTRE UPDATE

REPORT AUTHOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

In December 2023, the Country Universities Centre Working Party submitted an application for funding under the Australian Government's Regional University Study Hubs Program to establish a Country Universities Centre at Tumut. Unfortunately, the application was unsuccessful.

The Australian Government has recently opened the latest funding round, Cohort 5, and it would seem appropriate that, once again, Council provide support to the Working Party to ensure a strong application can be submitted. Applications for Cohort 5 close on Friday, 18 October 2024.

RECOMMENDATION:

THAT COUNCIL:

- 1. Reaffirm its support to auspice a Country Universities Centre Working Party;**
- 2. Approve the use of part of the former Tumut Shire Council Chambers at an annual contribution to utilities/rental of \$12,000 (indexed by CPI); and**
- 3. Subject to external funding being obtained and pending Development Consent being issued approve the renovation of the building to include all abilities access, accessible toilets, reception areas etc.**
- 4. Authorise the General Manager to undertake negotiations with any existing lessees required to relocate as a result of the Country Universities Centre Study Hub Funding Application being successful.**

BACKGROUND:

At the 17 August 2023 Ordinary Meeting of Council, a Mayoral Minute was considered and resolved as follows:

MAYORAL MINUTE - COUNTRY UNIVERSITIES CENTRE

M144/23 RESOLVED:

THAT COUNCIL:

- 1. Form a Country Universities Centre Working Party consisting of one councillor being Mayor Chaffey, with Cr Julia Ham nominated as alternate and one staff member being Director Community & Corporate to progress the establishment of a Country Universities Centre in Tumut;**
- 2. The Country Universities Centre Working Party actively seek funding;**
- 3. Receive a report to the November 2023 Ordinary Meeting of Council on the progress of the Country Universities Centre Working Party.**

Cr Ian Chaffey

CARRIED UNANIMOUSLY

As required by Point 3 of the above resolution, a further report on the Country Universities Centre proposal was submitted to the November 2023 Ordinary Meeting of Council and is attached for the information of Councillors.

REPORT:

It was reported to the November 2023 Ordinary Meeting of Council that a Working Party had been established comprising of the former Mayor, Ian Chaffey, Cr Julia Ham (Chairperson) and Cr James Hayes and the Interim General Manager Steven Pinnuck, as well as the following community members:

- Hugh Packard, ex Valmar CEO
- Catherine Anderson – Educator with Kurrajong Therapy Plus
- Jo Stroud, Tumut High School Careers Advisor
- Lorriane Wysman, Retired Principal of PRD Real estate and community member
- Michael Blenkins, Principal Tumbarumba High School

The Working Party is also being assisted by Bill Hurditch, Fifth Estate Strategic Advisors; Rebecca Iliffe, Turnstone Projects and Chris Ronan, CEO Country Universities Centre Central.

Following the 2024 Local Government elections, Ian Chaffey has indicated his interest in remaining on the Working Party as a Tumbarumba-based community member.

Whilst Council is currently auspicing the Working Party, once funding is made available, a Company Limited by Guarantee would be established to take the project forward and operate the Country Universities Centre Study Hub on an ongoing basis.

The Working Party met on 19 September 2024 and 2 October 2024 to review the previous application to ensure a strong application can be made under the current Australian Government Regional University Study Hubs Program Funding Round.

Actions taken in review of the previous application are:

- Review of operational and capital budget projections – note the budget includes a contribution to Council of \$12,000 per annum for utility/rental charges;
- Requests made for updated letters of support;
- Review and update of selection criteria.

Operational funding sought over the initial 4-year period is approximately \$1.8M with another \$500,000 required for capital upgrades to the former Tumut Council Chambers. Capital funding will not be provided through the funding program, however philanthropic contributions of \$300,000 have already been confirmed. It is intended to source the remaining capital funds through corporate and/or community donations.

The establishment of a Country University Centre at Tumut was identified as early as September 2019 with the refurbishment of the former Tumut Council Chambers as the preferred location as identified in Figure 1 below.

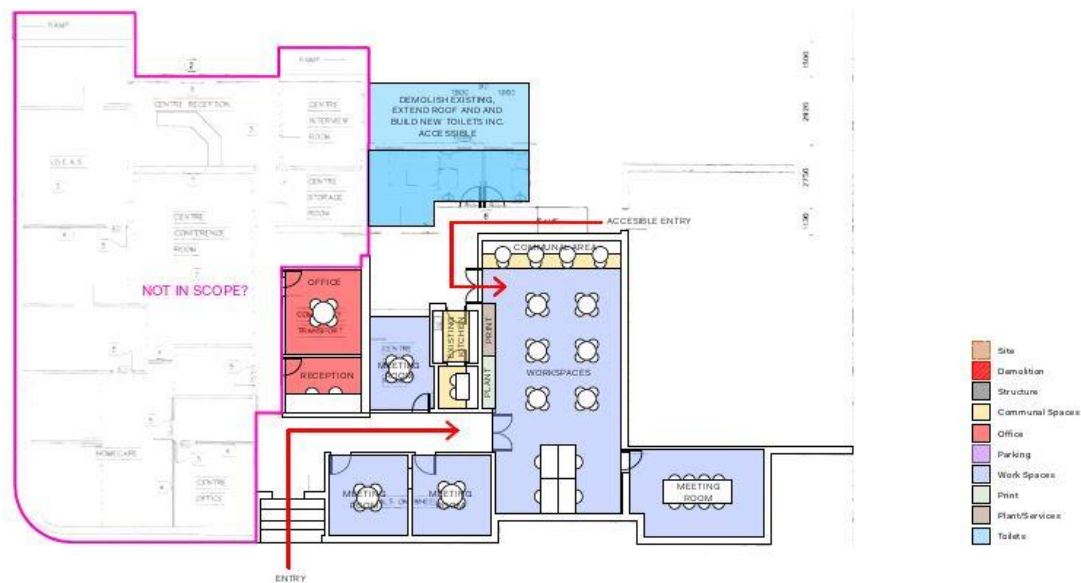


Figure 1

The project was also identified in the 2020/2021 Snowy Valleys Council Advocacy Plan as a medium priority.

A review of Council records has failed to identify a formal Council resolution supporting the establishment of a Country University Centre at former Tumut Council Chambers and it would be prudent to do so as part of this report.

It should be noted that there are currently two lessees and Council's Community Transport occupying part of the area identified for the Country Universities Study Hub.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

- 1.1 Provide services that support our community in all stages of life
- 1.2 Provide and maintain community spaces that encourage activity and wellbeing

FINANCIAL AND RESOURCES IMPLICATIONS:

There are no financial implications to Council for this project, however there will be a requirement for staff resources to be allocated until such a time as the Country Universities Centre Study Hub is established.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

N/A

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

The establishment of a Tumut based and community operated Country Universities Centre would be dependent upon operational funding being secured through the Australian Government. Capital funding to undertake the building renovations would also need to be secured for the project to proceed to implementation.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil.

ATTACHMENTS

1. 16 November 2023 Ordinary Council meeting report 10.1 Country Universities Centre (Under separate cover)

10.8. CHRISTMAS CLOSURE 2024/2025

REPORT AUTHOR: DIRECTOR COMMUNITY & CORPORATE

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

This report details the proposed operational arrangements for Council over the 2024/2025 Christmas/New Year period. Consistent with previous years, it is proposed that while 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 2024/2025 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 (11 December 2024); and**
 - (b) Concluding at the time of commencement of the first Council meeting held immediately after the end of the recess period (20 February 2025) 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:

Assuming there will be no ordinary meeting of Council held in January 2025. This means that the recess period for 2024/2025 will be from midnight on 11 December 2024 until the commencement of the first Ordinary Council meeting in 2025 being 20 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, 20th December 2024 until Monday, 6th January 2025 (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 the *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.

10.9. COUNCILLOR EXPENSES FOR THE SIX MONTHS PERIOD ENDING 30 JUNE 2024**REPORT AUTHOR: COORDINATOR MANAGEMENT ACCOUNTING****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

EXECUTIVE SUMMARY:

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

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Councillor Expenses for the six (6) month period ending 30 June 2024.**

BACKGROUND:

Snowy Valleys Council adopted a current *Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy* on 17 October 2023 which included the following reporting requirements:

Section 15 Reporting

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

15.2 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total to all Councillors.

REPORT:

Detailed below are Councillor related expenses totalling \$109,883 for the period 1 January 2024 to 30 June 2024.

Recipient	Details of Expenditure 1 January 2024 to 30 June 2024	Amount \$
General Expenditure		
Election Expense	Candidate Briefing	\$ 3,182
Sustance	(ANZAC Wreaths, Catering)	\$ 2,552
	Total	\$ 5,733
I Chaffey - Mayor		
Mayoral Allowance		\$ 23,888
Training & Development	ACLG Conference	\$ 1,109
	Total	\$ 24,997
T Thomson - Deputy Mayor		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
Training & Development	*ACLG Conference	\$ 57
	Total	\$ 9,869
H Armour		
Councillor Allowance		\$ 8,840
	Total	\$ 8,840
J Ham		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
Training & Development	Destination & Visitor Conference	\$ 955
	Total	\$ 10,767
J Hayes		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
Training & Development	LG NSW Annual Conference	\$ 1,053
	**Destination & Visitor Conference	\$ 955
Travel, Meals & Accommodation		\$ 579
	Total	\$ 12,398
S Hughes		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
Travel, Meals & Accommodation		\$ 1,327
	Total	\$ 11,139
M Ivill		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
	Total	\$ 9,812
J Larter		
Councillor Allowance		\$ 8,840
Superannuation		\$ 972
	Total	\$ 9,812
B Livermore		
Councillor Allowance		\$ 6,515
	Total	\$ 6,515

Total Expenditure 1 January 2024 to 30 June 2024 **\$ 109,883**

*ACLG Conference \$1,109 less adjustment \$1,052 made to transfer LG NSW Annual Conference fee to Cr Hayes who attended in place of Cr Thomson. Adjustment was processed during the January - June 2024 reducing Cr Thomson's Training & Development expenditure for the period shown above.

**Conference attended by Councillor Hayes using \$955 of Councillor Ivill's unspent allowance as agreed upon during the Council Meeting held 18 April 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:

Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil.

OPTIONS:

N/A

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

Nil.

10.10. STATEMENT OF INVESTMENTS - AUGUST 2024**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 31 August 2024.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Statement of Investments - August 2024.**

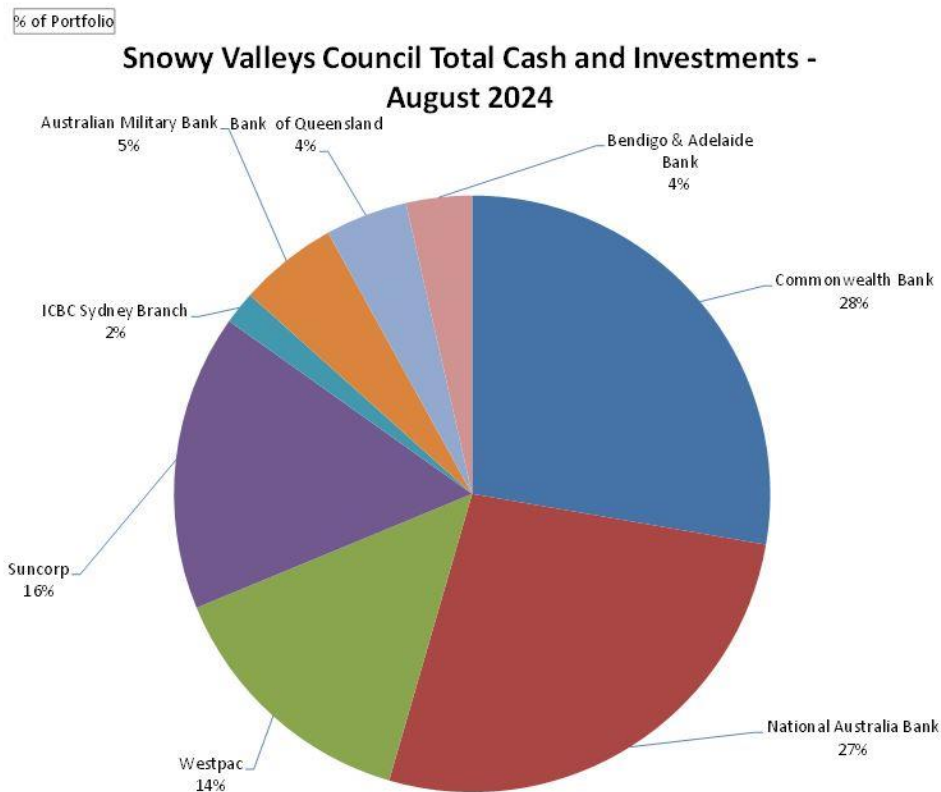
BACKGROUND:

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 the Council.

REPORT:

The following table contains a list of cash, at call investments and term deposits held by Council as at 31 August 2024.

Combined Cash & Investments Table		31/08/2024					
Cash & 11am at call Accounts	Branch	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	Tumut	\$ 5,537,632	\$ 2,683,260	\$ 2,854,372	W/Acct	4.35%	
Commonwealth Bank	Tumut	\$ 9,995,002	\$ 9,968,599	\$ 26,403	At Call (BOS)	4.40%	
Commonwealth Bank	Tumut	\$ 267	\$ 266	\$ 1	Gen-Roth	4.35%	
Sub Total Cash & 11 am at Call Accounts		\$ 15,532,901	\$ 12,652,125	\$ 2,880,776		4.38%	
Total Cash & At Call Investments		\$ 15,532,901	\$ 12,652,125	\$ 2,880,776		4.38%	
	Branch	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
National Australia Bank	375	\$ -	\$ 1,000,000	-\$ 1,000,000	15/02/2024	5.16%	15/08/2024
Westpac	916	\$ -	\$ 1,000,000	-\$ 1,000,000	29/02/2024	5.05%	28/08/2024
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	07/09/2023	5.23%	09/09/2024
Bank of Queensland	001	\$ 1,000,000	\$ 1,000,000	\$ -	15/03/2024	5.16%	16/09/2024
ICBC Sydney Branch	337	\$ 1,000,000	\$ 1,000,000	\$ -	28/06/2024	5.10%	30/09/2024
Australian Military Bank	564	\$ 1,500,000	\$ 1,500,000	\$ -	02/07/2024	5.10%	02/10/2024
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	31/01/2024	5.14%	31/10/2024
Suncorp	580	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2023	5.47%	28/11/2024
Suncorp	581	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2023	5.45%	28/11/2024
National Australia Bank	591	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.13%	23/12/2024
National Australia Bank	591	\$ 1,000,000	\$ -	\$ 1,000,000	29/08/2024	5.00%	29/11/2024
Suncorp	588	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.15%	23/12/2024
Suncorp	589	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.15%	23/12/2024
National Australia Bank	375	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2024	5.30%	30/12/2024
Suncorp	597	\$ 1,000,000	\$ 1,000,000	\$ -	18/01/2024	5.20%	20/01/2025
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	29/01/2024	5.20%	29/01/2025
National Australia Bank	375	\$ 1,500,000	\$ 1,500,000	\$ -	30/01/2024	5.19%	30/01/2025
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	31/01/2024	5.15%	31/01/2025
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	31/01/2024	5.15%	31/01/2025
Bendigo & Adelaide Bank	633	\$ 2,000,000	\$ 2,000,000	\$ -	31/07/2024	5.20%	31/01/2025
Suncorp	590	\$ 2,000,000	\$ -	\$ 2,000,000	29/08/2024	4.99%	28/02/2025
Bank of Queensland	001	\$ 1,500,000	\$ 1,500,000	\$ -	02/07/2024	5.35%	03/03/2025
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	28/06/2024	5.35%	28/03/2025
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	03/04/2024	5.07%	03/04/2025
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	03/04/2024	5.07%	03/04/2025
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	11/04/2024	5.13%	11/04/2025
National Australia Bank	375	\$ 1,000,000	\$ 1,000,000	\$ -	31/07/2024	5.30%	31/07/2025
National Australia Bank	375	\$ 1,000,000	\$ -	\$ 1,000,000	29/08/2024	5.00%	29/08/2025
Australian Military Bank	564	\$ 1,500,000	\$ 1,500,000	\$ -	01/08/2023	5.35%	01/08/2025
Westpac	916	\$ 2,000,000	\$ 2,000,000	\$ -	29/09/2023	5.21%	29/09/2025
Westpac	916	\$ 1,000,000	\$ 1,000,000	\$ -	03/04/2024	4.95%	15/10/2025
Suncorp	590	\$ 2,000,000	\$ 2,000,000	\$ -	22/12/2023	4.93%	22/12/2025
Total TD's		\$ 40,500,000	\$ 38,500,000	\$ 2,000,000		5.17%	
Total Cash & Investments		\$ 56,032,901	\$ 51,152,125	\$ 4,880,776		4.95%	



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 Snowy Valleys Council's *Investment Policy*. Cash and Investments increased \$4.8M in August 2024.

Major cash receipts received during August 2024 included:

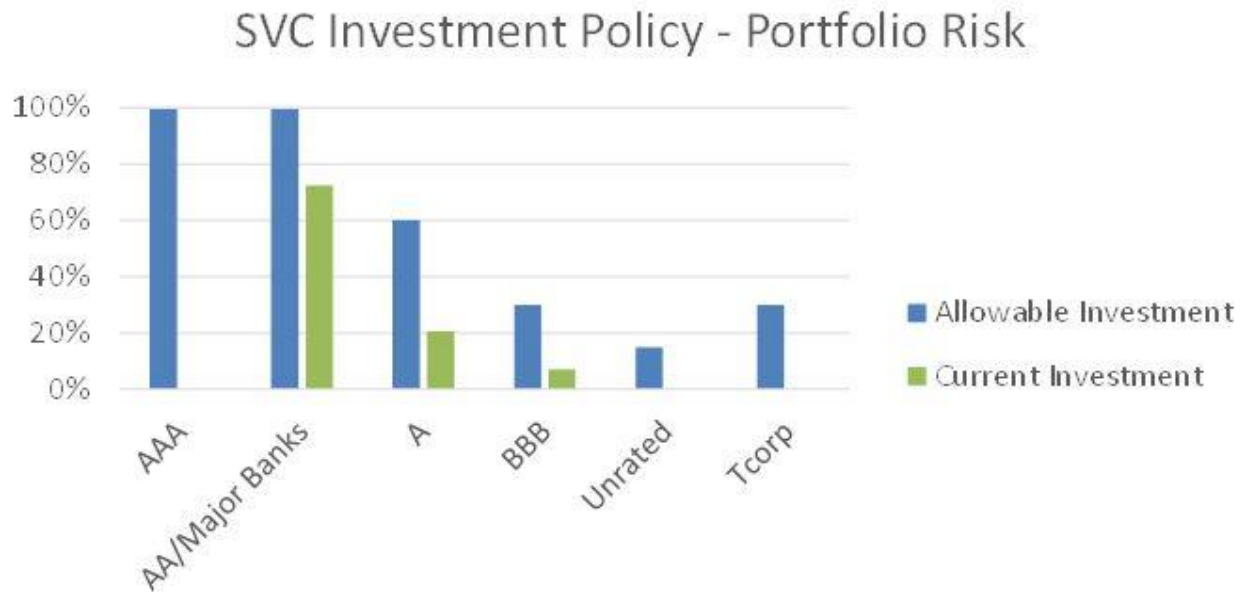
- Transport NSW - ARGN 1034 (disaster assistance) & Block Grant - \$1M
- Transport NSW - Road Maintenance Council Contract (RMCC) - \$731K
- Office Local Government - Financial Assistance Grant - Quarterly - \$305K

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

- Statecover - Quarterly Instalment - \$103K
- Female Change Rooms, Tumut Recreation Reserve - \$89K

Council's *Investment Policy* requires Council officers to minimise investment risk by spreading investments across several institutions (Institutional Credit Framework) as well as within its investment portfolio (Overall Portfolio Credit Framework). These risk minimisation measures impact the achievable rate of return. Council officers continue to monitor the investment market and regularly receive updates from Council's financial advisors.

This month the report includes a focus on portfolio risk, one of the three risks identified in Council's *Investment Policy*. Portfolio risk refers to the overall risk of the portfolio of investments, this includes the combined risk of each individual investment. The different components of the portfolio and their weightings contribute to the extent to which the portfolio is exposed to risk. To control the credit quality on the entire portfolio, Council limits the percentage of the total portfolio that can be held within any one credit rating category, this percentage is outlined in the *Investment Policy*.



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.

10.11. STATEMENT OF INVESTMENTS - SEPTEMBER 2024**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 2024.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the report on Statement of Investments - September 2024.**

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 the Council.

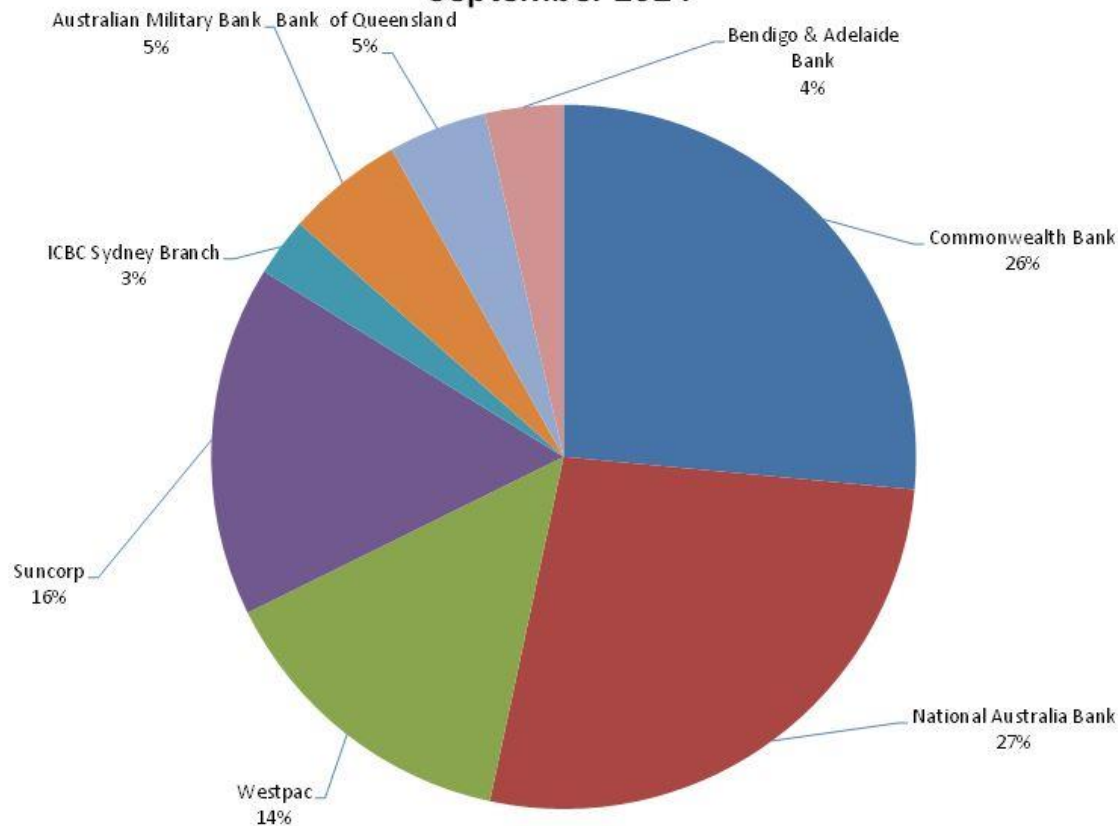
REPORT:

The following table contains a list of cash, at call investments and term deposits held by Council as at 30 September 2024.

Combined Cash & Investments Table		30/09/2024				
Cash & 11am at call Accounts	Current Month	Last Month	Movement	Type	Interest Rate%	Maturity Date
Commonwealth Bank	\$ 4,746,507	\$ 5,537,632	-\$ 791,125	W/Acct	4.35%	
Commonwealth Bank	\$ 10,032,353	\$ 9,995,002	\$ 37,351	At Call (BOS)	4.40%	
Commonwealth Bank	\$ 268	\$ 267	\$ 1	Gen-Roth	4.35%	
Sub Total Cash & 11 am at Call Accounts	\$ 14,779,128	\$ 15,532,901	-\$ 753,773		4.38%	
Total Cash & At Call Investments	\$ 14,779,128	\$ 15,532,901	-\$ 753,773		4.38%	
	Current Month	Last Month	Movement	Lodgement Date	Interest Rate%	Maturity Date
National Australia Bank	\$ -	\$ 2,000,000	-\$ 2,000,000	07/09/2023	5.23%	09/09/2024
Bank of Queensland	\$ -	\$ 1,000,000	-\$ 1,000,000	15/03/2024	5.16%	16/09/2024
ICBC Sydney Branch	\$ -	\$ 1,000,000	-\$ 1,000,000	28/06/2024	5.10%	30/09/2024
Australian Military Bank	\$ 1,500,000	\$ 1,500,000	\$ -	02/07/2024	5.10%	02/10/2024
National Australia Bank	\$ 1,500,000	\$ 1,500,000	\$ -	31/01/2024	5.14%	31/10/2024
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2023	5.47%	28/11/2024
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	28/11/2023	5.45%	28/11/2024
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.13%	23/12/2024
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	29/08/2024	5.00%	29/11/2024
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.15%	23/12/2024
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	22/12/2023	5.15%	23/12/2024
National Australia Bank	\$ 2,000,000	\$ 2,000,000	\$ -	28/06/2024	5.30%	30/12/2024
Suncorp	\$ 1,000,000	\$ 1,000,000	\$ -	18/01/2024	5.20%	20/01/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	29/01/2024	5.20%	29/01/2025
National Australia Bank	\$ 1,500,000	\$ 1,500,000	\$ -	30/01/2024	5.19%	30/01/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	31/01/2024	5.15%	31/01/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	31/01/2024	5.15%	31/01/2025
Bendigo & Adelaide Bank	\$ 2,000,000	\$ 2,000,000	\$ -	31/07/2024	5.20%	31/01/2025
Suncorp	\$ 2,000,000	\$ 2,000,000	\$ -	29/08/2024	4.99%	28/02/2025
Bank of Queensland	\$ 1,500,000	\$ 1,500,000	\$ -	02/07/2024	5.35%	03/03/2025
Bank of Queensland	\$ 1,026,153	\$ -	\$ 1,026,153	17/09/2024	5.05%	17/03/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	28/06/2024	5.35%	28/03/2025
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	03/04/2024	5.07%	03/04/2025
Westpac	\$ 1,000,000	\$ 1,000,000	\$ -	03/04/2024	5.07%	03/04/2025
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	11/04/2024	5.13%	11/04/2025
ICBC Sydney Branch	\$ 1,500,000	\$ -	\$ 1,500,000	27/09/2024	5.01%	27/05/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	31/07/2024	5.30%	31/07/2025
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	29/08/2024	5.00%	29/08/2025
Australian Military Bank	\$ 1,500,000	\$ 1,500,000	\$ -	01/08/2023	5.35%	01/08/2025
National Australia Bank	\$ 2,000,000	\$ -	\$ 2,000,000	09/09/2024	4.95%	09/09/2025
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	29/09/2023	5.21%	29/09/2025
ICBC Sydney Branch	\$ 1,000,000	\$ -	\$ 1,000,000	30/09/2024	4.92%	30/09/2025
Westpac	\$ 1,000,000	\$ 1,000,000	\$ -	03/04/2024	4.95%	15/10/2025
Suncorp	\$ 2,000,000	\$ 2,000,000	\$ -	22/12/2023	4.93%	22/12/2025
Total TD's	\$ 42,026,153	\$ 40,500,000	\$ 1,526,153		5.14%	
Total Cash & Investments	\$ 56,805,281	\$ 56,032,901	\$ 772,380		4.94%	

% of Portfolio

Snowy Valleys Council Total Cash and Investments - September 2024



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 Snowy Valleys Council's *Investment Policy*. Cash and Investments increased \$772K in September 2024.

Major cash receipts received during September 2024 included:

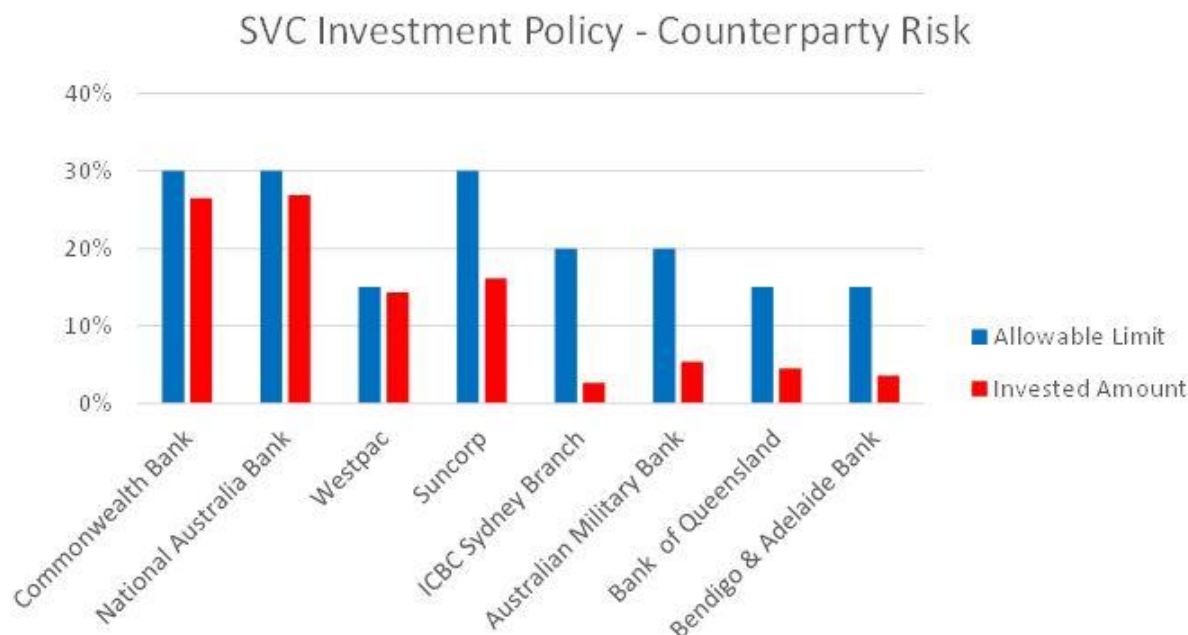
- Snowy Monaro Council - Private Works - Bobeyan Road - \$1.36M
- Department of Regional NSW - Stronger Country Communities Fund (SCCF) Round 4 - Female Change Rooms, Tumut Recreation Reserve - \$120K

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

- Local Roads and Community Infrastructure Program - Tumut Pool - \$176K
- Transport NSW - Fleet - Vehicle Registration - \$172K
- Batlow Water Security Project - \$118K
- Fleet Replacement - \$136K
- Murray Glen - Emergency Storage Project - \$158K

Council's *Investment Policy* requires Council officers to minimise investment risk by spreading investments across several institutions (Institutional Credit Framework) as well as within its investment portfolio (Overall Portfolio Credit Framework). These risk minimisation measures impact the achievable rate of return. Council officers continue to monitor the investment market and regularly receive updates from Council's financial advisors.

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



LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

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

OPTIONS:

Nil.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

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

ATTACHMENTS

Nil.

11. MANAGEMENT REPORTS

11.1. SALE OF COUNCIL FREEHOLD REQUEST LAND LOT 1 DP1163661 TUMUT

REPORT AUTHOR: PROPERTY & ROADS PARTNER

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

Snowy Valleys Council has received an unsolicited request from a developer to purchase Lot 1 DP 1163661 on Capper Street in Tumut, in close proximity to the roundabout for the Snowy Valleys Highway and Gocup Road. The property is currently owned in "freehold" by Council and is unused with no future plans to develop the site.

The property was acquired by Council in 2000 via the *Land Acquisition (Just Terms Compensation) Act 1991* for an Interpretive Centre Development which never eventuated. The land was formally Gazetted into Council's ownership on 25 August 2000.

The proposed land to be sold is Lot 1 DP 1163661, approximately 8,608m² in area and is currently zoned R2 Low Density Residential (Operational land).

The unsolicited request that Council has received from a developer for the purchase of the land is based on the site's future potential to be developed as a mixed use residential and commercial development which will require a planning proposal to be lodged to rezone the site from its current R2 Low Density Residential zoning to MU1 - Mixed Use zoning.

For reasons of probity and transparency it is proposed that a Public Expression of Interest (EOI) process be undertaken for the sale of the land.

This report is seeking Council's approval for the sale and disposal of this land via a Public Expression of Interest process and / or a public auction / private treaty process if no suitable Expressions of Interest (EOI) are received.

RECOMMENDATION:

THAT COUNCIL:

1. Authorise the sale of Council freehold land at Lot 1 DP 1163661 on Capper Street in Tumut through the process of a Public Expression of Interest and / or a public auction / private treaty process if no suitable Expressions of Interest are received;
2. Approve the addition of an easement for access to Council's Stormwater and Sewer Services as well as power lines located at the rear of the site - Lot 1 DP 1163661 at Capper Street - Tumut;
3. Acknowledge that the creation of the easement over Lot 1 DP 1163661 will only be undertaken subject to acceptance of the terms of sale being met including:
 - a. Council accepting a suitable offer for the sale of the land;
 - b. The sale price of the land is to be determined by an independent valuation based on the future land use zoning and not the current zoning of the land as well as the future permissible use of the land under Council's current Local Environmental Plan and Development Control Plan;
 - c. Compliance with the legislative framework for the sale of land contained within the '*Real Property Act 1900*,' and the current NSW Registrar Generals - Land Registry Services Guidelines; and
 - d. The area of land (m²) to be sold and the required easement is to be confirmed in a land survey prepared by a registered land surveyor.

4. All adjoining property owners will be notified of the Public Expression of Interest process that Council is undertaking; and
5. A Report will be brought back to Council on the outcome of the Public Expression of Interest.

BACKGROUND:

The land proposed to be sold - Lot 1 DP 1163661 is located near the intersection of Snowy Valleys Highway and Gocup Road but located on Capper Street in Tumut and was acquired by Council via the *Land Acquisition (Just Terms Compensation) Act 1991* for an Interpretive Centre Development which never eventuated.

The land was formally Gazetted into Council's ownership on 25 August 2000.

The land proposed to be sold (Lot 1 DP 1163661) is highlighted in green in Figure 1 and is approximately 8,608m².



Figure 1- Aerial View of Lot 1 DP 1163661- 8,608m² on Capper Street, Tumut - photo taken 24/9/2024



Photo 1 - View of the property looking east along Capper Street, Tumut - photo taken 24/9/2024



Photo 2 - View Property looking west towards the Snowy Mountains Highway, Tumut - photo taken 24/9/2024



Photo 3 - Storm water Culvert which is the subject of the easement - photo taken 24/9/2024



Photo 4 - View - looking north across the property - photo taken 24/9/2024

REPORT:

Snowy Valleys Council has received an unsolicited request from a developer to purchase Lot 1 DP 1163661 on Capper Street in Tumut, in close proximity to the roundabout for the Snowy Valleys Highway and Gocup Road. The property is currently owned in "freehold" by Council and is classified as Operational Land and is surplus to Council needs.

The unsolicited request that Council has received from a developer for the purchase of the land is based on the site's future potential to be developed as a mixed use residential and commercial development which will require a planning proposal to be lodged to rezone the site from its current R2 Low Density Residential zoning to MU1 - Mixed Use zoning. Figure 1. outlines the land proposed to be sold highlighted in green - Lot 1 DP 1163661 - which is approximately 8,608m² in area.

As described in the above, the land is currently owned by Council but is surplus to Council needs. The land is vacant and located within the R2 Low Density Residential area in Tumut.

a) Benefits to Council from the potential sale of this land

If successful, the sale of the land will provide the following benefits to Council:

- short term income
- ongoing savings in operation and maintenance costs
- potential for rating revenue from the land
- potential social and economic benefit through a more appropriate use of the land
- potentially promote and attract further development in the area.

b) Investigation of the status of the site

The subject site is Council "freehold" property and classified as operational land in Councils *Local Environmental Plan 2012* (LEP). A surveyor will be required to prepare an accurate square meter area if Council was to resolve to proceed with the sale. The key components of any property investigation would also include confirmation of the gazettal history of the land, the extent and ownership of any underground services, infrastructure in or above the property, potential easement requirements, and / or Section 88B instruments which may be registered over the land. Detailed property investigations and a full survey is critical in determining potential obstacles that may constrain the potential sale of this site.

The Public Expressions of Interest will also require all interested parties to do their own due diligence on the site and not rely solely on the information provided by Council.

c) Outcome of the status of the site

Preliminary investigations indicate that the sale of the land will not impact on access to any adjoining lots but will require an easement for the purpose of access and protecting the existing power and sewerage lines on the site.

The site area identified to be sold is approximately 8,608m² with a zoning of R2 Low Density Residential in Tumut in accordance with *Tumut Local Environmental Plan 2012* (LEP).

d) History of the land - Lot 1 DP 1163661

A historical search undertaken has identified that originally the land was proclaimed as a Fauna Protection District on 11 January 1963.

The land was then compulsorily acquired by Tumut Shire Council via the *Land Acquisition (Just Terms Compensation) Act 1991* for an Interpretive Centre which never eventuated. The land was formally gazetted into Council ownership on 25 August 2000.

Extract from Status Parish Map Mundongo, County of Buccleuch below in Deposited Plan 759004.

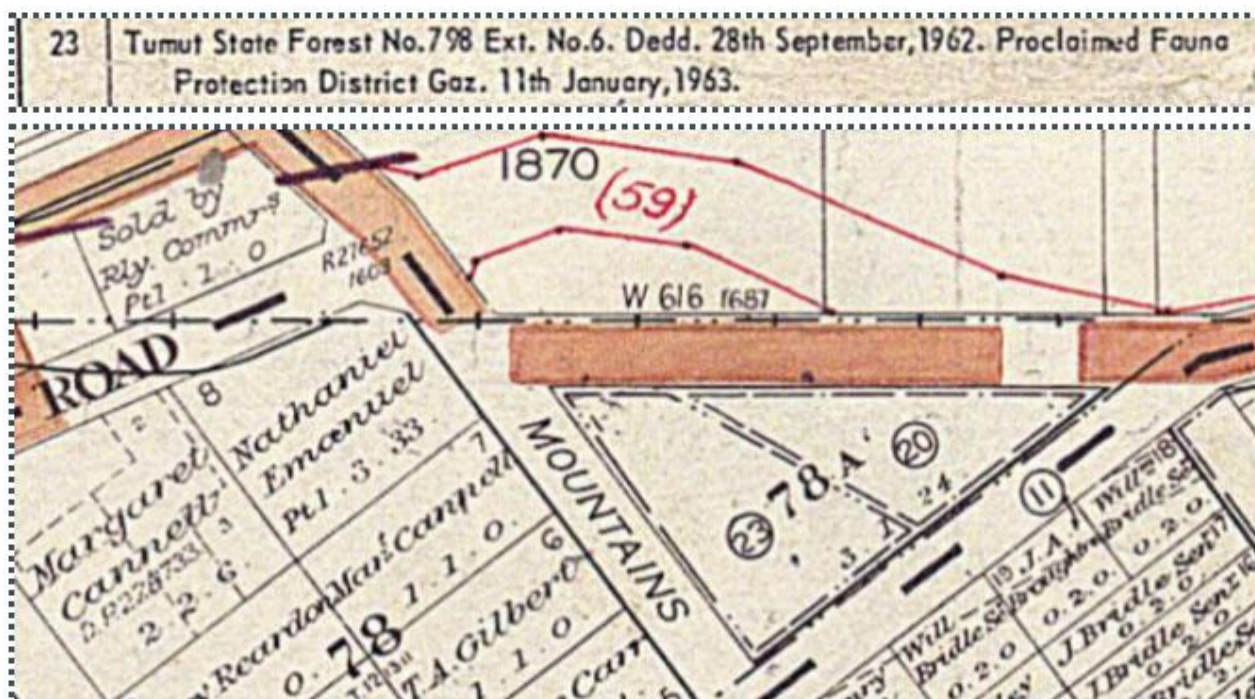


Figure 2. Subject Land Gazetted as Proclaimed Fauna Protection District Gaz. 11 January 1963 prior to Council acquisition.

Figure 3 and 4. Relate to the land being compulsorily acquired by Tumut Shire Council via the *Land Acquisition (Just Terms Compensation) Act 1991* for an Interpretive Centre Development which never eventuated. The land was formally gazetted into Council ownership on 25 August 2000.

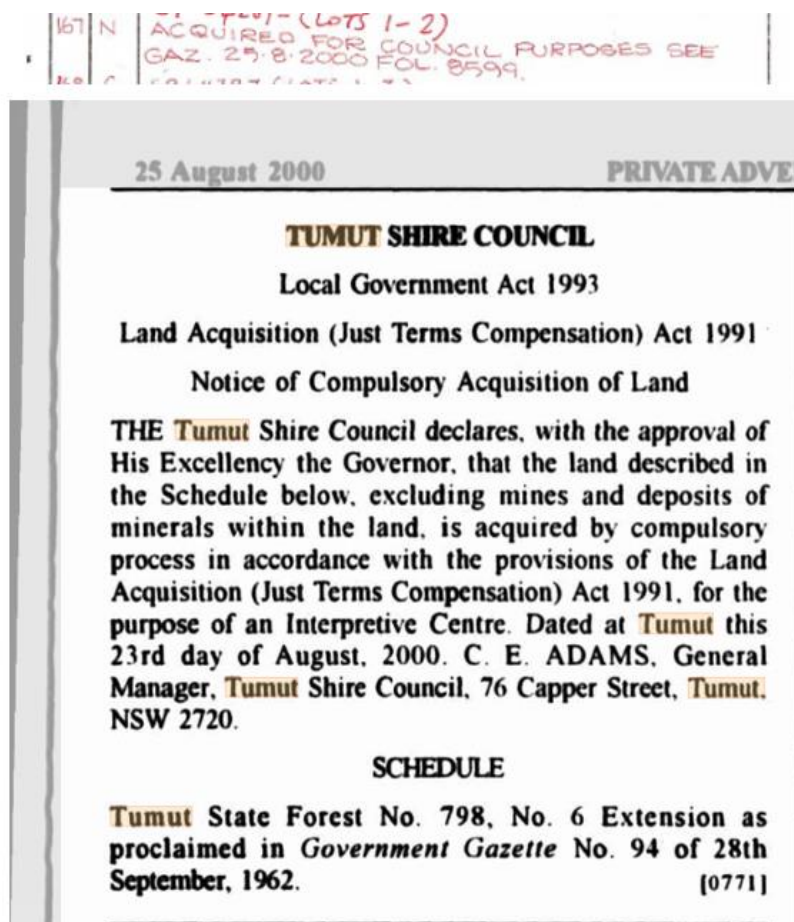


Figure 3: Acquisition Notice 25 August 2000 of Lot 1 DP 1163661 - State Forest Land



Figure 4: Plan - Lot 1 DP 1163661 - showing former ownership prior to 2000 as State Forest Land.

e) Property Valuation and Land Survey

As part of Council's due diligence process for the potential sale of any public land, Council is required to engage the services of a Property Valuer to undertake an independent valuation of the land to determine its market value and the compensation payable to Council.

The valuation of the land is to be based on the future land use zoning and not the current zoning of the land as well as the future permissible use of the land under Council's current LEP and Development Control Plan (DCP). The brief for the land valuation is to be prepared by Council and the Land Valuer is to be engaged directly by Council.

The area of the land (m²) to be sold is to be confirmed in a land survey and prepared by a registered land surveyor.

It is intended that all applicable valuation survey, administration and transfer fees will be covered by the future sale of the land.

f) Public Consultation

The sale of land will be subject to an EOI process, which will be publicly advertised on Council's website and in the local newspaper. Those parties lodging a submission will be notified of the outcome of the assessment.

All adjoining property owners will be notified of any decision of Council to sell the land before any sales process is undertaken by any party including Council.

g) Sale Process

If Council approves the potential sale of the land, Council will then undertake all required notification and consultation with stakeholders as required under the relevant legislation and guidelines identified in this report.

For reasons of probity and transparency it is proposed that a public EOI process be undertaken for the sale of the land.

Council will follow all legislative and legal requirements on the notification and consultation process for the sale of the land to ensure there is transparency with the sale process. All adjoining property owners will be notified of the potential EOI of the land prior to any undertaking of the sale process.

A report on the outcome of the EOI will be brought back to Council.

h) Legal and Planning Implications

With any future sale of this land, Council's solicitors will be engaged to prepare the contract for sale.

In terms of planning approvals and any amendments to the current land use zoning of this land, Council's current LEP would require amendment via a Planning Proposal.

In general, the planning process to change the current Land use zoning from R2 Low Density Residential zoning to MU1 - Mixed Use zoning would require the following:

- Preparation of a Planning Proposal to the full Council for consideration.
- If the report prepared by the applicant is endorsed by Council, then Council undertakes a detailed assessment against criteria established by the Department of Planning, Housing and Infrastructure (DPHI).
- After the report is prepared, the Council then forwards the proposal through to DPHI for assessment.
- If the Planning Proposal is accepted, a gateway determination is issued by DPHI which requires Council to exhibit the plan (usually for 28 days and consult with other agencies)
- Following exhibition, Council will consider any submissions received and report the matter back to Council for consideration and adoption if warranted.
- Once the Planning Proposal is considered by Council and if adopted the Planning Proposal is then forwarded back to the DPHI for referral to the Parliamentary Counsel for drafting.
- The proposal would then be gazetted.

This process takes approximately 6-12 months.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

2.4 Attract and support local business and industry

FINANCIAL AND RESOURCES IMPLICATIONS:

The public Expression of Interest process will incur the following costs:

- preparing the documentation on the subject property in readiness for the Expression of Interest.
- advertising
- preparation of a land valuation for the land
- preparation of a Land Survey

These costs that will be borne by Council will be in the order of \$10,000 - \$12,000 excluding GST and do not include staff time for managing the Expression of Interest process.

It is intended that all applicable valuation, land survey, administration and transfer fees will be covered by the future sale of the land.

Council has a nominated budget for property sale costs to initiate the process on the basis that costs are fully recoverable by Council when the land is sold.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The sale of freehold property is governed by the *Conveyancing Act 1919*, specifically Part 4 Division 8. A suitably qualified solicitor will be engaged to oversee the process of the lot sale to ensure all statutory compliance is met.

Legislative framework for the sale of land is contained the *Real Property Act 1900*. Council will facilitate the process for sale through Council's solicitors.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

There are no foreseen risks to Council with the process that Council is undertaking for the proposed sale of this land.

However, a risk is present that there is no other interest in the land other than the developers who have approached Council, and therefore Council will be reliant on the Market Valuation it has received.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Legislative framework for the sale of land is contained the <i>Real Property Act 1900</i> . Council will facilitate the process for sale through Council's solicitors.	No foreseen impact.	The parcel will be rateable and sold for the nominated value provided by the independent valuation and / or an acceptable offer Council receives through the Public Expression of Interest.
Financial	Purchase price, survey, application and administration fees to be recovered by Council via the sale of the land.	Council will have to outlay survey, valuation and some legal costs - for the sale and transfer of land - these are in the order of \$10K-\$12K.	Council has a budget for the initial costs. The resources allocated to process this will be mostly internal and mainly sourced from the Infrastructure and Works Directorate.

OPTIONS:

1. Adopt as per recommendations set out in this report - preferred option.
2. Decline or amend the recommendations set out in this report.
3. Note the sale of land through accepting a direct offer is not recommended on the basis that the recommended process provides transparency and equal opportunity to purchase the land for any interested party.

COUNCIL SEAL REQUIRED:

No - Not at this point, only if Council reaches a point of proceeding with the sale of the land.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The sale of land will be subject to an Expression of Interest process, which will be publicly advertised on Council's website and in the local newspapers.

All adjoining property owners will be notified of the Public Expression of Interest process that Council is undertaking.

A report on the outcome of the Expression of Interest will be brought back to Council.

Those parties lodging a submission to the Expression of Interest will be notified of the outcome of the assessment.

All adjoining property owners will be notified of any decision of Council to sell the land before any sales process is undertaken by any party including Council.

ATTACHMENTS

1. 20240903 - Map & NSW Title & Deposited Plan - Lot 1 DP 1163661 - Capper Street Tumut (Under separate cover)
2. 20240903 - Property Report Lot 1 DP 1163661 - Capper Street Tumut (Under separate cover)

11.2. MURRAY REGION FIRE PROTECTION GRANT

REPORT AUTHOR: MANAGER TECHNICAL SERVICES

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

The NSW Government has announced a \$12.9M forestry funding package to provide protection of critical timber supplies in the Murray region. This package will build better resilience into this important regional industry through measures to deliver fire prevention, detection and response works that have been developed following consultation with forestry industry groups and government agencies.

The projects funded in the Murray Region will be administered as a pilot program with monitoring and evaluation of the program to be undertaken by the Department of Primary Industries and Regional Development. The monitoring and evaluation will assist in determining if there is potential to broaden this type of program across the State. From the funding, Council has been identified as the recipient for the ownership and delivery of three (3) projects requiring submission of grant applications through a non-competitive process.

RECOMMENDATION:

THAT COUNCIL:

- 1. Receive the report noting that a Late report will be provided prior to the meeting.**

BACKGROUND:

The softwoods industry has been successful in receiving \$12.9M in funding for prevention, detection and response in relation to fires in the Murray Region through the Department of Primary Industries and Regional Development. The Softwoods Working Group (SWG) has met, nominated and prioritised various projects in the Region to nominate to the Fire Reference Group based on the program guidelines and outcomes of the Australian Government Black Summer Royal Commission and New South Wales Government Bushfire Inquiry.

Bushfires burned through approximately 45,000 hectares of softwoods plantation in 2019/2020 in the Murray Region. This has impacted the regional \$2.287 billion per year industry contribution to the economy as well as highlighting the need to protect all industries and local communities within the region. The softwoods industry indirectly contributes to the employment of 5,522 Full Time Equivalents (FTE) in regional NSW and within Snowy Valleys Council (SVC) is 1120 (or 17.1%) people are directly employed in the Plantation Industry. When the indirect employment multiplier of 2.5 is applied then total employment generated by the Plantation Industry increases to approximately 2800 or 42%.

The Murray Region Fire Protection Grants are required to be submitted by 22 October 2024. Project completion and acquittal is required by 31 December 2025 per the program guidelines.

REPORT:

Snowy Valleys Council has been nominated by the Fire Reference Group (a Ministerial appointed committee) to apply for funding for three (3) separate projects in a non-competitive process. The projects are the construction of a raw water supply line to the Tumut Aerodrome, the construction of a Helicopter Hanger at Tumut Aerodrome and the purchase of a Reach Mower and Tractor.

Tumut Aerodrome water supply for fire management

Access to fixed, appropriate bulk water supply and storage to support aerial and ground suppression is limited, with water having to be tanked to site during operations for the replenishment of aerial assets at the Tumut Aerodrome. This ties up bulk water carrying capacity that could otherwise be deployed to support on ground fire suppression requirements.

Significant CAPEX investment that would enhance the regions firefighting capabilities and support further regional and firefighting investment including the construction of the Fire Control Centre. The investment injection will have a demonstrable multiplier effect (i.e. support business case for further community and fire investment, redeployment or bulk tankers to support suppression efforts in field).

Being successful would provide improved security and management of bulk water supply providing and enabling better provision for firefighting efforts in the region.

Project amount - \$1,870,000

An aerial map of two proposed options is included as Figure 1 below:



Figure 1: Proposed water supply options

Tumut Aerodrome - Hangar for fire suppression aircraft

Fire-fighting aircraft such as the 'Bell 412' chopper require specialised infrastructure when not in operation. Currently, Tumut Aerodrome does not have hangar infrastructure with the required security to facilitate such aircraft. The hangar would be located in the airport precinct with the future RFS Fire Control Centre.

Housing of specialised equipment locally will provide faster response and identification of potential fires that would impact the industry and surrounding areas. Faster fire identification and intelligence will also

improve targeted ground response and resource allocations, and allow for better advocacy outcomes for future infrastructure.

Project amount - \$3,850,000



Figure 2: RFS footprint at Tumut Aerodrome

Specialist Tractor and Mulcher for Fire Management

Purchase of a specialise tractor and slasher / mulcher to assist in managing roadside vegetation. There is currently no plant in the region which can be used by Council to effectively maintain roadside vegetation on slopes or batters within strategic road corridors. Previously, capital budget has been an inhibitor for the purchase of such specialised machinery.

The equipment will enable improved management of roadside vegetation within the region. Current roadside vegetation control has been moderately effective, as road managers (including Council) does not own the specialised equipment needed to undertake the mechanical control and there is risk in using chemical treatment as an effective control. The post Black Summer Bushfire regrowth areas has seen significant regrowth within road corridors, and these are strategic fire breaks.

The tractor and mulcher are expected to be run under Council's plant replacement program with works funded through Council allocated budgets, Rural Fire Service (RFS) budgets and the Road Maintenance Council Contracts (RMCC).

Project amount - \$330,000

Council has sought additional information and/or made the following comments to the Softwoods Working Group on the grant opportunity as outlined below:

1. The date (22 October) to submit an application is too short given Management is still gathering the information to enable an informed report to be submitted to Council.
2. The grant guidelines only allows 10% for Project Management and Administration; this is too low and should be at least 15%.
3. The date to complete the projects being the 31 December 2025 is too short particularly with Council's existing major project commitments.
4. The projects and particularly the Hanger construction needs to be fully scoped and costed prior to the submission of a funding application.

It is intended that a further Late report will be provided to Councillors prior to the Council Meeting to be held on 17 October 2024.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 1 - Our Community

Theme 3 - Our Environment

Theme 4 - Our Infrastructure

Theme 5 - Our Civic Leadership

Community Strategic Plan Strategic Objectives

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

wellbCSP2 Our diverse economy supports community longevity, vibrancy and a sustainable future

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

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

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

Delivery Program Principal Activities

1.4 Plan, manage and support the response and recovery of communities from natural disasters and economic shocks

3.1 Create climate resilience through our actions and advocacy

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The identified projects are outside of Council's current budget and asset renewal planning. The construction of new assets increases Council's depreciation and maintenance liabilities of which the costs are not eligible under the program guidelines.

Depreciation

Council currently has an average useful life for underground water mains of 100 years based on Institute Public Works Engineers of Australia (IPWEA) guidelines with ancillary assets in this category having useful lives of between 30 and 100 years. The construction of the pipeline would therefore add up to \$20,000 to Council's depreciation expense.

The construction of a helicopter hangar, large enough to accommodate a 412-equivalent helicopter, would add up to \$82,000 to Council's depreciation expense, based on Council's current 45-year useful life of equivalent buildings.

Maintenance

Council has engaged with the Rural Fire Services as to the operation and maintenance of the hangar and is currently awaiting a response.

Maintenance of the Tractor and Slasher would be included in its charge out rate and intended to be recouped through utilisation.

The raw water supply line to the Tumut Aerodrome will be managed in parallel with Council's other raw water supply infrastructure. It is not anticipated that other users would be connected to this line and consideration of other users has not been included in design or costings.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

All projects will be delivered in line with Council's *Procurement Policy* and *Project Management Framework*.

Rural Fires Act 1997

Local Government Act 1993

Resolution M239/21 (3a) - 21 October 2021

3. Draw Council's attention to the following matters:

- a) The accounting treatment for the Rural Fire Service Assets where Council officers support the position in the draft financial statements to not recognise Rural Fire Service assets including land, buildings, plant, and vehicles based on Australian Accounting Standard requirements and until the matter is progressed with the NSW Audit Office and further advocacy undertaken by impacted councils for the legislation to be changed.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Nil	With approval to apply for these grants, Council would inherit additional assets that it is required to recognise, although currently Council does have a formal arrangement for the management of new facilities.	<i>Rural Fires Act 1997</i> Division 4 (3) requires "The local authority for the rural fire district for which a fire control officer is appointed must provide facilities and accommodation to enable the fire control officer to exercise his or her functions."
Environmental & Public Health	Council's failure to engage with this opportunity could limit the region's ability to respond to any fire threat and further impact the environment and industries that operate within our LGA.	Nil	Successful grant of funds would provide vital infrastructure and equipment to respond to future emergency events.
Financial	There is potential for the specialised Tractor and Slasher/Mulcher to be used for works outside	Council could acquire an additional \$102,000 worth of depreciation	Protection of industry assets in the area will not create direct economic benefit for

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	of Council's current works program including on neighbouring Council's road corridors and other areas including TfNSW, NPWS controlled roads as well as Forestry Corporation and private forestry controlled areas.	from the fixed assets being constructed. Council currently receives approximately \$107,000 in rates annually from Freehold land plantations.	Council, however continued growth and investment in the area.
People	SVC boundary employment base is significantly focussed around agriculture and forestry industries. Failure to engage with the protection of these industries will have a negative effect on Council's relationships with its rate base.	Council currently has a vacant maintenance position that can be tailored to suit the operation of the specialised Tractor and Slasher/Mulcher considering the expertise that will be required to operate the equipment.	Engagement and support of industry will continue to encourage growth and investment within the Local Government Area.
Technology	The connection of the raw water main supply to the Tumut Aerodrome will include remote operation and management. This can be linked into Council's current water communications platforms or kept separate for sole operation from the airbase. Acquisition of a specialised Tractor and Slasher/Mulcher will enhance Council's Fleet capacity.		The raw water main supply to the Tumut Aerodrome will free up other resources for on ground firefighting. The technology associated with the Tractor and Slasher is not commonly used by Council's so could see an improvement in productivity and delivery outcomes.
Stakeholder	Failure to engage with, and be involved, in the protection of our communities and local industries could result in significant detrimental impact to Council's reputation.	The forecast operational cost for the specialised Tractor and Slasher/Mulcher, excluding operator, is \$150 per hour for the machinery. Compared with current setup being \$95.00. Council has been allocated over the last 5 years approximately	Council will be in a position to increase its involvement in protection of various assets throughout the LGA from bushfire through the wider control of grassed areas adjacent to roads.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
		\$48,000 per year by the Rural Fire Service towards protection works along the road corridors and in proximity to key assets. There is scope for this to be increased based on the Bushfire Risk Management Plan that is currently in Draft.	
Service Delivery	Council will be able to provide an increased, maintained clear zone with a larger piece of equipment within the road corridor. It will be operated by the Maintenance Team with the designated position currently vacant and to be recruited. This is a specialised piece of equipment due to the multiple focal points during operation and will require specific training and induction.	<u>Specialised Tractor and Slasher/Mulcher</u> Current utilisation is 219 hours per year being booked out, with industry benchmark for use being 500 hours per year for an 8 year replacement program for a tractor. <u>Raw Water Supply Line</u> Council currently assists during fire response activities with the supply of water to the aerodrome through bulk water tankers. This need will be reassigned to provision of bulk water to the fire ground with the water supply delivery to the aerodrome managed by the airbase operators.	The increased width of maintained area within the road Corridor would provide a more advantageous position to defend an approaching fire from for fire fighters.

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community engagement and communication on the projects will be facilitated through the Softwoods Working Group and Council's current systems.

ATTACHMENTS

Nil.

11.3. SOUTHERN REGIONAL PLANNING PANEL MEMBERSHIP

REPORT AUTHOR: EXECUTIVE MANAGER GROWTH AND DEVELOPMENT

RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Regional Planning Panels consider regionally significant development and are established under the *Environmental Planning and Assessment Act 1979*. In accordance with the legislation, the current tenure of the Council representatives has lapsed and Council is required to re-appoint representatives to the panel for a period not exceeding three (3) years.

The report seeks to appoint two (2) Council representatives and two (2) Council appointed community representatives to the panel to enable Council's interests to be represented in the consideration and determination of regionally significant development. The additional members are required as a result of changes in December 2022 to the governing legislation by the New South Wales Department of Planning, Housing and Infrastructure.

RECOMMENDATION:

THAT COUNCIL:

- 1. Formally declare all Council appointed positions on the Southern Region Planning Panel vacated;**
- 2. Appoint two (2) Councillors effective immediately being Councillors (Name and Name), to the Southern Regional Planning Panel as Council representatives for a period not greater than the current term of Council or a period of three (3) years from the date of this resolution of Council, whichever comes first;**
- 3. Advertise for an expression of interest (EOI) from interested members of the community with appropriate qualifications and experience to be appointed as Council appointed representatives to the Southern Region Planning Panel. Any appointment of two (2) Council appointed community members through the EOI process will be via a future report to Council and will be for the current term of Council or not more than a period of three years from the date of appointment, whichever comes first;**
- 4. Confirm that the rate of remuneration for any Council appointed representative on the Southern Regional Planning Panel in accordance with the Department's guidelines be \$600 per meeting inclusive of GST (includes preparation, pre-meeting site inspections, travel expenses, determination meetings and post meeting administrative matters); and**
- 5. Formally advise the New South Wales Department of Planning, Housing and Infrastructure of the appointed Council representatives effective immediately.**

BACKGROUND:

Regional Planning Panels (RPPs) provide independent, merit-based decision making on regionally significant development. Applications for regionally significant development are assessed by Council's Development Assessment staff and are then reported to the Regional Planning Panel for determination. Regional Panels may also have a role in determining planning proposals, where the Minister for Planning and Environment has appointed the regional panel to act as the Relevant Planning Authority (RPA) or has requested the regional panel undertake a pre or post gateway review.

More specifically, the Regional Planning Panels have been established to:

- determine regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications;
- act as the Planning Proposal Authority (PPA) when directed;

- undertake rezoning reviews;
- provide advice on other planning and development matters when requested; and
- determine site compatibility certificates.

Council refers Development Applications that meet the following criteria to the Southern Region Planning Panel (SRPP) for determination:

- Regional development, as outlined State Environmental Planning Policy (Planning Systems) 2021
- development with a Capital Investment Value (CIV) over \$30 million;
- development with a CIV over \$5 million which is:
 - (i) Council related
 - (ii) lodged by or on behalf of the Crown (State of NSW)
 - (iii) private infrastructure and community facilities
 - (iv) eco-tourist facilities
 - (v) extractive industries, waste facilities and marinas that are designated development
 - (vi) certain coastal subdivisions
 - (vii) development with a CIV between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days.

Regional Planning Panels consist of five (5) members comprising one chair appointed by the Minister for Planning with the concurrence of the Office of Local Government, two (2) other members appointed by the Minister and two (2) Council-appointed members. Council members (which can include community members) sit on the Regional Planning Panel when a prescribed regionally significant Development Application or Planning Proposal is being considered in the Local Government Area (LGA). The Council members of the Regional Planning Panel are nominated by each local Council and may come from within or external to the Council or outside of the LGA.

Council considered the panel membership at its meeting of the 20th January 2022 where it was resolved at that meeting not to appoint any panel members, but instead consider the panel membership at a future meeting of the Council. At the ordinary general meeting of the Council in August 2022, Council further considered the panel membership following the resolution to defer any appointment in January 2022. At the meeting in August 2022, Council resolved to appoint the former Councillor Brent Livermore as a Council appointed panel representative and also the 'Interim General Manager' position.

Council staff sought advice from the Department with respect to the appointment of a position as opposed to a person and the advice received confirmed that the resolution of Council may only appoint a person due to nomination protocols and appropriate background checks that are required to be undertaken. Council staff prepared a further report to the April 2023 Council meeting seeking to amend the resolution. Council appointed the then Councillors Hansie Armour and Sam Hughes, in addition to former Councillor Brent Livermore as a result of the resolution amendments.

REPORT:

The Department of Planning and Environment (DPE) has announced several changes to the operation of Sydney District Panels and Regional Planning Panels (RPPs) and Local Planning Panels (LPPs) in December 2022. The changes are intended to reduce corruption risks and improve the decision-making of the 36 LPPs and 9 Regional Planning Panels in New South Wales.

Changes to the operation of Regional Planning Panels include:

- Requiring Regional Planning Panel members to be rotated regularly to randomise panel membership.
- Requiring Council to arrange probity checks on council nominees for Regional Planning Panel members, including a police check, a bankruptcy record check and a public register of real estate agents check. This aligns requirements for council nominees with the requirements for State nominees.

- Requiring proposed council nominees fill out a statutory declaration to indicate that they are not a real estate agent or a property developer as required by subsection 2.13(3) of the *Environmental Planning and Assessment Act 1979*. This aligns requirements for council nominees with the requirements with State nominees.
- Encouraging councils to appoint a minimum of four (4) alternate council members that can sit on their relevant Regional Planning Panels to enable regular rotation.
- The Department has also indicated that they will appoint a minimum of 60 experts in the pool that Regional Planning Panels are able to choose from. The Department has indicated that recruiting for those appointments is in progress.

The changes are reflective of a wider NSW Government approach in relation to corruption risks in local government. In recent investigations (Operation Dasha, Operation Eclipse and Operation Witney), the Independent Commission Against Corruption (ICAC) considered the corruption risks associated with the lobbying of councillors and made corruption prevention recommendations. For example, on the back of those ICAC Operations, the Office of Local Government is currently proposing to develop guidelines to enhance transparency around the lobbying of Councillors.

The changes to planning panels are intended to reduce certainty about who will sit on the planning panels, making it more difficult to predict who will make decisions on particular projects and reducing the potential for applicants to influence and improperly lobby panel members. For Regional Planning Panels, there is currently one pool of approximately 55 State-appointed members and alternate members. Another benefit of the changes which the Department points to is having more members in the pool will make it easier for panelists with the most relevant skills and experience to be selected to determine an application.

As the previous term of Council has concluded, the tenure of the Council appointed representatives ceased on 14 September 2024, vacating all positions. In accordance with the guidelines for the Regional Planning Panels, Council is required to appoint by resolution, four (4) Council representatives to the Southern Regional Planning Panel. Such representatives will have a tenure of three (3) years from the date of a resolution to appoint the representatives or the tenure of Council whichever comes first.

From the current expected development assessment proposals pipeline within 2024/2025, there will be two (2) developments that will likely trigger consideration by the Southern Region Planning Panel including a private development in excess of \$30 million dollars and a Council led project in excess of \$5 million Capital Investment Value. Remuneration for panel members is expected to be set at \$600 per meeting including associated preparation and ancillary work and the budget section of this report sets out the allocated adopted budget for the panel representation in the 2024/2025 Operational Plan.

Any nominees to the panel will be required to undergo standard background checks to test suitability for the position which is mandated by the State Government. This includes police and criminal checks and also checks to whether any person falls within the definition of a 'real estate agent' or 'property developer'. Council undertakes these checks as part of the appointment process with the authority of the appointed representative.

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:

It is expected that Council will consider two (2) development applications within the 2024/2025 financial year period with an expected cost of remuneration for the Panel members being \$2,400. Council has currently provided a budgetary allocation of \$5,000 for the financial year through the adoption of the Operational Plan. This allocation is expected to cover any costs with additional meetings that may be held within the financial year. Changes to the appointments within this term will include travel expenses to be borne by the panel representative for site inspections and meeting attendance.

Refreshing the panel membership is not expected to have any additional budgetary impact beyond the budgeted costs for 2024/2025.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

In accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation (2021), Council is required to appoint Council appointed representatives to the Regional Planning Panel. This report seeks to comply with this statutory requirement.

The State Environmental Planning Policy (Planning Systems) 2021 provides the necessary framework for the appointment of panel members. The panels also operate under established operational guidelines.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Not Applicable

OPTIONS:

Option 1

Option 1

THAT COUNCIL:

1. Formally declare all Council appointed positions on the Southern Region Planning Panel vacated;
2. Appoint two (2) Councillors effective immediately being Councillors (Name and Name), to the Southern Regional Planning Panel as Council representatives for a period not greater than the current term of Council or a period of three (3) years from the date of this resolution of Council, whichever comes first;
3. Advertise for an expression of interest (EOI) from interested members of the community with appropriate qualifications and experience to be appointed as Council appointed representatives to the Southern Region Planning Panel. Any appointment of two (2) Council appointed community members through the EOI process will be via a future report to Council and will be for the current term of Council or not more than a period of three years from the date of appointment, whichever comes first;
4. Confirm that the rate of remuneration for any Council appointed representative on the Southern Regional Planning Panel in accordance with the Department's guidelines be \$600 per meeting inclusive of GST (includes preparation, pre-meeting site inspections, travel expenses, determination meetings and post meeting administrative matters); and
5. Formally advise the New South Wales Department of Planning, Housing and Infrastructure of the appointed Council representatives effective immediately.

Option 2

THAT Council not appoint any Council appointed representatives

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Not applicable

ATTACHMENTS

Nil.

11.4. CYCLE TUMBARUMBA - LICENCE AGREEMENT REPORT FOR NEW TOILET FACILITY IN COUNCIL ROAD RESERVE

REPORT AUTHOR: PROPERTY & ROADS PARTNER

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

Cycle Tumbarumba currently has a Development Consent with Council (DA 2023/0151) which was approved on 21 March 2024.

As part of the Development Consent, Cycle Tumbarumba has been granted approval to construct a new amenities building (public toilet facility) on Council's Road Reserve located within the unformed eastern end of Power Street, Tumbarumba.

The purpose of this report is to inform Council that a formal instrument of agreement (licence agreement) between Council and Cycle Tumbarumba has been negotiated to enable the toilet facility to be constructed within Council's Road Reserve.

The licence agreement outlines the operational responsibilities that will be incumbent upon Cycle Tumbarumba to construct, operate and maintain the toilet facility for the duration of the agreement.

Another key condition of the licence agreement is that the toilet facility is to be fully accessible to all members of the public at all times.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the report on the Licence Agreement that Council has negotiated with Cycle Tumbarumba on the construction, operation and maintenance of a new Amenities Building (Public Toilet Facility) located within Council's Road Reserve on the unformed eastern end of Power Street, Tumbarumba.**

BACKGROUND:

On 21 March 2024, Council provided Development Consent (DA 2023/0151) for Cycle Tumbarumba to establish a new bike trail recreation area at Mount Tumbarumba, known as Mt Tumbarumba Adventure Park.

Cycle Tumbarumba was the recipient of a Black Summer Bushfire Recovery Grant for the Mt Tumbarumba Adventure Park project, which has very strong community support and buy-in with seventy (70) x individuals and business contributing to the purchase of the land to deliver the project. The Mt Tumbarumba Adventure Park will utilise Tumbarumba's iconic backdrop, Mount Tumbarumba, to build a 22km bike trail network.

This project has been designed to complement the existing Town Common, Police Paddock and Mason's Hill Mountain Bike (MTB) areas. The largest trail network (Mason's Hill) is located in a pine forest and as such, it will be subject to future logging. Due to the loss of trails from logging practices, this development aims to provide a suitable location for mountain biking for the long-term benefit of the community and visitors.

The new bike trail network is a permitted use within the site's C3 Environmental Management Land Use zoning classification. The approved works, in general, include the construction and operation of a community mountain bike trail network, ancillary facilities including lookouts, carparking and rider amenities and the construction of a new public toilet facility on Council's Road Reserve.

The construction of the new public toilet facility which is the subject of this report is within Council's existing Road Reserve on the site and therefore Council needs to formalise the construction, operation and ongoing maintenance of the facility through a formal instrument of agreement (Licence Agreement).

Council currently has no future plans for this part of the Road Reserve and therefore has negotiated through one of Council's standard Licence Agreements (Third-Party Infrastructure - Master Licence Agreement) the use of this land for a new public toilet facility.

The Terms and Conditions of the Third-Party Infrastructure - Master Licence Agreement are contained within Attachment 1 of this report which is the full licence agreement.

The proposed toilets are a self-contained concrete pump-out well style facility, with a concrete slab and modular shelter structure constructed over the top of the slab. The engineering requirements for the toilet facility structure are provided within the product specifications submitted with the approved development consent.

Similar style toilet facilities are used in National Parks and environmentally sensitive recreation areas across the country. A full Statement of Environmental Effects had been prepared for the facility as part of the approved Development consent.



Figure 1. Architectural render of the style of toilet facilities proposed in the unformed portion of Power Street, Tumbarumba.

REPORT:

In general, this project which forms part of the Development Consent (DA 2023/0151) approved on 21 March 2024 involves the construction, operation and maintenance of a new amenities facility (Public Toilet Block). Refer to Figure 2 which outlines the location of the new Toilet Block facility within Lot 2 of DP 816205 - within the unformed eastern end of Power Street, Tumbarumba.

Due to the fact that this new toilet block facility is being constructed by a third party on Council's Road Reserve (Public Land), it is the responsibility of Council to ensure that new facility meets all of Council's requirements and the community's expectations in terms of how it is to be constructed, operated and maintained.

This is achieved through both Council and Cycle Tumbarumba agreeing to the Terms and Conditions of one of Council's standard Third-Party Infrastructure - Master Licence Agreements which has been

negotiated over the last few weeks and which is now agreed to and signed by Cycle Tumbarumba. Refer to Attachment 1 of this report which contains the full licence agreement.

Proposed trailhead facilities and future opening of road

The new trailhead facilities including the toilet facility will be generally located on the existing Lot 1, which is to be amalgamated with Lot 2. It is anticipated that the Adventure Park may be used by an average of 30 people per day.

It is unlikely that the existing portion of the unformed eastern end of Power Street, Tumbarumba would ever be extended due to the existing terrain being very steep and gullied.



Figure 2: Showing approximate location. (Note the house and sheds are no longer there since the fires in 2019).

Figures 3-9 below are from the approved Development Consent which shows the location of the proposed Toilet Facility and also the general arrangement plan, elevations and architectural renders for the proposed Toilet Facility.

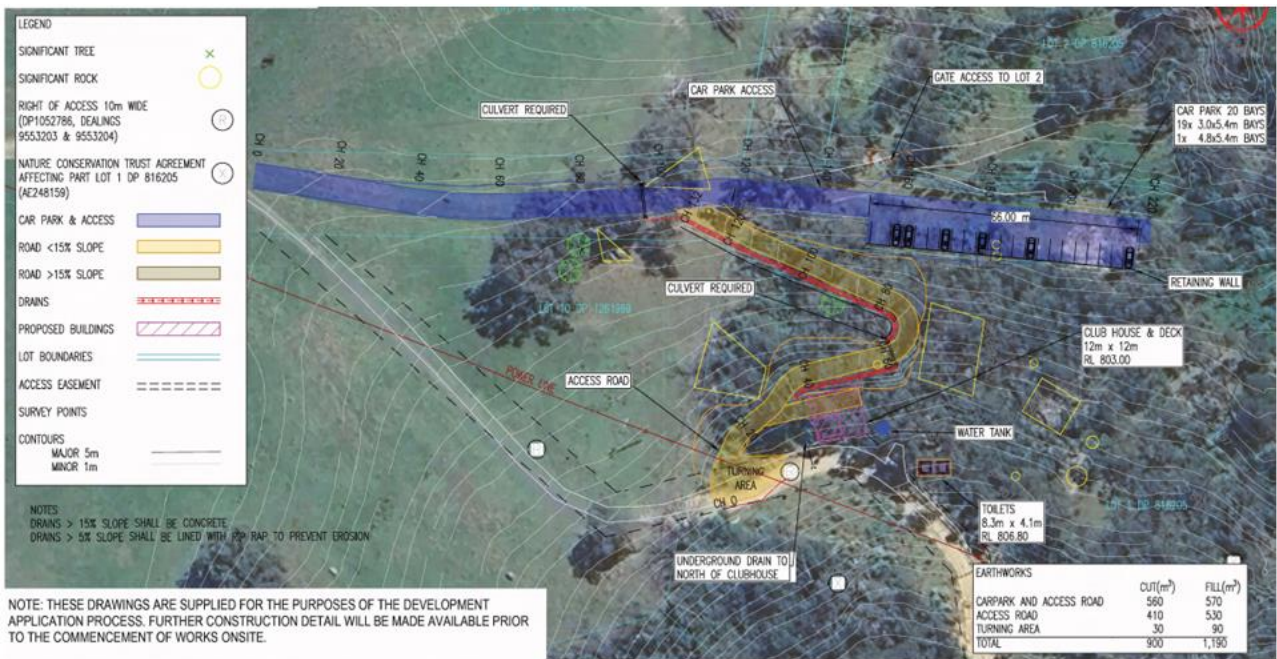


Figure 3: Concept of the area showing road and carpark arrangement and location

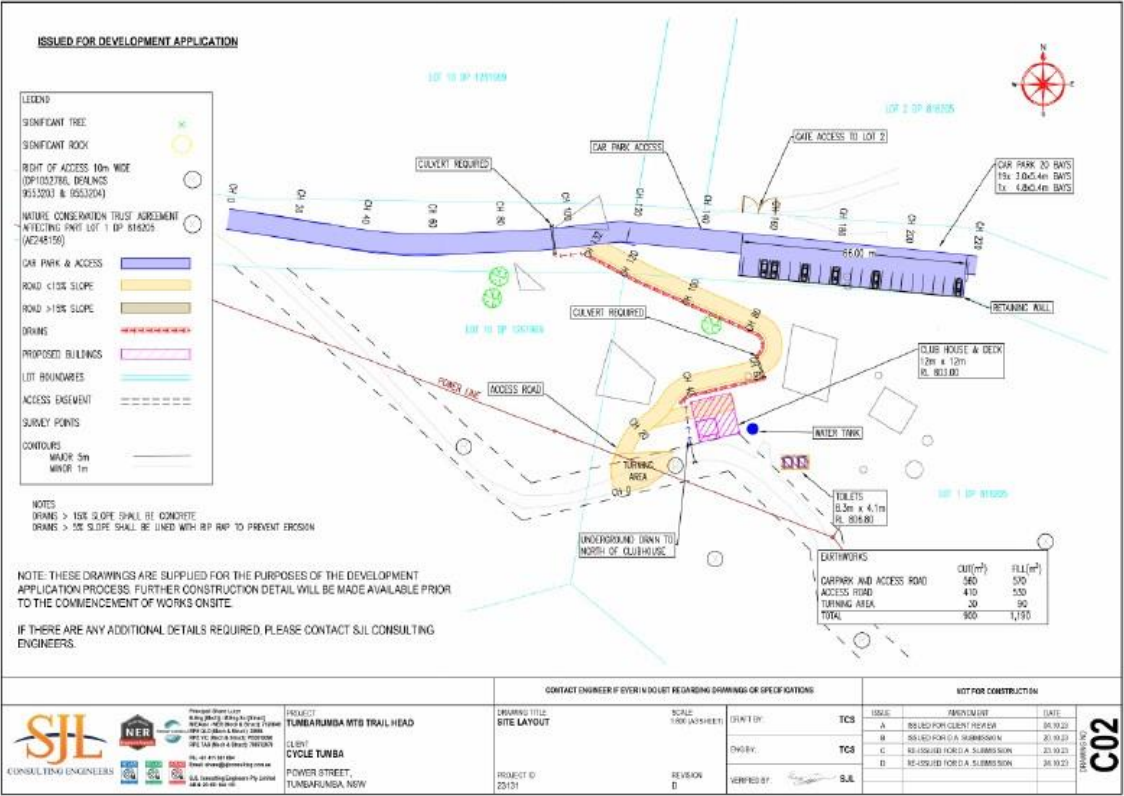


Figure 4: Concept of the area showing road and carpark arrangement and location

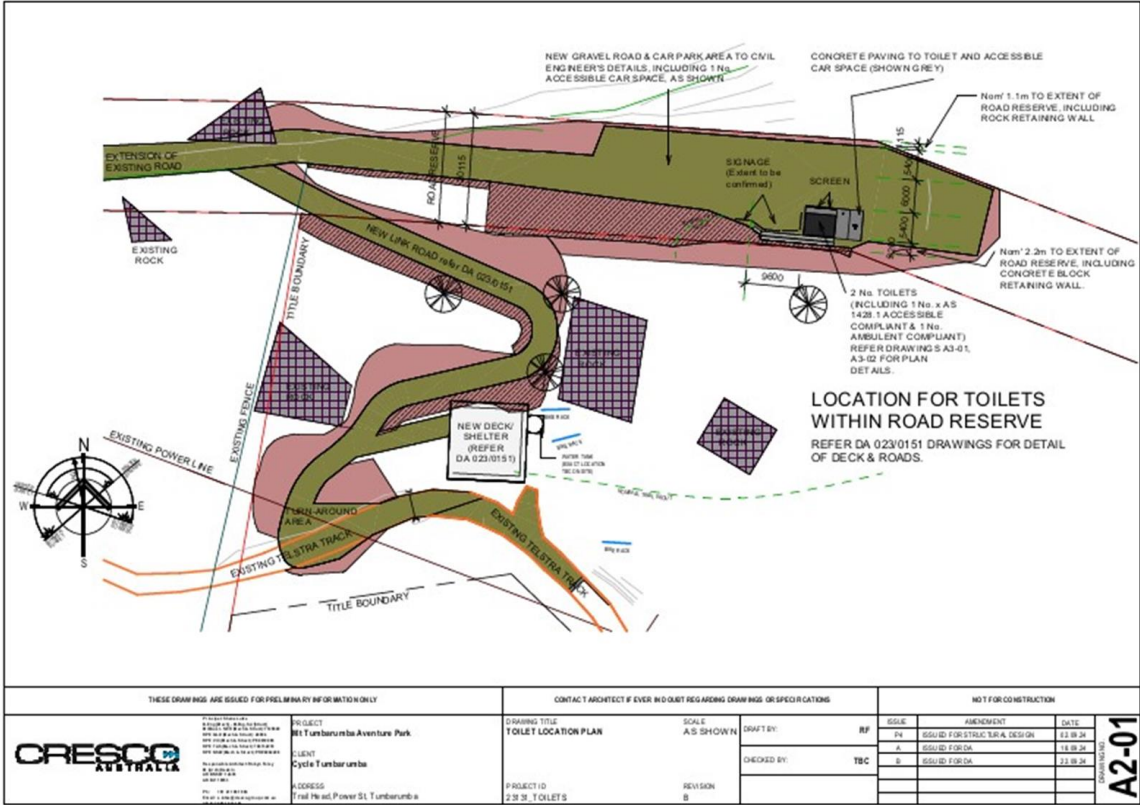


Figure 5: Architectural Concept showing location of Toilets within the Road Reserve

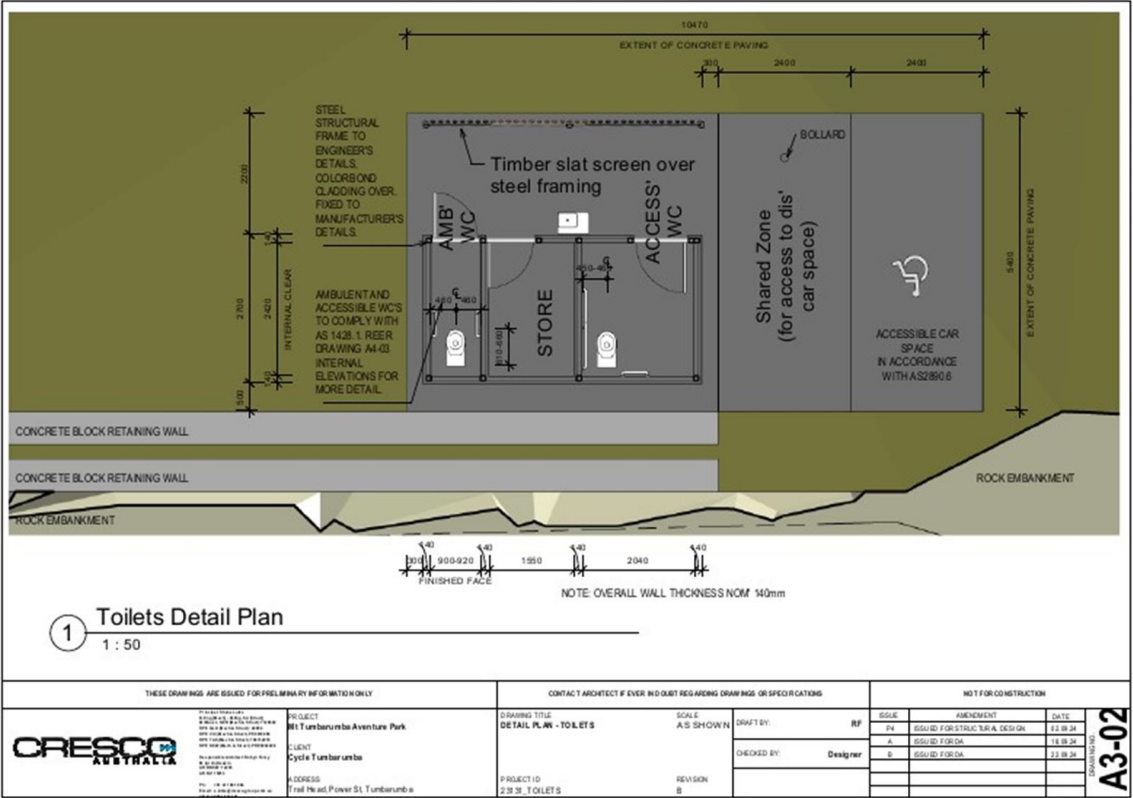


Figure 6: Architectural Drawings showing enlarged Toilet plan layout

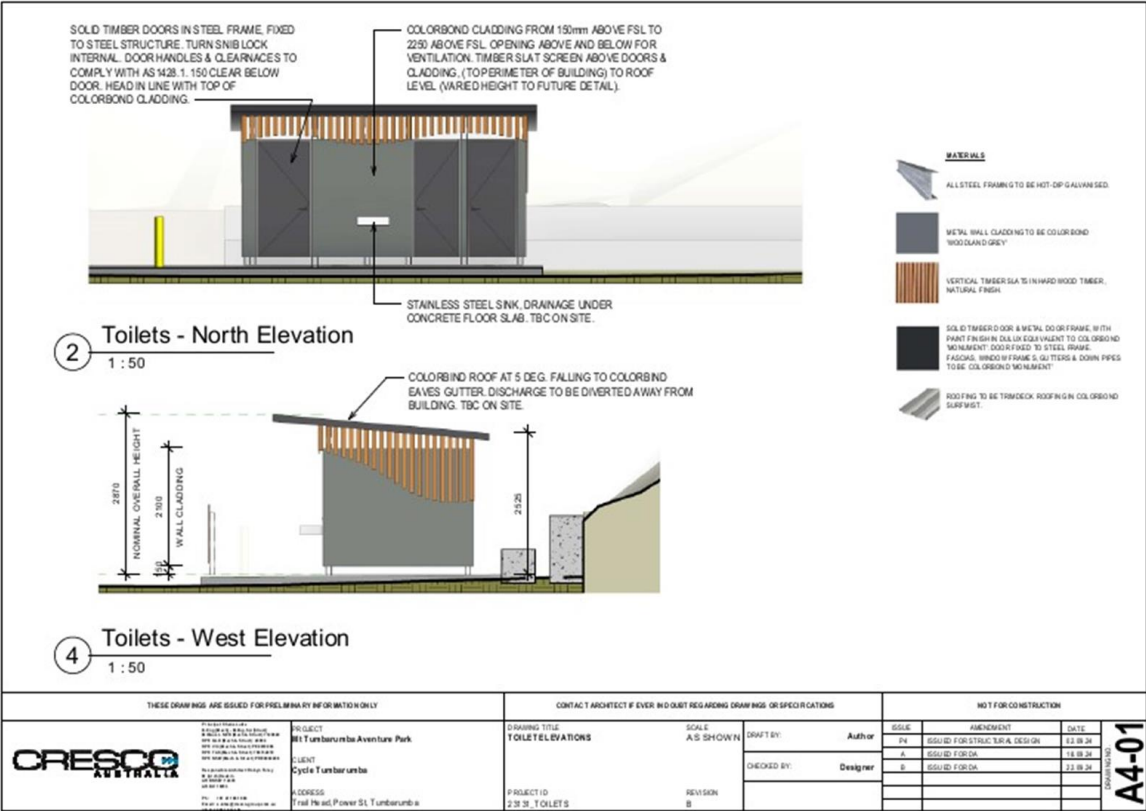


Figure 7: Architectural Elevation of Toilet Block No 1

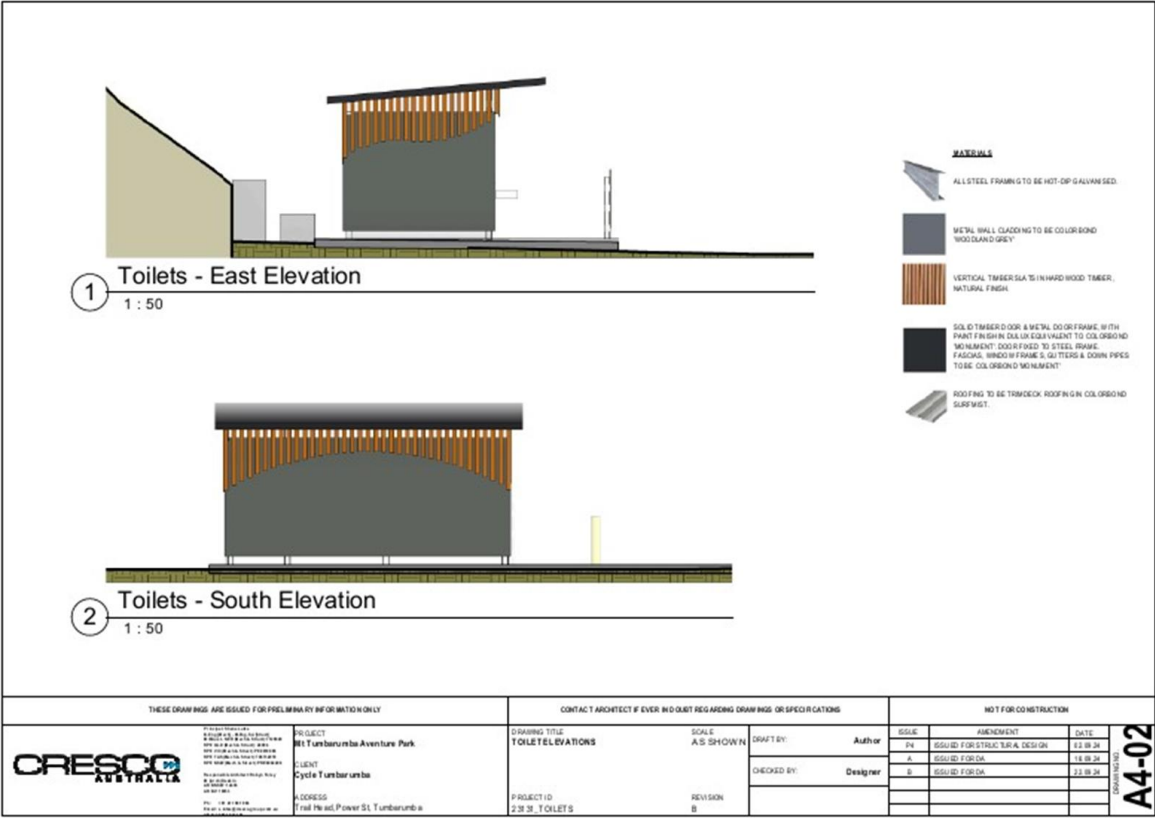


Figure 8: Architectural Elevation of Toilet Block No 2



Figure 9: Architectural render of the proposed Toilet Block facility.

Licence Agreement - Summary of General Requirements

The licence agreement that has been used for this project is one of Council's Standard Third-Party Infrastructure - Master Licence Agreements and has been negotiated over the last few weeks. The agreement as it stands has been agreed to and signed by Cycle Tumburumba. In summary, the agreement obligates the licensee (Cycle Tumburumba) to undertake the following in relation to the construction, operation and maintenance of the Public Toilet facility.

Cycle Tumbarumba warrants the following under the Licence Agreement:

1. That the construction, ongoing operation and maintenance of the toilet block facility shall be undertaken at Cycle Tumbarumba's cost.
2. Cycle Tumbarumba will make the toilets available for public use at all times that they are in operation.
3. Cycle Tumbarumba will ensure that the toilet block does not interfere with the Council's use of the Council Infrastructure, land or nearby properties.
4. Cycle Tumbarumba will ensure that the toilet block shall be permanently labelled to identify Cycle Tumbarumba as its owner.
5. Cycle Tumbarumba will ensure that the toilet block is to be installed in accordance with the Development Consent for DA 2023/0151 approved on 21 March 2024.
6. Cycle Tumbarumba will ensure that the toilet block shall comply with all applicable laws, planning and environmental regulations, building regulations, work, health and safety laws (including but not limited to those standards set out in the *Work Health and Safety Act 2011* and any relevant building code of practice, and or any order from a regulatory authority.
7. Cycle Tumbarumba will be responsible for all ongoing operational requirements of the toilet block for the duration of the licence agreement which has been granted on a 5x5x5 year term;
8. Cycle Tumbarumba shall maintain the toilet block in a state of good repair and functionality at all times, undertaking all required daily cleaning of the toilet block facility, stocking the facility with sanitary paper, soap for dispensers, paper towels, bins and the like at no cost to Council;
9. Cycle Tumbarumba is responsible for undertaking of all minor repairs to the facility including vandalism repairs, graffiti removal, pest control and replacement of lights.
10. Cycle Tumbarumba is responsible for undertaking any repairs and or maintenance to any plumbing or sewer issues including the unblocking of toilets, pipes and drains associated with the facility. All plumbing works and associated repairs are to be undertaken at no cost to Council.
11. Cycle Tumbarumba is responsible for providing signage that clearly indicates who members of the public must contact if there are any problems with the facility or, if they wish to provide feedback or make a complaint about the condition of the facility. The applicants' contact details – **which are not to be** Council's contact details must be clearly provided and sign posted at the toilet block facility.
12. Cycle Tumbarumba is responsible for all security measures at the toilet block facility including all key and lock ware equipment.
13. Cycle Tumbarumba is responsible for opening and closing the facility on a daily basis.
14. Cycle Tumbarumba recognises that the toilet block has been approved by Council's Planning Department and is an approved structure in accordance with Council's Planning Controls, it cannot interfere with public safety including the safety of any road or footpath user.
15. Cycle Tumbarumba must obtain an Occupation Certificate from Council to certify that the toilet block facility is fit for use and has been constructed in accordance with the approved Development Consent and all relevant drawings, specifications, consent conditions as well as all relevant standards. The occupation certificate must be obtained prior to the facility becoming operational.
16. At the end of or at the termination of the agreement, Cycle Tumbarumba must, at its own cost, remove the Toilet Block facility and associated equipment and services and make good the Council property, land or Infrastructure to its condition at the commencement date of the agreement; and
17. Council's standard insurance and indemnity requirements for third party infrastructure on Council (Public Land) apply to this licence agreement.

Refer to Attachment 1 which includes all Terms and Conditions of the full licence agreement.

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:

Nil, as all costs are attributed to the applicant (Cycle Tumbarumba) and no costs are borne by Council at the time in relation to the construction, operation and ongoing maintenance of this new Public Toilet facility.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

All relevant conditions of the Development Consent (DA 2023/0151) approved on 21 March 2024.

All relevant Terms and Conditions set out in the agreed Third-Party Infrastructure - Master Licence Agreement that has been agreed to and signed by Cycle Tumbarumba.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Nil risk as Council has no responsibility for any costs relating to the construction, operation or ongoing maintenance of the Facility. All public liability insurance relating to the trail and its associated facilities including the Toilet Block is the responsibility of Cycle Tumbarumba. Council's standard Third-Party Infrastructure - Master Licence Agreement also indemnifies Council against a lot of potential liability and risk associated with the Toilet Block Facility.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	<p>Cycle Tumbarumba does not build the facility in accordance with the approved DA consent conditions and refuses to enter into a formal instrument of agreement with Council on the construction, operation and maintenance of the facility - Council's standard Third-Party Infrastructure - Master Licence Agreement.</p> <p>This risk is now mitigated by Council issuing formal conditions of consent which need to be met</p>	Council has no responsibility for costs, construction, maintenance or public liability for the structure.	Mountain bike trails and public amenities (Toilets) will be accessible to all members of the public not just exclusively Adventure Trail users but recreational walkers and wider user groups.

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
	<p>with a formal construction Certificate (CC) before the applicant (Cycle Tumbarumba) can commence building the facility.</p> <p>The risk has also been mitigated by Cycle Tumbarumba agreeing to and signing Council's standard Third-Party Infrastructure - Master Licence Agreement for the facility.</p> <p>All public liability insurance relating to the trail and its associated facilities including the Toilet Block is the responsibility of Cycle Tumbarumba. Council's standard Third-Party Infrastructure - Master Licence Agreement also indemnifies Council against a lot of potential liability and risk associated with the Toilet Block Facility.</p>		
Financial	Nil - All costs associated with the construction, operation and maintenance of the facility are borne by Cycle Tumbarumba.	Nil	No costs to Council associated with the development and / or the construction, operation and ongoing maintenance of the facility. All costs are borne by Cycle Tumbarumba.
Service Delivery	Ongoing maintenance of the Adventure Trail and associated facilities (including the toilet block) is to be undertaken by Cycle Tumbarumba. Regular trail maintenance tasks will be undertaken by Cycle Tumbarumba.	No costs to Council attributed to Council for any maintenance of services to this toilet block facility.	No costs to Council associated with the maintenance. All costs associated with the construction, operation and maintenance of the facility are borne by Cycle Tumbarumba.

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:

The proponent (Cycle Tumbarumba) and Council has engaged with neighbouring properties and the broader community in relation to this project as part of the Development Application notification and assessment process. A community information session was attended by over 40 people seeking to understand more about the project and its fundraising efforts during the Development Application process in early 2024.

Prior to the Development Application being lodged Council was briefed at a Council Workshop by the applicant (Cycle Tumbarumba) about the project and funding agreement that the applicant had signed on 5 October 2023.

ATTACHMENTS

1. 20240911 - SVC Cycle Tumbarumba - Third Party - Infrastructure Master Licence Agreement - Final (Under separate cover)

11.5. SNOWY HYDRO 75TH ANNIVERSARY MONUMENT PROJECT - KHANCOBAN**REPORT AUTHOR: DIRECTOR INFRASTRUCTURE & WORKS****RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER**

EXECUTIVE SUMMARY:

The purpose of this report is to inform Council of the proposal that has been put forward by the Khancoban United Volunteers Association (KUVA) to erect a monument which commemorates the 75th anniversary of the start of the original Snowy Hydro Project. The proposed monument is to be located on Council (Community) land located at the corner of Scammell Street and Mitchell Avenue, Khancoban.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Note the design concepts outlined in this report for the proposed monument in Khancoban which commemorates the 75th anniversary of the start of the original Snowy Hydro Project;**
- 2. Approve that the Director of Infrastructure and Works gives landowner's consent for the monument to be placed on Council (Community) land at the corner of Scammell Street and Mitchell Avenue, Khancoban, next to the Community Hall;**
- 3. Note that community consultation will be undertaken on the proposed location of the monument which will include contacting all residents who live in Scammell Street and Mitchell Avenue, Khancoban. The community consultation will inform residents of the proposed location of the monument and also provide an opportunity for residents to provide feedback on the proposed location; and**
- 4. Acknowledge that this project is a community group initiative to be undertaken by the Khancoban United Volunteers Association (KUVA) and Snowy Hydro and is funded via a Snowy Hydro 75th anniversary commemorative grant at no cost to Council.**

BACKGROUND:

On 6 August 2024, Councils Interim General Manager received correspondence from the Secretary of the Khancoban United Volunteers Association (KUVA) requesting permission to erect a monument which commemorates the 75th anniversary of the start of the original Snowy Hydro Project on Council land in Khancoban.

The correspondence to Council outlined that KUVA had also approached Snowy Hydro with the proposal and had come up with a concept design consisting of mounting one of the original electric turbine runners from the Snowy Hydro project on a plinth on Council land located at the corner of Scammell Street and Mitchell Avenue Khancoban.

This proposed site is community land owned by Council and is situated to the left of the Khancoban Community Hall which is currently open space which is owned and managed by Council.

The Turbine Runner will be supplied, reengineered, and erected by Snowy Hydro on the proposed site at no cost to Council. Council will also not be responsible for maintaining the monument, this will be the responsibility of Snowy Hydro and KUVA.

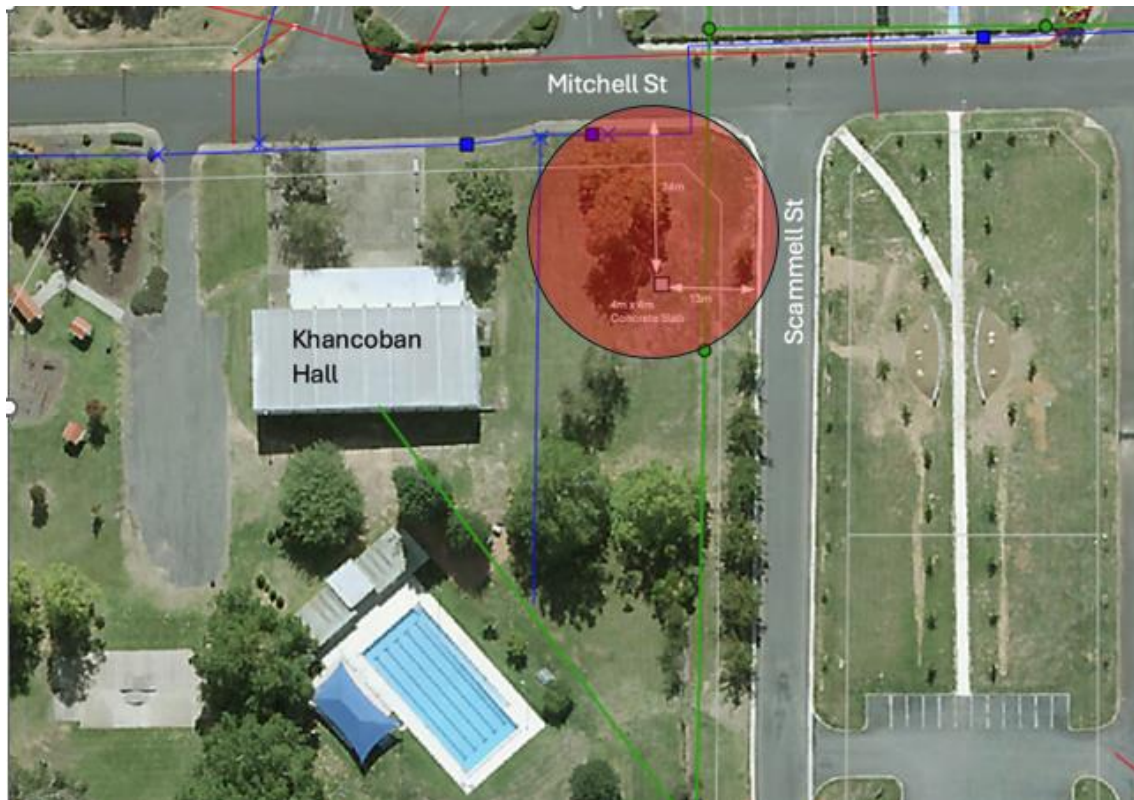
In the correspondence to Council, it was identified that both KUVA and Snowy Hydro feel this is an ideal position as the site is at the entrance to the Khancoban shopping centre which will give maximum exposure to the monument for tourists and residents who have a long association with the building of the Snowy Hydro scheme.

The correspondence that Council received also identified that it is the intention of KUVA and Snowy Hydro to erect a plaque on the monument which displays information about the Turbine Runner, the Snowy Hydro

Scheme and also recognising key people who were involved in the building of the Murray side of the Scheme.

The Secretary from KUVA stated in the correspondence that the proposal to erect the monument will be funded by a Snowy Hydro Commemorative Grant with most of the work being undertaken as an “In-kind” contribution from Snowy Hydro.

Finally, the correspondence indicated that it is the intention of KUVA and Snowy Hydro to have the project completed by December 2024 in time for the summer tourist season.



Map 1. Proposed location of the Snowy Hydro Commemorative monument for the 75th Anniversary of the start of the Snowy Hydro Project. The proposed location is at the corner of Scammell Street and Mitchell Avenue, Khancoban.

REPORT:

Snowy Hydro is celebrating the 75th anniversary of the start of the Snowy Hydro Scheme which commenced on 17 October 1949 in Adaminaby. Snowy Hydro already has a strong tradition of celebrating milestones and honouring the legacy of the Snowy Scheme and as part of the current 75th anniversary celebrations in 2024 is offering a number of special events and also a special community grants fund, with grants of up to \$5,000 available. Successful applications for the 75th Anniversary Community Grants Fund must clearly demonstrate a connection to the history and legacy of the Snowy Scheme, with innovative and creative ideas strongly encouraged.

Initiatives should also demonstrate how they will engage and benefit the local community and recognise the former workforce. Additionally, applications must provide a clear plan for execution, including timelines with a detailed budget outlining the use of the grant funds.

Extract from the Snowy Hydro website: www.snowyhydro.com.au/75years

As outlined earlier in this report, the Secretary of the Khancoban United Volunteers Association (KUVA) stated that the proposal to erect the monument will be funded by a Snowy Hydro Commemorative Grant with most of the work being undertaken as an “In-kind” contribution from Snowy Hydro.

The concept design for the proposed monument will consist of mounting one of the original electric turbine runners from the Snowy Hydro Project on a plinth. The turbine runner is 2753.1mm (2.753m) in diameter

right across x 1877.3mm (1.877m) at base and 1034.1mm (1.034m) high. Refer to images below of the Turbine Runner.

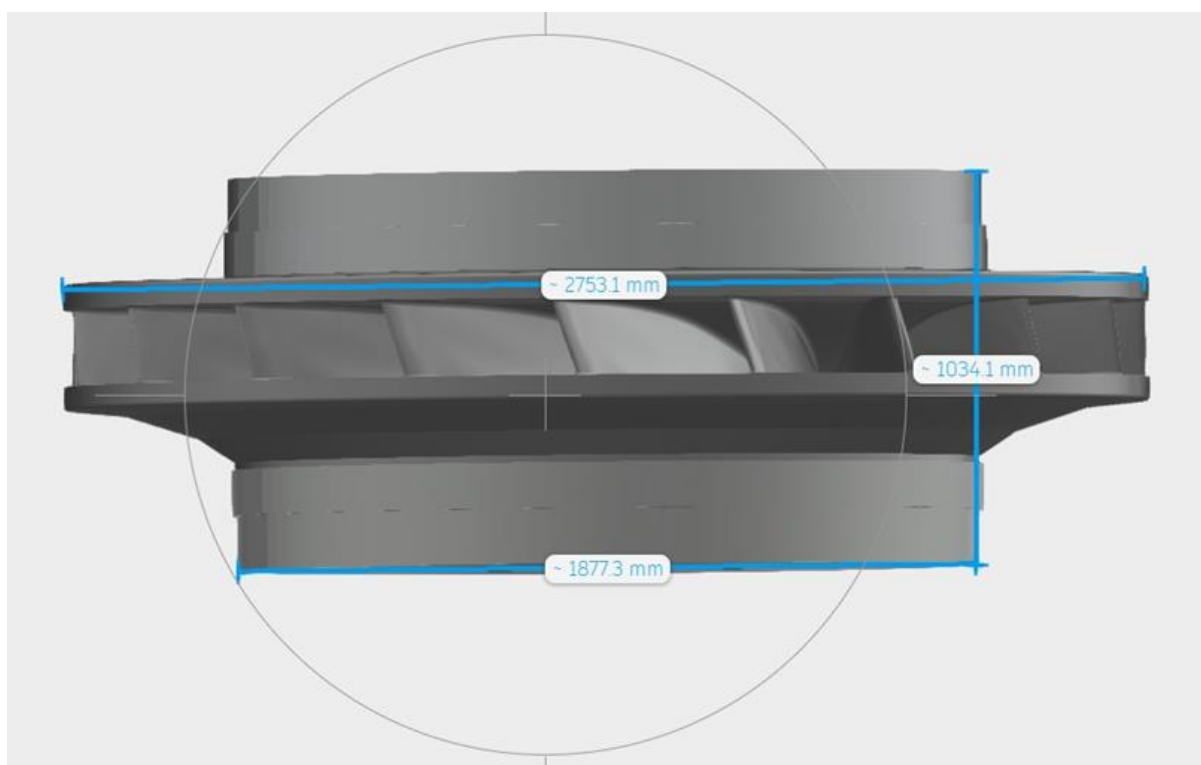


Figure 1. Elevation and dimensions of the Turbine Runner.

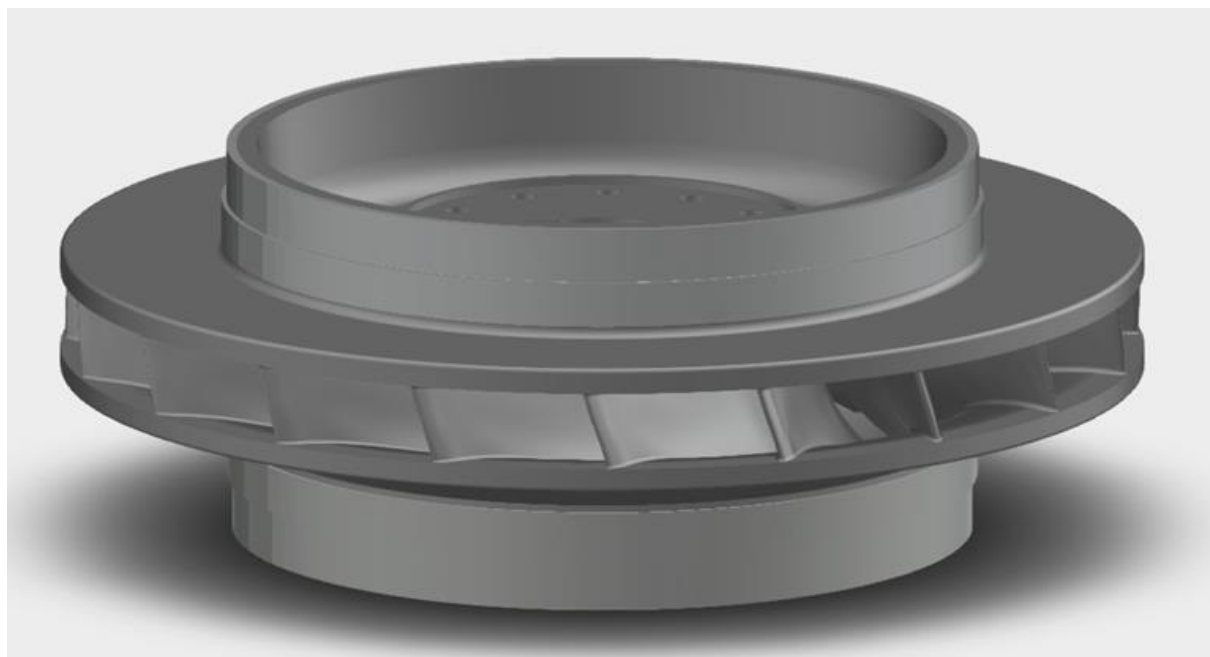


Figure 2. Side view of the Turbine Runner.

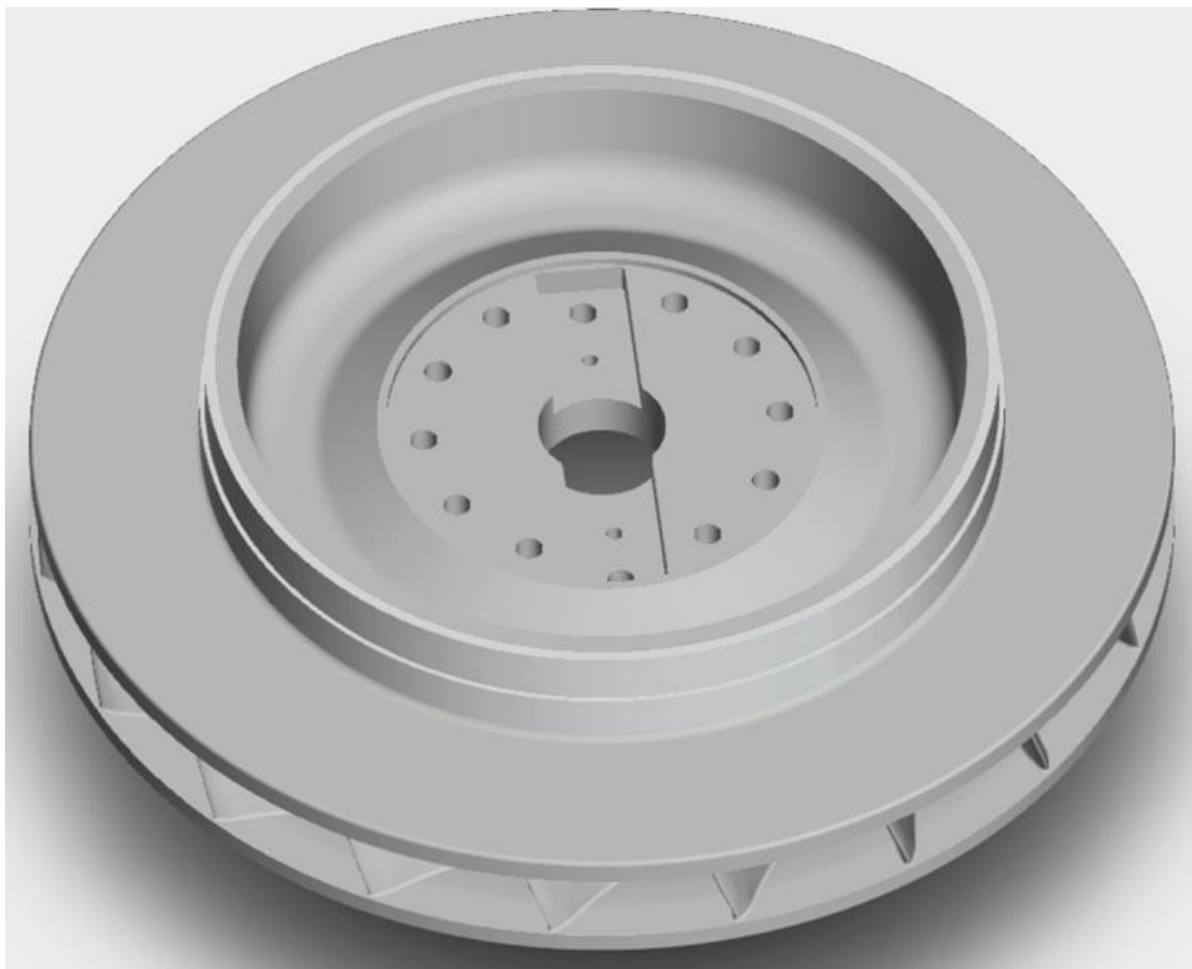


Figure 3. Top side view of the Turbine Runner.

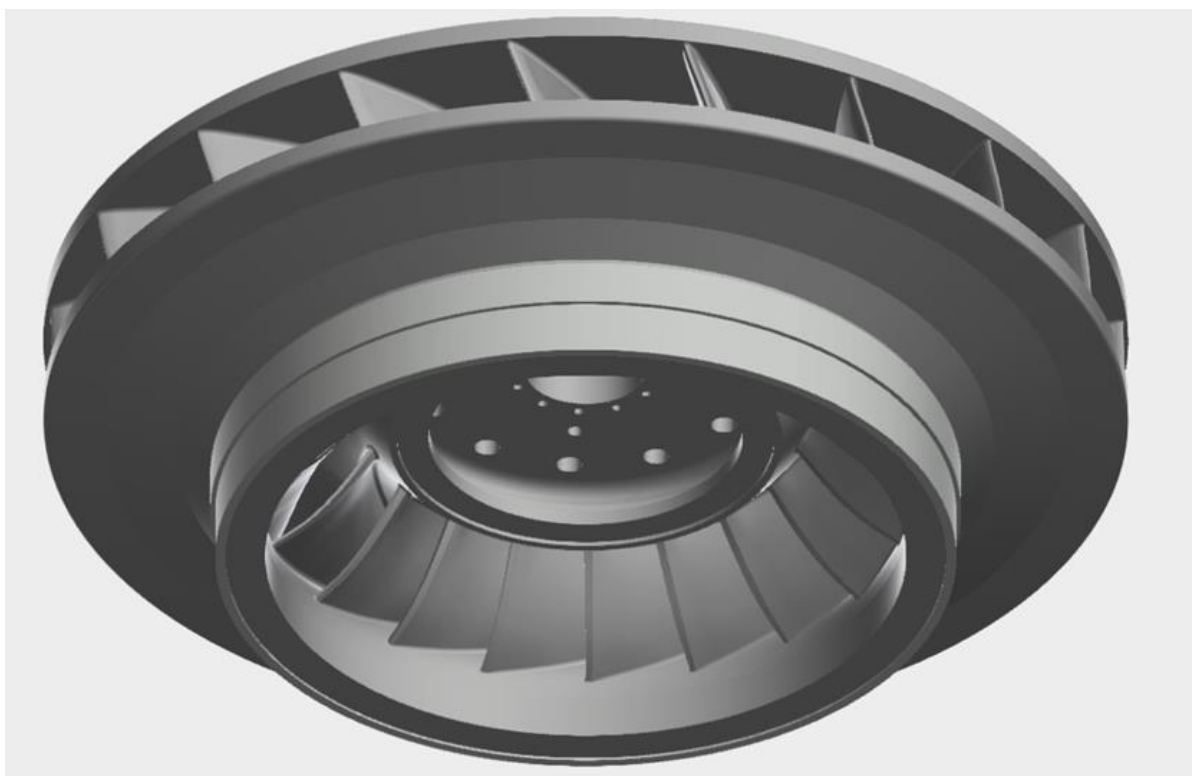


Figure 4. Bottom side view of the Turbine Runner.

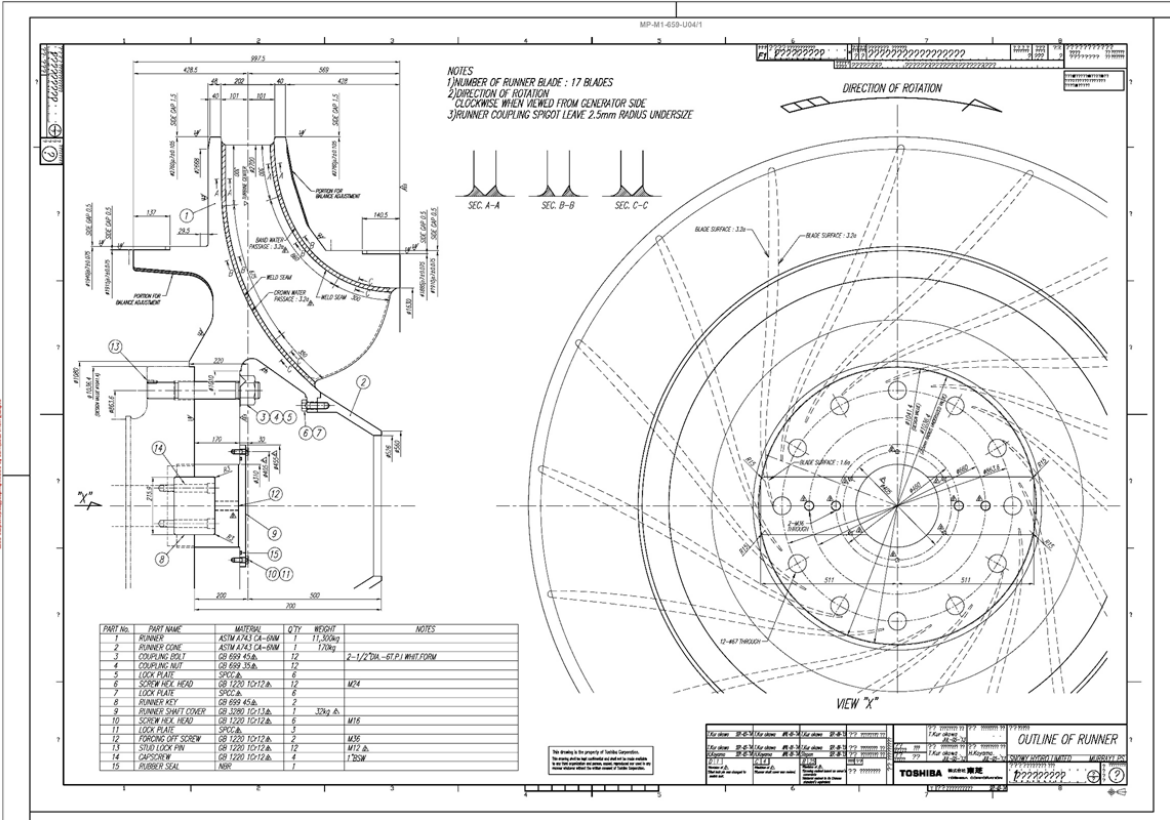


Figure 5. Technical drawings of the Turbine Runner.



Map 2. Enlarged aerial photo of the proposed location of the Snowy Hydro Commemorative monument for the 75th Anniversary of the start of the Snowy Hydro Project. The proposed location is at the corner of Scammell Street and Mitchell Avenue Khancoban. Showing dimensions of the concrete slab and distance from both Scammell Street and Mitchell Avenue.



Photo 1 - View of proposed memorial site looking south towards Khancoban Pool and Community Hall



Photo 2 - View of proposed memorial site at the intersection of Mitchell Avenue and Clews Road



Photo 3 - View of proposed memorial site at the intersection of Mitchell Avenue and Scammel Street



Photo 4 - View of proposed memorial site in front of the Khancoban Community Hall.

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

Theme 1 - Our Community

Theme 2 - Our Economy

Community Strategic Plan Strategic Objectives

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

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

Delivery Program Principal Activities

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

1.2 Provide and maintain community spaces that encourage activity and wellbeing

1.3 Provide services and support to enhance local arts and culture

1.4 Plan, manage and support the response and recovery of communities from natural disasters and economic shocks

1.5 Value our heritage and promote civic pride

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

2.2 Promote our towns, villages and region

FINANCIAL AND RESOURCES IMPLICATIONS:

This project is a community group initiative to be undertaken by the Khancoban United Volunteers Association (KUVA) and Snowy Hydro and is funded via a Snowy Hydro 75th anniversary commemorative grant. There is no financial cost to Council for the implementation of this project and the ongoing maintenance of the monument including any future required repairs will be the responsibility of KUVA and Snowy Hydro.

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 recommendations of this report
3. Decline the recommendations set out in this report

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Community consultation will be undertaken on the proposed location of the monument which will include contacting all residents who live in Scammell Street and Mitchell Avenue Khancoban. The community consultation will be informing residents of the proposed location of the monument and also providing an opportunity for residents to provide feedback on the proposed location.

ATTACHMENTS

1. Correspondence from KUVA to the General Manager of 6 August 2024. (Under separate cover)
2. Funding Letter to KUVA from Snowy Hydro - Confirmation of funding for the project. (Under separate cover)

11.6. ADELONG COMMUNITY AQUATIC CENTRE MANAGEMENT EXPRESSION OF INTEREST

REPORT AUTHOR: MANAGER UTILITIES, OPEN SPACE & FACILITIES

RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with an update on the outcome of the Public Expressions of Interest (EOI) for Management of the Adelong Community Aquatic Centre. Following six (6) weeks of advertising the EOI including advertisements in Sydney, Melbourne and Wagga media, Council has received no applications.

RECOMMENDATION:

THAT COUNCIL:

- 1. Note the Adelong Community Aquatic Centre Management Expression of Interest Report and proceed with management of the pool in-line with Council's four (4) other pools.**

BACKGROUND:

Following a pool season performance report presented to Council's June (20th) 2024 Ordinary Meeting, Council amended the resolution to include:

10.6. PUBLIC SWIMMING POOLS 2023/2024 SEASON REPORT

M122/24 RESOLVED:

THAT COUNCIL:

- 4. Call for Expressions of Interest to operate the Adelong Community aquatic centre using the Murrumbidgee Council model on a trial basis.**

Cr Hayes/Cr Larter

For: Cr Chaffey, Cr Armour, Cr Hayes, Cr Hughes, Cr Ivill, Cr Larter, Cr Livemore

Against: Cr Ham, Cr Thomson

CARRIED

7/2

Advertising for the EOI commenced on the 12 August 2024 and closed on the 23 September 2024 with the pool due to open to swipe card holders on the 12 October 2024 and to the general public on the 26th October 2024. The EOI was advertised on Tenderlink, the Sydney Morning Herald, the Melbourne Herald Sun, the Wagga Wagga Daily Advertiser as well as in Local newspapers and on Council's website and Facebook page.

REPORT:

Following six (6) weeks of advertising, Council has received no expressions of interest despite the EOI being viewed six (6) times and downloaded three (3) times from Tenderlink.

The EOI (refer to Attachment 1) is broadly based on the Murrumbidgee Council Jerilderie Pool lease (refer to Attachment 2). As per Council's resolution, the EOI documentation requires the Lessee to manage and oversee all functions related to the operation of the pool facility including lifeguarding, minor maintenance, canteen sales and swim related programs for which Council will pay the Lessee. Entry fees are set as per Council's adopted Fees and Charges and opening hours per Resolution M121/24.

Due to the extremely tight timeframes following Council's Resolution in June and the adopted opening of the pool in early October, Council, in parallel with the advertising of the EOI also advertised for lifeguards to ensure the Adelong Community Aquatic Centre can operate for the 2024/2025 season should the EOI be unsuccessful.

As noted in the Public Swimming Pools 2023/2024 Season Report presented to Council in June 2024, Council staff did explore the potential to outsource pool operations to a third-party operator in 2023. During these preliminary investigations, discussions were had with a well-known national operator, and it was clearly explained to Council staff that operational costs would in fact increase as revenue opportunities for a third-party organisation are limited due to the size of population and remote locations (and hence potentially less attractive to businesses) and therefore costs would need to be borne by Council. They also advised that staff are paid on a lower rate under a different award (Fitness Industry Award MA000094) to that of Local Government staff, and therefore the staffing issues Council has faced over the past several seasons would likely be exacerbated by the lower award pay rate if Council went with a third-party operator.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 4 - Our Infrastructure

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Adelong Community Aquatic Centre last season had a total income of \$43,751 and a total expenditure of \$283,684. Salaries was the largest component of total expenditure at \$81,201, followed by depreciation at \$78,951, overheads at \$52,789 and then utility charges at \$23,311.

Table 1 - 2023/2024 Adelong Community Aquatic Centre revenue and expenditure

2023/2024 Season	Actual	Budget
Income		
Fees - Swimming Pool	\$ 23,992	\$ 34,000
Fees - Swimming Lessons	\$ 6,195	\$ 6,400
Fees - After Hours Swimming Pool	\$ 921	\$ -
Sundry Sales - Pool Kiosks	\$ 12,612	\$ 20,000
Other - Electricity Solar Rebate	\$ 31	\$ -
Total Income	\$ 43,751	\$ 60,400
Expense		
Salaries	\$ 81,201	\$ 100,556
Materials - General	\$ 12,408	\$ 18,000
Depreciation	\$ 78,951	\$ 71,179
Electricity & Gas Charges	\$ 23,311	\$ 20,000
Insurance	\$ 12,928	\$ 9,878

2023/2024 Season	Actual	Budget
Internal Recovery Charges - Oncosts	\$ 13,119	\$ -
Internal Overheads - Administration	\$ 52,789	\$ -
Internal Rates & Charges	\$ 7,333	\$ 7,054
Internal Plant Charges	\$ 1,643	\$ 5,000
Total Expense	\$ 283,684	\$ 231,668

Adelong Community Aquatic Centre last season had the second most attendees, generated the third most income and had the second highest expenditure of Council's five (5) public pools.

Table 2 - 2023/2024 individual pool expenditure, revenue and attendance

Pool	Expend. Budget	Expend. Actual	Expend. % of Total	Revenue Budget	Revenue Actual	Revenue % of Total	Attend.	Attend %
Adelong	\$ 231,668	\$ 283,684	19%	\$ 60,400	\$ 43,751	16%	8,560	15%
Batlow	\$ 253,846	\$ 253,513	17%	\$ 20,500	\$ 15,290	6%	3,958	7%
Khancoban	\$ 100,336	\$ 135,610	9%	\$ 32,500	\$ 19,864	7%	2,948	5%
Tumbarumba	\$ 201,752	\$ 225,055	15%	\$ 32,000	\$ 46,766	17%	6,330	11%
Tumut	\$ 405,088	\$ 551,260	37%	\$221,000	\$143,407	53%	35,451	62%
Other	\$ 5,051	\$ 25,191						
TOTAL	\$1,197,741	\$1,474,312		\$366,400	\$269,078		57,247	

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Public swimming pools must abide by numerous legislation and statutory requirements regarding their safe operation and management including the *Public Health Act 2010* and *Public Health Regulation 2022*, *Practice Note No 15*, Royal Lifesaving Society guidelines, *Work Health & Safety Act 2011*, *Work Health & Safety Regulation 2017* and *Local Government Act 1993*.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Public Swimming Pools by nature are expensive to operate due to the required compliance with relevant legislation, mitigation of risks and the associated energy and materials needed for day-to-day operations.

Particularly in regional areas with limited populations, public swimming pools struggle to generate sufficient revenue to cover those operating costs, and therefore, require significant subsidy from the broader rate base and not just pool users. This can be said for many public assets including parks and sporting fields, libraries and a range of other community facilities.

These assets provide important benefits to the community and are key attractions for visitors from outside of the Snowy Valleys Council LGA. Public Swimming pools also play a key role in teaching all members of our communities, especially children, the vital skill of swimming and also enjoying all forms of aquatic recreation.

OPTIONS:

1. Note the report .
2. Re-advertise the Management EOI at a later date.
3. Amend the recommendation of this report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

No community engagement has been undertaken in relation to the management of the Adelong Community Aquatic Centre for the 2024/2025 season.

ATTACHMENTS

1. Adelong Aquatic Centre Management EOI (Under separate cover)
2. Murrumbidgee Council Contract for Management and Operation of Swimming Pool - Jerilderie 2024-2025 (Under separate cover)

11.7. SECTION 7.11 DEVELOPMENT CONTRIBUTIONS UPDATE AND DRAFT SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2024

REPORT AUTHOR: EXECUTIVE MANAGER GROWTH AND DEVELOPMENT

RESPONSIBLE DIRECTOR: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Council currently operates under two (2) local infrastructure contribution plans which levy new development for contributions towards open space and recreation and local roads within the Local Government Area. In accordance with accepted industry practice, plans should be reviewed on a 10 year cycle to ensure that they continue to meet community expectations in the delivery of local infrastructure to respond to growth and to ensure that assumptions within the plans remain relevant.

This report seeks to consider the introduction of a contemporary draft section 7.12 Development Contributions Plan as a replacement for Council's existing plans to plan, prioritise and deliver local infrastructure in response to development growth over the next 5-10 years.

RECOMMENDATION:

THAT COUNCIL:

- 1. Endorse the draft Section 7.12 Development Contributions Plan 2024 and associated proposed works plan and place both draft documents on public exhibition for a period of not less than 28 days in accordance with Clause 213 of the *Environmental Planning and Assessment Regulation 2021*.**
- 2. Note that the current Section 7.11 Development Contribution Plans (Open Space) and (Roads), and Development Contributions - management, remain in force until the date of final adoption of the section 7.12 Development Contributions Plans at which date the plans will be repealed in accordance with clause 215 of the *Environmental Planning and Assessment Regulation 2021*; and**
- 3. Allocate the following restricted funds from the Developer Contributions (General) to the following projects:**
 - a. \$30,000 to the General Fund as a reimbursement for the Batlow Pool Accessibility Upgrades;**
 - b. \$150,000 to the Bottlebrush Drive Tumut Recreational Space embellishment works and park upgrades and accessibility;**
 - c. \$150,000 to the Rotary Pioneer Park, Tumut Recreational Space - Shade Infrastructure;**
 - d. \$60,000 to the Tumut Riverwalk accessibility and directional signage in accordance with the Tracks and Trails Master Plan outcomes;**
 - e. \$25,000 to the Tumut Town Centre Traffic Study 2023 Recommendations (Road and Pedestrian Safety);**
 - f. \$7,500 to General Fund for Plan Administration of the section 7.12 Contributions Plan;**
 - g. \$142,541 shall be allocated to the general fund for road projects identified under the Roads Contributions Plans; and**
 - h. \$8,804.33 be transferred from the Section 7.11 Development Contributions Reserve to a Section 7.12 Development Contributions Reserve for allocation to projects identified in the plan.**

BACKGROUND:

A review of Council's current adopted Section 7.11 (formerly Section 94) plans revealed that there are two plans and a development contributions management guide that are currently used for the levying of contributions within the Snowy Valleys Local Government Area:

- Section 94 Contributions Plan Parks and Recreation 2005 -2015 which was adopted by Council on 24 May 2005.
- Section 94 Contributions Plan Public Roads which was adopted by Council on 5 August 1997
- Section 94 Contributions Plan - Management which was adopted by Council on 12 August 2012

Council's adopted Section 94 Contributions Plan – Management, provides administrative guidance on the methods in which contributions shall be levied, nexus between new development and the need for community infrastructure, provides certainty around current levels of contributions levied and provides certainty around timing of services and facilities provision. While this document remains the current policy for the management of contributions, the document remains outside of the scope of time period for review, being 5-10 years in accordance with the best practice guidelines of the Governance and internal audit controls over local infrastructure contributions – by the NSW Audit Office dated August 2020.

In reviewing the detailed findings of the Johnson MME audit undertaken by Council in 2017, the document remains within the former Tumut Shire Council branding and no further action has been taken with respect to undertaking a comprehensive review of the document in compliance with the best practice guidelines.

Council's adopted Section 94 Contributions Plan for Parks and Recreation 2005-2015 and Public Roads provides a governance framework for the levying of contributions from new development to provide for new and existing park infrastructure and embellishments. Again, in reviewing the Johnson MME Audit from 2017, the plan is outside of the scope of the review lifecycle of 5-10 years and further requires a comprehensive review to ensure that Council complies with best practice guidelines and ensures that the plans continue to meet both the community needs around parks and recreational infrastructure and embellishments and also the statutory requirements of the *Environmental Planning and Assessment Act 1979*.

Council considered a Section 94 contributions plan for car parking which was later adopted by the former Tumut Shire Council dated the 5 August 1997, however was later resolved on the 25 January 2018 to repeal the plan due to inconsistencies in application between the former Tumbarumba and Tumut Shire Council areas and further due to a relatively low contribution yield as a result of the plan. The plan was also seen to be an impediment to the growth of towns and villages throughout the LGA particularly in commercial areas where the cost of provision of parking for change of use developments could stifle small scale business opportunity.

In 2021, the New South Wales Government commenced a review into development contributions throughout New South Wales which was led by the NSW Productivity Commission. The Productivity Commission final report provided a number of recommendations but more importantly made recommendations to:

- i) Move towards a principles-based infrastructure contributions system based on certainty, efficiency, simplicity, transparency, and consistency.
- ii) Enhance the capacity of councils to support growth.
- iii) Strike a balance between efficiency, simplicity, and certainty for local infrastructure contributions.
- iv) Develop a stronger funding base for State and regional infrastructure.
- v) Make the system more consistent, transparent, and easy to navigate and better align infrastructure contributions and strategic planning and delivery.

The introduction of a revised development contribution framework will seek to align with these recommendations in particular creating a system based on certainty, efficiency, simplicity, transparency, and consistency and enhancing the capacity of Council to support growth within the Local Government Area.

REPORT:

The *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021* prescribe two types of development contributions that can be levied by Council's towards local infrastructure, being:

- **Section 7.11 contributions** - where there is a demonstrated link between the development and the infrastructure that the contribution is funding. The contribution rate is charged for residential accommodation (per dwelling / lot). Council currently has two Section 7.11 development contributions plans operating in the LGA.
- **Section 7.12 contributions** - where there does not need to be a demonstrated link between the development and the infrastructure funded from the contribution. The contribution rate is charged as a percentage of the estimated cost of the development. Section 7.12 development contributions plan are generally adopted in areas of low development growth and are particularly used in regional areas of New South Wales. The benefit of Section 7.12 plans enable Council to provide a higher degree of flexibility to apply contributions to various projects within the plan as the needs arise for local infrastructure. Only one plan can be applied per lot and Council is unable to apply a Section 7.12 development contributions plan in the case where a Section 7.11 contribution has been previously levied.

Council has, since the introduction of the Section 7.11 plans in 1997 and later in 2006, generated development contributions from subdivisions and also housing development from the northern parts of the Local Government Area under the former Tumut LGA boundaries. The contributions collected have amounted to \$573,845.33 to 1 October 2024. Council's records indicate that there has been no allocation of the restricted funds to any projects under the plan since the development of the plan and this report seeks to allocate the funds to the following projects in accordance with the identified works programs of the current contributions' plans:

- Reimbursement of \$30,000 to Council's General Fund following capital works upgrades to the accessibility of Batlow Pool in 2023/2024 financial year period.
- Allocation of \$150,000 to the Bottlebrush Drive Tumut Recreational Reserve to provide for additional sporting and recreational embellishment. The reserve is within close proximity of a growth area of Tumut and provides a direct nexus between population growth and the need for additional recreational opportunities in that area. Additional accessibility to the park should be considered in any funding allocation to enable appropriate footpath access and street crossings within Bottlebrush Drive, Tumut.
- Allocation of \$150,000 to the Rotary Pioneer Park Tumut Recreational Reserve to deliver shade structures within the park. Council's existing contributions plans identify Pioneer Park as a premier park and the delivery of shade structures will enable Council to build on the delivery of park upgrades in 2023/2024. With increased use of the park infrastructure, additional shade will be required for the summer periods for users of the facility.
- The adopted Tracks and Trails Masterplan delivered in 2022/2023 identified that directional signage and pavement connectivity and upgrades should be provided as part of the outcomes of that plan to enable greater user experience and trail connection. The existing development contributions plan have identified the Tumut Wetlands Walk as an area which will require upgrading under the works plan and accordingly \$60,000 should be allocated towards the Riverwalk accessibility and directional signage to achieve those outcomes.
- The Tumut Town Centre Traffic Study has identified the need for adjustments and upgrades to parking provisions and road safety within the central business district area including allocation of compliant disabled parking spaces and re-prioritisation of disabled parking areas to align with demand. The formalisation of long vehicle bays on Fitzroy Street Tumut will also provide for additional opportunity for business and trade from tourists on the Snowy Mountains Highway. Accordingly, \$25,000 should be allocated to parking and pedestrian safety within the Tumut Central Business District.

- \$142,541 shall be allocated to the General Fund for road projects collected for this purpose under the Public Roads Contributions Plans.
- In accordance with the guiding principles of development contributions, \$7,500 should be reallocated to the General Fund for plan administration and the development of a section 7.12 Development Contributions Plan.
- The balance of the internal reserve for development contributions for Parks and Recreation should be pooled and transferred to the Section 7.12 Development Contributions Reserve in the amount of \$8,804.33

With the allocation of funding under the existing contributions plans to local infrastructure identified within the works plans, the section 7.11 Parks and Recreation Contributions Plan maybe repealed by Council resolution once any proposed section 7.12 Contributions Plan is adopted by Council and following the date in which the plan is given effect. A section 7.12 contributions plan is considered to be the most appropriate mechanism to levy development to provide for community infrastructure, acknowledging the outcomes of the Productivity Commission Review.

The New South Wales Department of Planning Housing and Infrastructure has identified via its housing projections that that Snowy Valleys Council is expected to have a marginally negative / flat growth over the proceeding 17 years forecast to 2041, with much of the population decline having already occurred between 2001 and 2023. Some caution must be exercised in the use of common planning assumptions as despite the planning assumptions being widely used by Local Government in New South Wales to inform policy and decision making, it is recognised that the predicted population statistics generally reflect a lower rate of growth that what is being experienced in real terms. Accordingly, the population projections are likely to be higher than predicted by the Department.

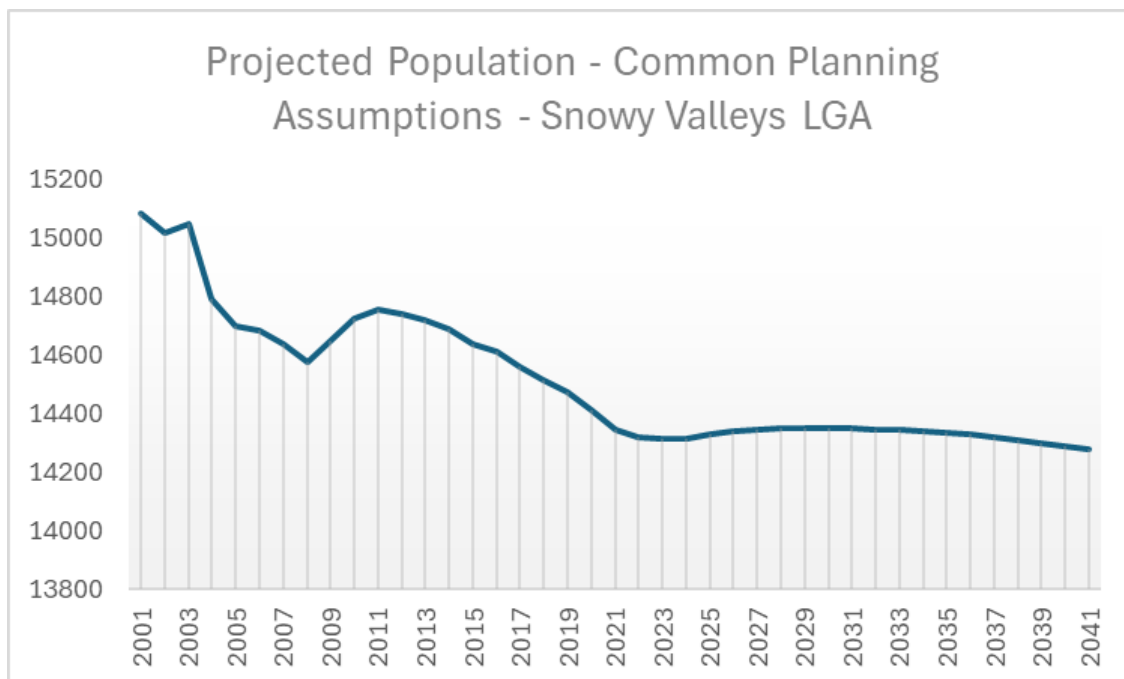


Figure 1: New South Wales Department of Planning, Infrastructure and Housing - CPA Population and Growth Assumptions 2001-2041.

Despite the population projections identified in figure 1, Council must take into account other factors which are not considered as part of the assumptions to ensure that appropriate facilities and infrastructure is provided for growth within the community. These factors include:

- Increased transient workforces which place additional demands on Council's infrastructure. Recent examples include growth in the renewable energy sector, manufacturing and agriculture (including horticulture and viticulture) which is placing upward pressure on local facilities and infrastructure whereby contract workforces are inflating local population rates beyond what is considered in the population projections.

- Contractors and subcontractors associated with the construction and development of major projects will continue to flow into the Local Government Area placing additional demands on Council's existing facilities. Whilst this is considered to be temporary in the short to medium term, demands are still placed on Council's social and transport infrastructure and it is likely that a portion of these contract jobs will be required into the future to service and maintain infrastructure which is being developed.
- Shifts in localised demographics leading to migration of local populations away from traditional larger agricultural holdings seeking to down size to smaller rural holdings considered to be lifestyle farms or large lot residential or resettling into towns and villages placing higher demands on town services.
- Growth in regional tourism creating higher utilisation rates on town facilities, parks, tracks and trails. Council through a number of initiatives is seeking to increase visitation to the region, leveraging local events, attractions and festivals. Increasing visitation rates places a higher demand on local facilities and infrastructure.
- Towns and villages within the local government area are lacking available land stock ready to supply to market, due to existing land banking and limited developable land due to localised natural hazard constraints. Council will be seeking to undertake a residential housing strategy within this term of Council 2024-2027 to identify additional land opportunity and support opportunity for shifting populations to the regions and to facilitate growth. Growth projections do not take into account future changes to Council's planning policy settings which can trigger growth within its towns and villages such as comprehensive LEP amendments and land use policy adjustments.
- Council's ability to provide for, deliver and maintain a standard of infrastructure, facilities and services that align with community expectations is limited. This includes the need for the embellishment of existing recreation facilities, refurbishment of facilities and improvement of accessibility for pedestrians and motorists within the towns and villages to improve both social and transport infrastructure.

Accordingly, despite the population projections provided by the Department, Council should continue to plan to ensure that local infrastructure is delivered for the community, as a direct result of development which is occurring throughout the local government area. The introduction of a Section 7.12 Development Contributions Plan despite the population projections is the appropriate mechanism to provide this infrastructure over the proceeding 5-10 year period.

Within the mechanics of a Section 7.12 Development Contributions Plan, a levy is placed on nominated new development throughout the Local Government Area as a percentage of the capital investment value of the development and is paid to the Council either at the time of issue of a construction certificate for building works or at the time of the subdivision certificate in the case of subdivision works. The Council restricts these funds and when appropriate levels of funding have been achieved, works within the identified works plan are then prioritised and delivered. The capital investment value is scrutinised at the time of lodgement to ensure that it meets industry guidelines. In certain cases, based on the value of the development Council may require written quotations or a quantity surveyors report to be prepared and submitted to Council in support of the capital investment value quoted.

The equation for the calculation of the levy is:

Capital Investment Value of works	Capped Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

Table 1: Development Contributions Capped Rates

Some exclusions to the levy may apply and are included within the Development Contributions Plan.

This includes, but is not limited to, levies for affordable housing or in other instances such as Council led projects where Council is predominantly delivering infrastructure, facilities or buildings for the community. The application of the plan including the rates that will be determined at the time of the assessment of any development application or complying development certificate and a condition will be imposed on the development requiring the payment of the contribution.

In the case where a development application is valid for a period of 5 years, Council will index the capital investment value of the works in accordance with the year of payment. For example, if payment is made within the financial year in which the development was determined then no indexation will be applied. In the case where the payment is made in the next or proceeding financial year periods then the indexation will be applied.

The following formula for indexing contributions is to be used:

$$\text{Indexed development cost (\$)} = \text{Original Cost (\$C)} \times \text{Current CPI2} / \text{Base CPI (CP1)}$$

Where:

- *\$C is the original contribution as set out in the consent*
- *CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued*
- *CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment*
- *The indexed development cost is then utilised as an input into the development contribution formula:*

The following equation is then used to calculate the contribution in accordance with table 1 above:

$$\text{Levy Payable} = \text{Indexed Development Cost} \times \text{Levy Rate}$$

Where:

- The levy rate refers to the applicable levy rate in Table 1.

As previously outlined, only a Section 7.11 contribution or a Section 7.12 Development Contribution can be applied to a development. If a contribution has been paid under Section 7.11, Council is unable to levy a contribution under Section 7.12. Council will have records of these payments being made in these situations.

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Community Strategic Plan Theme

Theme 4 - Our Infrastructure

Community Strategic Plan Strategic Objectives

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

Delivery Program Principal Activities

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Council is currently holding \$573,845.33 in reserve for contributions collected for open space, recreation, roads and parking.

An audit of the reserves indicates that Council holds the following reserve amounts as at 1 October 2024:

- Open Space \$431,303.62
- Roads \$142,541.71

It is proposed that the contributions held in reserve be allocated to the following projects to be delivered in the 2025/2026 financial year period -

- (a) \$30,000 to the General Fund as a reimbursement for the Batlow Pool Accessibility Upgrades
- (b) \$150,000 to the Bottlebrush Drive Tumut Recreational Space embellishment works and park upgrades and connectivity and accessibility upgrades.
- (c) \$150,000 to the Rotary Pioneer Park Recreational Space - Shade Infrastructure.
- (d) \$60,000 to the Tumut Riverwalk accessibility and directional signage in accordance with the Tracks and Trails Master Plan outcomes.
- (e) \$25,000 to the Tumut Town Centre Traffic Study Outcomes (Road and Pedestrian Safety)
- (f) \$7,500 to General Fund for Plan Administration of the section 7.12 Contributions Plan
- (g) \$142,541.71 Roads contributions transferred to General Fund for cost recovery purposes.

The residual funds of \$8,803.62 shall be transferred to the restricted account for Section 7.12 development contributions.

Based on the capital investment value of the works considered by Council within the 2023/2024 financial year period, Council would generate circa \$381,000 towards the provision of community infrastructure and amenity within year one (1) assuming that the same level of development and development value was achieved within the first year of operation of the Section 7.12 Development Contributions Plan.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The Development Contributions Plans will be implemented in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act) and the *Environmental Planning & Assessment Regulations 2021* (EP&A Regulations) including relevant practice notes issued by the Department of Planning, Housing and Infrastructure.

In accordance with Clause 216 of the *EP&A Regulation 2021*, Council will continue to monitor and amend the Contributions Plans on a five-year cycle to account for infrastructure delivered, changes in estimated costs or timing and / or significant changes in the underlying assumptions (eg; a significant variance from the underlying population forecasts or a major shift in the nature or priorities for infrastructure).

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Risk has been mitigated by adhering to relevant statutory requirements to ensure funds are levied, collected, spent, and accounted for in the correct manner.

Separate accounting records will be maintained and improved for all development contributions made to Council under the Contributions Plans along with an improved and online development contributions register, in accordance with the Environmental Planning and Assessment Regulation 2021 Requirements.

Council is required to publish details of development contributions annually as part of Council's annual financial reporting cycle.

OPTIONS:

Option 1

THAT COUNCIL:

1. Endorse the draft Section 7.12 Development Contributions Plan 2024 and associated proposed works plan and place both draft documents on public exhibition for a period of not less than 28

days in accordance with Clause 213 of the *Environmental Planning and Assessment Regulation 2021*.

2. Note that the current Section 7.11 Development Contribution Plans (Open Space) and (Roads), and Development Contributions - management, remain in force until the date of final adoption of the section 7.12 Development Contributions Plans at which date the plans will be repealed in accordance with clause 215 of the *Environmental Planning and Assessment Regulation 2021*; and
3. Allocate the following restricted funds from the Developer Contributions (General) to the following projects:
 - a. \$30,000 to the General Fund as a reimbursement for the Batlow Pool Accessibility Upgrades;
 - b. \$150,000 to the Bottlebrush Drive Tumut Recreational Space embellishment works and park upgrades and accessibility;
 - c. \$150,000 to the Rotary Pioneer Park, Tumut Recreational Space - Shade Infrastructure;
 - d. \$60,000 to the Tumut Riverwalk accessibility and directional signage in accordance with the Tracks and Trails Master Plan outcomes;
 - e. \$25,000 to the Tumut Town Centre Traffic Study 2023 Recommendations (Road and Pedestrian Safety);
 - f. \$7,500 to General Fund for Plan Administration of the section 7.12 Contributions Plan;
 - g. \$142,541 shall be allocated to the general fund for road projects identified under the Roads Contributions Plans; and
 - h. \$8,804.33 be transferred from the Section 7.11 Development Contributions Reserve to a Section 7.12 Development Contributions reserve for allocation to projects identified in the plan.

Option 2

THAT COUNCIL

1. Council adopt the section 7.12 Contributions Plan 2024 and associated proposed works plan and place both documents on public exhibition for a period of not less than 28 days;
2. Repeal the current Section 7.11 Contribution Plans (Open Space) and Roads at the date of the adoption of the final section 7.12 Development Contributions Plan 2024.
3. That an alternate distribution of existing funds be made in accordance with the existing works plans under the various plans.

Option 3

That Council not adopt the draft Section 7.12 Development Contributions Plan 2024.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The development of any new or revised contributions plan will be required to be publicly exhibited for a period of not less than 28 days in accordance with Section 213 of the *Environmental Planning and Assessment Regulation 2021*.

ATTACHMENTS

1. TUMUT SHIRE COUNCIL SECTION 94 CONTRIBUTIONS PLAN - CARPARKING 5 AUGUST 1997 (Under separate cover)
2. TUMUT SHIRE COUNCIL SECTION 94 CONTRIBUTIONS PLAN - PARKS AND RECREATION 2005-2015 - 24 MAY 2005 (Under separate cover)
3. TUMUT SHIRE COUNCIL SECTION 94 PUBLIC ROADS - 5 AUGUST 1997 (Under separate cover)
4. DRAFT SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2024 (Under separate cover)

12. MINUTES OF COMMITTEE MEETINGS

12.1. MINUTES - AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 AUGUST 2024

REPORT AUTHOR: COORDINATOR GOVERNANCE

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 minutes of the previous meeting held on 28 August 2024 are attached for Council's information.

RECOMMENDATION:

THAT COUNCIL:

1. **Note the Minutes of the Audit Risk and Improvement Committee held on 28 August 2024.**

BACKGROUND:

The objective of the ARIC is to provide independent assurance and advice to Council on risk management, control, governance, and external accountability responsibilities. At the ARIC meeting held on 28 August 2024, key agenda items were discussed, and details are included in the attached minutes.

REPORT:

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

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

The approved budget for the operation of the ARIC for 2024/2025 is \$47,000 and includes member remuneration, training and the engagement of the internal auditor.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

ARIC is charged with the responsibility of:

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

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

ATTACHMENTS

1. Minutes - Audit Risk and Improvement Committee - 28 August 2024 (Under separate cover)

12.2. MINUTES - FIRST NATIONS LIAISON COMMITTEE - 21 AUGUST 2024**REPORT AUTHOR: MANAGER COMMUNITY SERVICES****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

EXECUTIVE SUMMARY:

The First Nations Liaison Committee is an Advisory Committee with the purpose of providing a forum for discussion between Council and the First Nations Community on key issues and reports to Council following each meeting.

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the Minutes of the First Nations Committee meeting held on 21 August 2024.**

BACKGROUND:

The First Nations Liaison Committee currently has ten (10) voting members and one (1) non-voting members. In line with Council's Committee Operation Manual, committees can elect a minimum of three (3) and maximum of twelve (12) voting members.

REPORT:

At the First Nations Liaison Committee meeting held on 21 August 2024, key agenda items were discussed, and details are included in the attached minutes.

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

Theme 1 - Our Community

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

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

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

Delivery Program Principal Activities

1.3 Provide services and support to enhance local arts and culture

1.5 Value our heritage and promote civic pride

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Preparation for the First Nations Liaison Committee meetings is included in the Community Development budget. Events such as NAIDOC Week, Reconciliation Week and events identified in the Reconciliation Action Plan and providing remuneration to Elders performing 'Welcome to Country' stated in the First Nations Cultural Protocols is also included in the Community Development budget.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

N/A

ATTACHMENTS

1. Minutes - First Nations Liaison Committee - 21 August 2024 (Under separate cover)

12.3. MINUTES - LOCAL TRAFFIC COMMITTEE - 14 AUGUST 2024**REPORT AUTHOR: ROAD SAFETY OFFICER****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS**

EXECUTIVE SUMMARY:

The Local Traffic Committee is a statutory Committee with representatives from NSW Police, Transport for NSW (TfNSW), Local Members of Parliament, Councillors and Council staff.

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

RECOMMENDATION:**THAT COUNCIL:**

1. **Note the Minutes of the Local Traffic Committee held on 14 August 2024; and**
2. **Adopt the following recommendation/s from the Minutes:**

ITEM 8.1 REQUEST - PEDESTRIAN CROSSING - SNOWY HYDRO SWITCH YARD KHANCOBAN

To assess appropriate traffic calming options between Khancoban's Snowy Hydro switchyard and the Snowy Hydro maintenance shed directly opposite.

ITEM 8.2 REQUEST - DRIVEWAY CONCERN - 105 LAMBIE STREET TUMUT

That appropriate line marking options be made in the vicinity of the driveway entrance of 105 Lambie Street, Tumut, to ensure appropriate site distance.

ITEM 8.3 REQUEST - PACC TRAFFIC CONCERNS/ SUGGESTIONS - TUMBARUMBA

Note the information presented to the Committee about the speed in The Parade, Tumbarumba.

ITEM 8.4 SPECIAL EVENT APPLICATION - SNOWY MOUNTAINS ENDURANCE RIDERS EVENTS

1. Support in principle the Snowy Mountains Endurance Riders Events for 2025 subject to all relevant documentation being supplied more than 3 months in advance.
2. That individual Event Applications be presented to the Local Traffic Committee for their approval. These applications should include updated/correct Traffic Guidance Scheme. Applications would be required to be submitted to the Committee 3 months (90 days) prior to a Committee Meeting. Each Application would be considered on their own Merit.

ITEM 8.5 SPECIAL EVENT APPLICATION - INWARD BOUND - 11-12 OCTOBER 2024

Support the Special Event Application for Inward Bound Event, to be held on the 11-12 October, 2024, subject to Council's standard conditions.

ITEM 8.6 SPECIAL EVENT APPLICATION - TUMBARUMBA CHRISTMAS CARNIVAL - 13 DECEMBER 2024

Support in principle the Special Event Application for the Tumbarumba Christmas Carnival Event, to be held on Friday 13 December 2024, subject to the Organising Committee providing a copy of the Public Liability Insurance Certificate of Currency, listing Snowy Valleys Council, TfNSW, NSW Police, NSW Fire & Rescue and NSW Ambulance as interested parties. An Application for a Road Occupancy Licence would also need to be submitted.

ITEM 8.7 SPECIAL EVENT APPLICATION - TUMUT CYCLE CLASSIC - 5 JANUARY 2025

Support the Special Event Application for the Tumut Cycle Classic Event, to be held on 5 January 2025, subject to Council's standard conditions.

ITEM 8.8 SPECIAL EVENT APPLICATION - TUMBAFEST - 22-23 FEBRUARY 2025

Support the Special Event Application for the Tumbafest Event, 22-23 February 2025, subject to Council's standard conditions.

BACKGROUND:

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

REPORT:

At the Local Traffic Committee meeting held on 14 August 2024, key agenda items were discussed, and details are included in the attached minutes.

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

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

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

FINANCIAL AND RESOURCES IMPLICATIONS:

Internal resources are utilised to prepare the reports for the Local Traffic Committee and the provision of Executive Staff of the Committee.

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

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

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

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

Risk Management Assessments are provided with Special Event Applications.

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

OPTIONS:

Council may choose to:

1. Endorse the recommendations made by the Local Traffic Committee as described in this report and the Minutes, as attached.
2. Endorse some of the recommendations made by the Local Traffic Committee as described in this report and the Minutes, as attached.
3. Not endorse the recommendations made by the Local Traffic Committee as described in this report.
4. Reject or defer the report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The traffic management of Events that occupy road reserves requires consultation with NSW Police, Transport for NSW, Snowy Valleys Council, Road Managers, Event organisers and other stakeholders. Changes to the road environment require communication with the Community.

ATTACHMENTS

1. Minutes - Local Traffic Committee - 14 August 2024 (Under separate cover)

12.4. MINUTES - TUMUT AERODROME COMMITTEE - 10 SEPTEMBER 2024**REPORT AUTHOR: COORDINATOR GIS & ASSETS****RESPONSIBLE DIRECTOR: DIRECTOR INFRASTRUCTURE & WORKS**

EXECUTIVE SUMMARY:

The Tumut Aerodrome Committee is an advisory committee of Snowy Valleys Council. The purpose of the Committee is to advise Council in strategic matters concerning the Tumut Aerodrome.

This report has been prepared to accompany the minutes from the Aerodrome Committee meeting on 10 September 2024.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Note the Minutes of the Tumut Aerodrome Committee held on 10 September 2024.**

BACKGROUND:

At its meeting on 10 September 2024, the Tumut Aerodrome Committee considered the following matters:

- Matters arising from previous minutes.
- Council's invitation to discuss possible revenue sources to assist in developing a financially sustainable operating model for the Aerodrome as per the resolution of Council from the 18 July 2024 Council Meeting.
- Council's update on the Tumut Aerodrome Upgrade - Implementation of Option 3 as resolved by Council in 8 December 2023. Update included discussion on the progress of the land acquisitions at the aerodrome, tender and construction time frames for the project to be completed by June 2025.
- Council's update on the NSW Rural Fire Service (RFS) facilities to be constructed at the Tumut Aerodrome.

REPORT:

At the Tumut Aerodrome Committee meeting held on 10 September 2024, key agenda items were discussed, and details are included in the attached minutes. Committee members expressed an interest in attending a briefing with Councillors to discuss possible revenue generation models including additional hangar leases in an "Air Park" style facility.

A request was made for council staff to investigate changing the controlled airspace frequency for the aerodrome due to chatter from other regional aerodromes on the same frequency. Council staff are investigating the possibility.

A discussion regarding potential water supply for the upgraded NSW RFS facility. District Manager of the Riverina Highlands RFS District advised the committee that all potential sources would be investigated and assessed by the project control group for suitability and feasibility against the RFS required criteria.

A copy of the Tumut Aerodrome Committee minutes are attached to this report.

The next meeting of the Tumut Aerodrome Committee is scheduled for Tuesday, 11 February 2024 in the Riverina Room, 76 Capper Street, Tumut.

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

Theme 4 - Our Infrastructure

Community Strategic Plan Objectives

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

Delivery Program Principal Activities

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

FINANCIAL AND RESOURCES IMPLICATIONS:

None identified

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

None Identified

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

None Identified

OPTIONS:

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

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Tumut Aerodrome Committee is a form of community engagement.

Community engagement has taken place for the various projects discussed in the committee meeting.

ATTACHMENTS

1. 2024910 - Minutes - Tumut Aerodrome Committee (Under separate cover)

13. CONFIDENTIAL

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

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

RECOMMENDATION:

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

13.1 CONFIDENTIAL - RIVERGLADE CARAVAN PARK TUMUT - LEASE AGREEMENT - LOT 2 DP868871 - REFLECTIONS HOLIDAY PARKS

Item 13.1 is confidential under the *Local Government Act 1993* Section 10A (2)(d)(ii) as it relates to commercial information of a confidential nature 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.

14. MEETING CLOSURE